

Navigating Florida's License Plate Visibility Statutes

By J. David Marsey
dmarsey@rumberger.com

Effective October 1, 2025, the Florida Legislature has increased penalties for obscuring a vehicle's license plate. What had previously been a noncriminal traffic infraction punishable by fine, is now a second degree misdemeanor which carries criminal penalties.¹ Other than the penalty, the substance of the statute remains nearly identical. Law enforcement agencies, officers, and the public are more closely evaluating this statute to determine what is actually prohibited. Although opinions may vary, one prevalent opinion is that the statute now prohibits the common license plate frames that many, if not most cars display. Whether one chooses to display a license plate frame that represents their favorite sports team, organization, or even the car dealer from which the vehicle was purchased, often installed without the consent of the purchaser, one must be cautious to avoid the inadvertent commission of a crime. Similarly, law enforcement officers and agencies should be cognizant of enforcement issues to avoid the potential for incorrectly citing law abiding motorists or false arrest claims should an officer arrest a motorist for displaying such a frame.

Both the current and previous versions of § 320.061, Florida Statutes, provide, in relevant part:

A person may not alter the original appearance of a . . . license plate. . . issued for and assigned to a motor vehicle. . . whether by mutilation, alteration, defacement, or change of color or in any other manner. A person may not apply or attach a substance, reflective matter, illuminated device, spray, coating, covering, or other material onto or around any license plate which interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate or interferes with the ability to record any feature or detail on the license plate.

¹ Compare, § 320.061, Fla. Stat (2024) with § 320.061, Fla. Stat. (2025). Notably, this statute carried criminal penalties until October 1, 2010, when it was amended to change the penalty to a noncriminal traffic infraction. The 2025 revision simply reverts to the Pre 2010 penalty.

A person violating the previous version of the statute committed only a traffic infraction, punishable by a small fine. However, under the current version, “[a] person who knowingly violates [the 2925 statute] commits a misdemeanor of the second degree.” § 320.061, Florida Statutes (2024). A second degree misdemeanor is punishable by imprisonment not exceeding 60 days, § 775.082(4)(b), Fla. Stat., and a fine up to \$500. § 775.083(1)(e), Fla. Stat. Because of these significantly increased penalties, additional analysis may be helpful.

Clearly a license plate frame is significantly dissimilar from any substance, reflective matter, illuminated device, spray, or coating, which interferes with the legibility or detectability of any feature or detail of the license plate. However, it may very well constitute “other material” placed “around any license plate.” While the use of such frames is not intended to interfere with the visibility of a license plate, it could be construed as doing so, and at least some law enforcement agencies and officers interpret the statute in this manner. Florida’s courts have not considered what constitutes an obstruction under this statute.

Arguably, the statutory language regarding “other material” and its application to license plate frames is ambiguous. Where statutory language is unclear or ambiguous, the courts apply the rules of statutory construction to determine legislative intent. *Patrick v. Hess*, 212 So. 3d, 1042 (Fla. 2017). One rule of statutory construction requires the statutes relating to the same subject be construed together to harmonize the statutes and to give effect to the Legislature’s intent. *Id.*

Contributing to the analysis is the interpretation of Section 316.605, Florida Statutes, another statute that applies to tag visibility. This statute provides for the specific placement of license plates on Florida registered vehicles, and in relevant part requires:

All letters, numerals, printing, writing, the registration decal, and the alphanumeric designation shall be clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet . . .

§ 316.605(1), Fla. Stat. While this statute also references the visibility requirements of the license plate numbers and registration decal, like Section 320.061, Florida Statutes, it too contains a catch all, which here is reflected in the phrase “other obscuring matter.” Therefore, this statute is also arguably ambiguous.

Unlike Section 320.061, Florida Statutes, several Florida courts have considered various iterations of Section 316.605 over the years as applied to license plate frames, but unfortunately, have not conclusively resolved the issue of what constitutes an illegal obstruction. Each of the following cases were presented after a traffic stop based on an allegedly obstructed tag resulted in the development of evidence that led to arrest on criminal charges other than the tag violation itself.

In 1997, the Fifth District Court of Appeal considered a case where an ornament surrounding a plate that obscured the county name. *State v. St. Jean*, 697 So. 2d 956

(Fla. 5th DCA 1997). In concluding the obstruction did not violate the statute, the Court reasoned that the county name was not an essential identification mark, noting that state issued personalized tags did not all include the county name and the law provided counties the option to opt out of displaying the county name on license plates. "Although the language of section 316.605 is broad, the overall statutory scheme suggests that the "identification marks" that must be visible and legible are those that "identify" the "registration." *Id.* at 957. The Court noted:

The use of license plate rims or frames which obscure the county name appearing at the bottom of the plate is a common practice of long-standing among the citizens of our state. They are frequently supplied by car dealers and many otherwise law abiding citizens install them specially to show allegiance to a club, fraternity, college, or sports team, or, as a means of other self-expression.. It is extremely odd that such an obvious and prevalent practice has generated no reported decisions and no enforcement that the state can identify. Absent any more clear prohibition against this activity in Florida Statutes, we decline to declare it a traffic infraction.

Id. Beyond this common sense analysis, the Court also astutely recognized that it was doubtful that the county name would itself be visible at 100 feet, therefore, anyone who displayed an entirely unobstructed tag would violate the statute. "This would lead to an absurd result and cannot be what the legislature intended." *Id.* Implicit in the court's decision is the notion that if the county name is not itself visible at 100 feet, obstructing it by an ornament or frame cannot constitute a violation of the statute. The evidence obtained subsequent to the improper traffic stop was suppressed.

Similarly, in 2019, The Fourth District Court of Appeal considered a case where a license plate frame obstructed "My Florida.com" and "Sunshine State" and whether it violated Section 316.605. *State v. Morris*, 270So. 3d 436 (4th DCA 2019). Here, the Court considered a common auto dealer frame, and conveniently included a photo in its opinion:



The Court determined that, even though the frame covered a part of the tag, it remained clearly visible at 100 feet, and therefore, did not constitute a prohibited obstruction. The evidence obtained subsequent to the improper traffic stop was suppressed.

Finally, in 2020, The Fourth District Court of Appeal considered and affirmed the denial of a motion to suppress because a license plate was obstructed to the point it was unreadable. *Williams v. State*, 294 SO. 3d 949 (Fla. 4th DCA 2020). Although not

writing on behalf other Court, one judge's concurring opinion recognized that, even when "MyFlorida.com" and "Sunshine State" are unobscured, these words offer nothing that help law enforcement identify the vehicle's owner. Although not binding, the concurring judge's thought process is reasonable and suggests how the current version fo the statute might be interpreted:

I venture to say that more than 50% of the vehicles in this state have license plate frames on them. By suggesting that common words that everyone knows exist on the top and bottom of a license provide a basis for traffic stop when the frame covers part of their lettering leads to an absurd result.

Id. at 950-51.

Although there are no opinions addressing Section 320.061 and its application to license plate frames, the reasonable interpretation of precedent examining what constitutes a tag obstruction, albeit addressing Section 316.605, Florida Statutes, strongly suggests a license plate frame, without more, does not constitute a prohibited obstruction. As with all new legislation where there are questions about enforceability, each agency should contact their state attorney to obtain their official position on prosecuting misdemeanor offenses involving license plate frames that do not obstruct the plate number or registration decals.

Finally, a word of warning about custodial arrests is in order. The Second District Court of Appeal considered a custodial arrest made pursuant to section 316.061, Florida Statutes during its previous iteration as a misdemeanor offense. In that version, which was substantively identical to the current version, the Court held that the misdemeanor arrest exception *did not apply* because "[t]he officers were not present when he clear tinted plastic cover was placed over the license plate." *Jenkins v. State*, 102 So. 3d 739, 740 (Fla. 2d DCA 2012). Instead, the Court noted that the proper procedure was to issue a criminal traffic citation. *Id.* Applying that rationale to the substantively identical current statute, officers may not make custodial arrests for an obstructed tag unless the circumstance creating the obstruction occurs in their presence.

In sum, in light of questions involving enforceability, agencies and officers tasked with enforcing Florida's traffic laws should critically examine the value in issuing criminal citations for license plate frames that do not obstruct the license plate letters, registration decal, or otherwise make the take unreadable. Regardless of the policy decision, unless or until another District Court of Appeal holds differently, case law establishes that officers may not make custodial arrests for a violation of Section 320.061, Florida Statutes, because doing so would not fall within the narrow scope of the misdemeanor arrest exceptions. If they do, they run the risk of potential false arrest liability and the suppression of any evidence found in a subsequent search. Additionally, local counsel should be consulted with regard to obtaining guidance on local enforcement policies related to license plate frames.

In an effort to ensure proper service to Florida's motorists and to mitigate potential liability risks, law enforcement executives and supervisors should immediately provide training and guidance to officers regarding the enforceability of the statute and the prohibition on custodial arrests for a violation of Section 320.061.

J. David Marsey is a former police officer, investigator and prosecutor and is a partner at the law firm of RumbergerKirk in Tallahassee, Florida. He defends and advises corporations, government entities and their employees on casualty, employment and constitutional issues throughout the state. For more information, please visit www.rumberger.com.