

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 Fiscal Policy

BILL: CS/CS/SB 736

INTRODUCER: Committee on Fiscal Policy; Appropriations Committee on Transportation, Tourism, and Economic Development; and Senator Trumbull

SUBJECT: Services Provided by the Department of Highway Safety and Motor Vehicles or Its Agents

DATE: February 23, 2024 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shutes	Vickers	TR	Favorable
2. Wells	Jerrett	ATD	Fav/CS
3. Shutes	Yeatman	FP	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 736 makes changes to various services and programs administered by the Department of Highway Safety and Motor Vehicles (DHSMV) and its agents. Specifically, the bill:

- Revises a requirement for a rightful heir to transfer ownership of a motor vehicle or mobile home if the previous owner died testate;
- Clarifies that no additional fee can be charged by the DHSMV or a tax collector for the reissuance of a certificate of title that is lost in transit and is not delivered;
- Allows permanent motor vehicle registration decals for rental trucks that weigh under 15,000 pounds;
- Authorizes the DHSMV to issue reduced dimension license plates for trailers;
- Provides that a disabled veteran who qualifies for a free “DV” license plate may choose a military or specialty license plate he or she qualifies for in lieu of the “DV” license plate;
- Adds the following two cases wherein DHSMV may design, issue, and regulate the use of temporary tags:
 - The existing owner of a vehicle has submitted an application to transfer a valid out-of-state title that is subject to a lien; and
 - An active-duty military service member who has a valid Florida driver license provides evidence satisfactory to the department that he or she is deployed outside this state;

- Removes the requirement to provide a written, notarized request for the purchase of a temporary tag and provides requirements for renewal of a temporary tag.
- Provides that in political subdivisions with a population of 1.9 million or greater (currently Broward and Miami-Dade Counties), upon petition by the agent in charge of a general lines agency, the tax collector must appoint such agency as an agent for the tax collector for limited purposes of motor vehicle and mobile home registration transactions.

This bill has an indeterminate, negative fiscal impact on DHSMV. See Section V., Fiscal Impact Statement.

This bill takes effect July 1, 2024

II. Present Situation:

County tax collectors are the Department of Highway Safety and Motor Vehicles' (DHSMV) authorized agents for titling and registering motor vehicles, motor homes, and vessels.

Transfer of Ownership - Certificate of Title

Florida law states that in the case of transfer of ownership of a motor vehicle or mobile home by operation of law, such as inheritance, the DHSMV must receive satisfactory proof of ownership and right of possession to such motor vehicle or mobile home, and payment of the required certificate of title application fee, before the DHSMV can issue the applicant a certificate of title.¹

If the previous owner died testate, the application must be accompanied by:²

- A certified copy of the will, if probated, and an affidavit that the estate is solvent with sufficient assets to pay all just claims; or
- A sworn copy of the will, if the will is not being probated, and an affidavit that the estate is not indebted.

Lost Certificates of Titles

Under current law, if a certificate of title is lost or destroyed, the owner of the motor vehicle or mobile home, or the holder of a lien, must apply to the DHSMV for a duplicate copy.³ Upon receiving an application signed and sworn to by the applicant, and accompanied by the required fee,⁴ the DHSMV must issue a duplicate copy of the certificate of title.⁵

If an original, duplicate, or corrected certificate of title issued by the DHSMV is lost in transit and is not delivered to the addressee, the owner or holder must, within 180 days of the date of issuance of the title, apply to the DHSMV for the reissuance of the certificate of title without an

¹ Section 319.28(1)(a), F.S.

² Section 319.28(1)(b), F.S.

³ Section 319.29(1), F.S.

⁴ The fee for a duplicate title is generally \$75.25. See Section 319.32(1) and (2), F.S., and DHSMV, *Fees - Motor Vehicle Title Fees*, <https://www.flhsmv.gov/fees/> (last visited March 26, 2023).

⁵ Section 319.29(1), F.S.

additional fee.⁶ Florida law provides that tax collectors can handle certificate of title applications and collect the associated fees.⁷ However, the information technology system used by tax collectors to process title transactions currently lacks the functionality to issue a no fee replacement.

Registration, License Plates, and Decals

Florida law provides that registration license plates must be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate must be replaced. With the issuance of a license plate, a validation sticker is issued with the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The license plate and validation sticker are issued based on the applicant's appropriate renewal period.⁸

License plates with validation stickers subject to the registration period are valid for not more than 12 months and expire at midnight on the last day of the registration period. A license plate with a validation sticker subject to the extended registration period is valid for not more than 24 months and expires at midnight on the last day of the extended registration period.⁹

Currently rental cars have the ability to permanently register vehicles, provided they pay the appropriate annual license taxes and fees.¹⁰

License Plates with Reduced Dimensions

In lieu of a standard license plate, the DHSMV may deem a plate with reduced dimensions necessary to accommodate motorcycles, mopeds, or similar smaller vehicles.¹¹ All other requirements, including the type of metal, validation stickers, identification letters and numerals, and imprints for specific plates, are the same regardless of registration license plate size.¹²

Disabled Veteran "DV" License Plates

Section 320.084, F.S., provides that a disabled veteran is eligible for one free "DV" license plate if he or she has been a resident of this state for the preceding five years or has established a domicile in this state, has been honorably discharged from the United States Armed Forces, and provides proof that he or she:

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;
- Has been determined by the VA or its predecessor to have a service-related one hundred percent disability rating for compensation; or

⁶ Section 319.29(3), F.S.

⁷ Section 319.32(2)(b), F.S.

⁸ Section 320.06(1)(b)1., F.S.

⁹ Section 320.06(1)(c), F.S.

¹⁰ Section 320.06(1)(b), F.S.

¹¹ Section 320.06(3)(a), F.S.

¹² *Id.*

- Has been determined to have a service connected disability rating of one hundred percent and receives disability retirement pay from any branch of the United States Armed Forces.

The license number on each plate issued to a disabled veteran must be identified by the letter designation “DV.”¹³ The design of the special disabled veteran plate is red, white, and blue, and resembles the United States flag.¹⁴ As of January 2023, there were 97,994 active Florida “DV” license plates, the most of any military license plate.¹⁵

Upon issuance of each new permanent “DV” license plate, an initial validation sticker with an expiration not exceeding 27 months, is issued without cost to the applicant.¹⁶ The applicant does have to pay the associated service charges for each initial application or renewal of registration.¹⁷ Registration must be renewed annually or biennially, and at that time the applicant must submit a certified statement affirming their continued eligibility for the special “DV” license plate.¹⁸

Any vehicle displaying a “DV” license plate that is transporting the person to whom the plate was issued is authorized to park in a designated accessible parking space.¹⁹ A state agency, county, municipality, or any agency thereof, may not enact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle that displays the “DV” license plate when the vehicle is transporting the person who has the disability or who the plate was issued to.²⁰ Additionally, the governing body of a publicly owned or publicly operated airport must grant free parking to a vehicle displaying a “DV” license plate.²¹ These rights are afforded by the state and are not necessarily universally accepted as parking permits and license plates designated with the International Symbol of Accessibility.²²

Special Military License Plates

Florida offers Special Military License Plates, which have specific eligibility requirements that must be met upon application and required payment of the license tax for the vehicle, if applicable, before the plate can be issued.²³ Section 320.089, F.S., authorizes the majority of these special military plates, which include several plates for veterans, plates for National Guard members and former Prisoners of War, and plates for military members who have been awarded specific honors such as combat badges and medals. General revenue generated from the sale of

¹³ Section 320.084(3), F.S.

¹⁴ See DHSMV, *Florida Military License Plates*, HSMV 80003, available at https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf at 2. (last visited December 19, 2023).

¹⁵ *Id.* at p. 6.

¹⁶ Section 320.084(4)(a), F.S.

¹⁷ Section 320.084(4)(b), F.S.

¹⁸ Section 320.084(4)(c), F.S.

¹⁹ Sections 553.5041(1) and 316.1955(1), F.S.

²⁰ Section 316.1964(1), F.S. However, a fee may be charged when such parking facility or lot is being used in connection with an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium. See s. 316.1964(3), F.S.

²¹ Section 316.1964(7), F.S.

²² See U.S. Access Board, *Guide to the ADA Accessibility Standards: Guidance on the International Symbol of Accessibility* (March 27, 2017), <https://www.access-board.gov/ada/guides/guidance-on-the-isa/> (last visited December 19, 2023).

²³ See ss. 320.0845, 320.0846, 320.089, 320.0891, 320.0892, 320.0893, F.S. A full-listing of the military plates offered by DHSMV are available at https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf *supra*, note 91.

military plates issued under s. 320.089, F.S., are distributed to Florida Department of Veterans' Affairs trust funds to be used as follows:

- The first \$100,000 are to be used for the common benefit of the residents of Florida Veterans' Nursing Homes.²⁴
- Any additional revenue is to be used to support program operations that benefit veterans or the operation, maintenance, or construction of domiciliary and nursing homes for veterans.²⁵
- Except for the revenue from the "Woman Veteran" license plate, which is to be used solely for creating and implementing programs to benefit women veterans.²⁶

Specialty License Plates

As of December 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 31 are in the presale process.²⁷ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.²⁸ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.²⁹

Temporary Tags

Section 320.131, F.S., authorizes the DHSMV to sell temporary tags to their agents where a need is met by the consumer. The fee for the temporary tag is \$2, and from that \$1 from each tag sold is deposited into the Brain and Spinal Cord Injury Program Trust Fund. The remaining proceeds are deposited into the Highway Safety Operating Trust Fund. Agents of the DHSMV are permitted to sell the temporary tags for \$2 each and service charges are authorized, regardless of quantity sold. Requests for temporary tags must be in written, notarized form. Unless provided otherwise, temporary tags are valid for 30 days, and no more than two shall be issued to the same person for the same vehicle.

Currently, 65 counties have elected tax collectors who are constitutional officers, while Broward and Miami-Dade counties have appointed tax collectors under each county's charter government. However, pursuant to s. 1(d), Article VIII of the State Constitution, these counties will have elected tax collectors effective January 7, 2025.³⁰

License Plate Agents and Fees

Currently, 65 counties have elected tax collectors who are constitutional officers, while Broward and Miami-Dade counties have appointed tax collectors under each county's charter government.

²⁴ Section 320.089(1)(c), F.S.

²⁵ *Id.*

²⁶ Section 320.089(1)(d), F.S.

²⁷ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited October 10, 2023).

²⁸ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

²⁹ Section 320.08058, F.S.

³⁰ Art. VIII, s. 1(d), Fla. Const.

However, pursuant to s. 1(d), Article VIII of the State Constitution, these counties will have elected tax collectors effective January 7, 2025.³¹

Each tax collector is authorized to enter into contracts with private third-party license plate agents (LPAs) for the titling and registration of motor vehicles, mobile homes, and vessels. LPAs are granted online computer access to DHSMV systems and are supplied with title paper, registration decals, and license plates by the tax collector.³²

Sixteen counties have, or until recently had, contracts with privately owned LPAs to operate 57 offices³³, primarily in Miami Dade and Broward County, to perform title and registration services for motor vehicles, mobile homes, and vessels. In counties with elected tax collectors, LPAs only charge the fees for those services as expressly authorized in statute. In these counties, the LPAs may retain all or a portion of the statutorily authorized service fee that tax collectors are allowed to collect for motor vehicle, mobile home, and vessel title and registration services, as provided in the contracts between the LPA and the tax collector.³⁴ The LPAs in Broward and Miami-Dade County charge fees for motor vehicle, mobile home, and vessel title and registration fees *in addition* to the statutory fees authorized in chs. 319, 320, and 328, F.S. The additional fees levied in Broward and Miami-Dade Counties are levied pursuant to county ordinance and are retained by the LPAs.³⁵

Regulation of Insurance Agents

The Department of Financial Services' (DFS) Division of Insurance Agent and Agency Services is responsible for the licensing and regulation of insurance agents, adjusters, insurance agencies, as well as related personnel and business entities.³⁶

No person may be, act as, or advertise, or hold himself/herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by DFS and appointed by an appropriate appointing entity or person.³⁷ There are several types of insurance representatives. These include:

- General lines agents,
- Life insurance agents,
- Health insurance agents,
- Title insurance agents,
- Personal lines agents, and
- Unaffiliated insurance agents.³⁸

³¹ Art. VIII, s. 1(d), Fla. Const.

³² Department of Highway Safety and Motor Vehicles, Agency Analysis of 2024 HB 817, p. 2, December 22, 2023 (On file with the Senate Committee on Transportation)

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Ch. 626, parts I, II, III, IV, V, VI, VIII, IX, and XIII, F.S.

³⁷ S. 626.112, F.S.

³⁸ Section 626.015, F.S.

A general lines agent³⁹ is one who sells the following lines of insurance: property;⁴⁰ casualty,⁴¹ including commercial liability insurance underwritten by a risk retention group, a commercial self-insurance fund,⁴² or a workers' compensation self-insurance fund;⁴³ surety;⁴⁴ health;⁴⁵ and, marine.⁴⁶ The general lines agent may only transact health insurance for an insurer that the general lines agent also represents for property and casualty insurance. If the general lines agent wishes to represent health insurers that are not also property and casualty insurers, they must be licensed as a health insurance agent.⁴⁷ Motor vehicle insurance is a type of casualty insurance.⁴⁸

III. Effect of Proposed Changes:

Transfer of Ownership – Certificate Title

The bill amends s. 319.28, F.S., to provide, that if the previous owner died *testate* and the application for a certificate of title is made by, and accompanied by an affidavit attested by, a Florida-licensed attorney in good standing with the Florida Bar who is representing the previous owner's estate, such affidavit establishes a presumption of ownership, absent information received on the contrary, and right of possession to the motor vehicle or mobile home. The affidavit must set forth the rightful heir or heirs, and the attorney must attest to their lawful entitlement to the rights of ownership and possession of the motor vehicle or mobile home. In this case, the application for certificate of title does not have to be accompanied by a copy of the will or other testamentary instrument.

The bill amends s. 319.29, F.S., to clarify that the DHSMV *or a tax collector* may reissue a certificate of title without an additional fee when the certificate of title is lost in transit and not delivered.

Permanent Registration Decals for Small Rental Trucks

The bill amends s. 320.06, F.S., to allow a person to permanently register rental trucks, under 15,000 pounds, in the same manner as rental cars. Such rental trucks will be required to pay the appropriate annual license taxes and fees.

License Plates with Reduced Dimensions

The bill also amends s. 320.06, F.S., to clarify that the DHSMV may deem a reduced dimension license plate (as is currently issued for motorcycles and mopeds) necessary for a trailer. The department will need to determine size/type qualifications and program the necessary changes in technology systems.

³⁹ Section 626.015(5), F.S.

⁴⁰ Section 624.604, F.S.

⁴¹ Section 624.605, F.S.

⁴² As defined in s. 624.462, F.S.

⁴³ Pursuant to s. 624.4621, F.S.

⁴⁴ Section 626.606, F.S.

⁴⁵ Sections. 624.603 and 627.6482, F.S.

⁴⁶ Section 624.607, F.S.

⁴⁷ Section 626.829, F.S.

⁴⁸ Section 624.605, F.S.

Disabled Veteran “DV” License Plates

The bill amends s. 320.084, F.S., to allow a disabled veteran who qualifies for the “DV” license plate to select a special military license plate for which he or she is eligible or specialty license plate in lieu of the free “DV” license plate. The applicant must pay all of the applicable fees related to such plate.

Additionally, the bill provides that an applicant who selects another plate in lieu of the “DV” plate will not be afforded the same protections and rights of the “DV” plate relating to disabled parking accessibility and free parking for vehicles displaying the “DV” plate.

Temporary Tags

The bill adds the following two cases wherein DHSMV may design, issue, and regulate the use of temporary tags:

- The existing owner of a vehicle has submitted an application to transfer a valid out-of-state title that is subject to a lien.
- An active-duty military service member who has a valid Florida driver license provides evidence satisfactory to the DHSMV that he or she is deployed outside this state.

Further, the bill provides that a temporary tag issued for the two purposes above is valid for 60 days, instead of the default of 30 days.

The bill amends s. 320.131, F.S., to remove the requirement of providing a written, notarized request when applying for a temporary tag.

Insurance Agencies as Agents for Tax Collectors

The bill amends s. 320.03, F.S., to authorize a licensed general lines insurance agencies in political subdivisions of 1.9 million or greater (Miami-Dade and Broward counties) holding an insurer appointment to write motor vehicle insurance in Florida, to petition a tax collector for appointment, and requires the tax collector to make such appointment, as an authorized agent of the tax collector for the purpose of issuing:

- Registration certificates;
- Registration license plates;
- Validation stickers; and
- Mobile home stickers

The bill provides that a general lines agency may not process registration transactions under the International Registration Plan.

The bill mandates that a general lines insurance agency appointed by a tax collector:

- Must file a performance bond of \$2 million with the DHSMV.
- Must provide the DHSMVs with audited financial statements, prepared by a certified public accountant licensed in Florida, for each of the two previous years, demonstrating

that the agency has produced policy premiums in excess of \$500 million in each of the two previous years.

- Must offer such services at no more than five locations in each county where the agency has a branch office.
- Is subject to all provisions of the law, as if the insurance agency were a private tag agency, except where the context indicates otherwise.

DHSMV is authorized to adopt rules to administer this provision, including rules establishing enforcement authority for noncompliance.

For the purposes of the section related to the general lines agency, the bill delays the effective date of that section from July 1, 2024 to July 1, 2025, in order to allow DHSMV to prepare MOUs, implement programming, purchase registration inventory, and purchase and install computer equipment.

The bill takes effect July 1, 2024.

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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact to the DHSMV associated with the implementation of programming, purchasing of registration inventory (plates and decals), and to purchase and install computer equipment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 319.28, 319.29, 320.03, 320.06, 320.084, and 320.131.

IX. Additional Information:**A. Committee Substitute –Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy on February 22, 2024:

The committee substitute:

- Provides that in political subdivisions with a population of 1.9 million or greater (currently Broward and Miami-Dade Counties), upon petition by the agent in charge of a general lines agency, the tax collector must appoint such agency as an agent for the tax collector for limited purposes of motor vehicle and mobile home registration transactions.
- The amendment requires a general lines agency who is appointed by a tax collector to provide a performance bond of \$2 million dollars and provide audited financial statements demonstrating that it has produced policy premiums in excess of \$500 million. The amendment limits the number of locations that may be established within eligible counties and stipulates that such agency is subject to the relevant provisions of law that currently apply to private tag agents.

CS by Appropriations Committee on Transportation, Tourism, and Economic Development on February 8, 2024:

The committee substitute:

- Revises the provision relating to the application and affidavit requirements for the transfer of ownership of a motor vehicle or mobile home if the previous owner died testate by providing that the affidavit establishes a presumption, rather than the affidavit constituting proof, of ownership and right of possession to a motor vehicle or mobile home.
- Allows permanent motor vehicle registration decals for rental trucks that weigh under 15,000 pounds.

- Adds two additional cases wherein the DHSMV is authorized and empowered to design, issue, and regulate the use of temporary tags.
- Eliminates the authorization of the DHSMV or its agents to renew an initial temporary tag.

B. Amendments:

None.

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