# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.								
BILL #: <u>CS/HB 961</u>		COMPANION BILL: <u>CS/SB 1348</u> (Trumbull)						
TITLE: Department of Highway Safety and Motor		LINKED BILLS: None						
Vehicles		RELATED BILLS: None						
SPONSOR(S): Maney								
Committee References								
Government Operations	<u>Transportation &amp; Economic</u> <u>Development Budget</u>			State Affairs				
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# SUMMARY

# Effect of the Bill:

The bill makes various revisions to Department of Highway Safety and Motor Vehicles (DHSMV) processes, including:

- Prohibiting and penalizing a person who, without authorization from DHSMV or a tax collector, sells or offers to sell service appointments offered by DHSMV or an authorized tax collector.
- Authorizing tax collectors to deliver certain documents by mail or make them available at their office.
- Revising the requirements governing the issuance of disabled parking permits.
- Revising the deadline by which the transition of driver license issuance services to tax collectors be complete from 2015 to 2027.
- Providing that certain driver applicants that cheat on their driver license exams must retake such exams.
- Authorizing tax collectors to process specified transactions using the DHSMV's online license and registration portal and offer licensees certain charitable donation options.
- Requiring the revocation of a restricted driving privilege in certain circumstances.

## Fiscal or Economic Impact:

This bill does not appear to have a fiscal impact on state or local governments. The bill may have an indeterminate positive fiscal impact on the private sector.

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# ANALYSIS

# **EFFECT OF THE BILL:**

# Prohibiting the Sale of Service Appointments

Unless authorized in writing by the Department of Highway Safety and Motor Vehicles (DHSMV) or a tax collector, the bill prohibits a person from selling or offering to sell a service appointment with a DHSMV office, or the office of a tax collector for any DHSMV-related service authorized in law. The bill provides that any person who violates this prohibition commits a misdemeanor of the first degree. (Section <u>1</u>)

# **Tax Collector Issuance and Delivery of Documents**

The bill allows tax collectors, as authorized agents of the Department of Highway Safety and Motor Vehicles (DHSMV), to:

- Deliver original certificates of title and corrected certificates by mail or make such certificates available to applicants at tax collectors' offices.
- Issue duplicate copies of a certificate of title and provide such duplicate registration via mail to the applicants address.
- Deliver in person at the request of the applicant: registration certificates, renewals, duplicate registration certificates, license plates, mobile home stickers, and validation stickers. (Sections <u>2</u>, <u>3</u>, <u>4</u>)

## **Disabled Parking Permits**

The bill provides that the DHSMV must renew the <u>disabled parking permit</u> of a person certified as permanently disabled on the previous application for a subsequent four-year period without requiring the person to provide another certificate of disability or U.S. Department of Veteran Affairs Form Letter 27-333, or its equivalent. The bill would allow a person to continue to apply for a permanently disabled parking permit decal every four years but only have to provide certification of disability from a physician every eight years. (Section <u>5</u>)

### Transition of Driver License Issuance Services from the DHSMV to Tax Collectors

The bill provides that the <u>transition of driver license issuance services from the DHSMV to tax collectors</u>, including the transition to the recently elected tax collectors in Broward and Miami-Dade counties, must be completed no later than June 30, 2027. The bill also repeals an existing provision that states that the transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the DHSMV. The bill repeals obsolete language relating to an implementation schedule contained in a transition report that was submitted in 2011. (Sections <u>6</u> and <u>8</u>)

### **Driver License Examinations**

The bill provides that a <u>Class E driver license</u> applicant or a <u>commercial driver license</u> applicant who is found to have cheated during or otherwise circumvented any portion of the driver license examination must retake the examination. (Section <u>7</u>)

## Tax Collectors and the Online License and Registration Portal

The bill allows tax collectors to process driver license and identification card transactions using the DHSMV's <u>online license and registration portal</u> (MyDMV Portal). The bill also allows tax collectors to offer a licensee or prospective licensee the option to increase the amount of his or her transaction to the next whole dollar amount to donate the amount of the increase to a charity registered with the Department of Agriculture and Consumer Services. (Section <u>8</u>)

## **Temporary Disqualification of a Commercial Driver License**

The bill clarifies that only an eligible person whose privilege to operate a commercial motor vehicle is temporarily disqualified, may, upon surrendering his or her commercial driver license, be issued a Class E driver license that is valid for the length of his or her unexpired commercial license at no cost. (Section <u>9</u>)

## **Restricted Driver Licenses for Habitual Offenders**

The bill provides that if a <u>habitual offender</u> is granted a limited driving privilege and subsequently violates the conditions of the restricted driving privilege, the restricted driving privilege must be revoked and the person is not eligible for any driving privilege for the remaining duration of the five-year period after his or her initial license revocation. (Section <u>10</u>)

#### **Effective Date**

The bill is effective on July 1, 2026. (Section 12)

## FISCAL OR ECONOMIC IMPACT:

#### PRIVATE SECTOR:

Certain charities may see an increase of revenues to the extent that a licensee or prospective licensee at a tax collector's office chooses to increase the amount of his or her transaction to the next whole dollar amount to donate to a charity registered with the Department of Agriculture and Consumer Services.

# **RELEVANT INFORMATION**

## **SUBJECT OVERVIEW:**

#### Prohibiting the Sale of Service Appointments

Current law does not prohibit a person from selling or offering to sell a service appointment offered by an office of the Department of Highway Safety and Motor Vehicles (DHSMV) or an office of a tax collector acting as an

authorized agent of the DHSMV. The DHSMV and authorized tax collectors offer various service appointments, including those relating to the issuance of:

- Driver licenses and identification cards;
- Motor Vehicle, mobile home and vessel registrations; and
- Certificate of titles for motor vehicles, mobile homes, and vessels.<sup>1</sup>

Currently, certain private entities have been accused of booking DHSMV-related appointments and selling them for money. For example, officials with the Miami-Dade Tax Collector's Office have indicated that they, "have uncovered a network of appointment scalpers that are profiting from [such] appointments."<sup>2</sup> The Miami-Dade Tax Collector has found that certain entities are using fake accounts and selling appointments at prices ranging from \$25 to \$250.<sup>3</sup>

## **Issuance of Certificates of Title and other Documents**

An application for a certificate of title must be filed with the DHSMV, and must be accompanied by the required fee of \$75.25.4 A duly authorized person must sign the original certificate of title and each corrected certificate and, if there are no liens or encumbrances on the motor vehicle or mobile home deliver the certificate to the applicant or to another person as directed by the applicant or person, agent, or attorney submitting the application.<sup>5</sup>

If a certificate of title is lost or destroyed, a sworn application for a duplicate copy must be made to the DHSMV by the owner of the motor vehicle or mobile home or the holder of a lien on a form prescribed by the DHSMV and accompanied by the applicable fee.<sup>6</sup> The DHSMV must issue a duplicate copy of the certificate of title to the person entitled to receive the certificate of title.

The DHSMV and tax collectors may, at the request of the applicant, use the United States Postal Service to deliver registration certificates and renewals, license plates, mobile home stickers, and validation stickers to applicants.<sup>7</sup>

## **Disabled Parking Permits**

The DHSMV or its authorized agents must, upon application and receipt of the required fee, issue a disabled parking permit for a period of up to four years to any person who has long-term mobility impairment.<sup>8</sup> A certificate of disability is required for an original and renewal disabled parking permit and must be provided by a licensed physician, podiatrist, optometrist, advanced registered nurse practitioner, physician's assistant, or a similarly licensed physician from another state.<sup>9</sup> There is no charge for a permanent disabled parking permit.<sup>10</sup>

## Transition of Driver License Issuance Services from the DHSMV to Tax Collectors

Tax collectors may be designated the exclusive agent of the DHSMV to implement and administer driver license issuance services.<sup>11</sup> Current law provides that the intent is to transition driver license issuance services from the DHSMV to the tax collectors no later than June 30, 2015.<sup>12</sup> The transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the DHSMV.<sup>13</sup>

On November 6, 2018, Florida voters approved Amendment 10 to the Florida Constitution, which provided for the election of tax collectors in all counties,<sup>14</sup> including the counties of Volusia, Broward, and Miami-Dade, who had yet

<sup>3</sup> Id.

- <sup>6</sup> S. <u>319.29(1), F.S.</u>
- <sup>7</sup> S. <u>320.031(1), F.S.</u>
- <sup>8</sup> S. <u>320.0848(1)(a), F.S.</u>
- <sup>9</sup> S. <u>320.0848(1)(b), F.S.</u> <sup>10</sup> S. <u>320.0848(1)(a), F.S.</u>
- <sup>10</sup> S. <u>320.0848(1)(a), F.</u> <sup>11</sup> S. 322.02(5), F.S.
- <sup>12</sup> S. <u>322.02(1), F.S.</u>
- <sup>13</sup> Id.

<sup>&</sup>lt;sup>1</sup> See Ch. 319, 320, 322, or 328, F.S.

<sup>&</sup>lt;sup>2</sup> Kevin Boulandier, <u>Driving schools are booking up DMV appointments and selling them for hundreds of dollars, officials say</u>, Miami 7 News, March 17, 2025. See also Amanda Plasencia, <u>Miami-Dade County tax collector uncovers network of scalpers</u> <u>selling DMV appointments</u>, NBC 6 South Florida, March 18, 2025.

<sup>&</sup>lt;sup>4</sup> S. <u>319.23(1), F.S.</u> See also DHSMV, <u>Fees</u> (last visited Apr. 5, 2025).

<sup>&</sup>lt;sup>5</sup> S. <u>319.24(2), F.S.</u>

<sup>14</sup> Art. VIII, S. 1(d), FLA. CONST.

to elect tax collectors in their respective counties. A tax collector for Volusia County was elected in 2021 and began to assume the duties of issuing driver's licenses in its two offices, which was completed at the end of January 2022. Broward and Miami-Dade counties elected new tax collectors in November 2024, and as of March 2025, have begun the transition of those duties from the DHSMV. Until the transition is complete for Miami-Dade and Broward counties, the DHSMV will continue its driver license services in its eight offices in Miami-Dade County, and its five offices in Broward County. As of March 2025, Miami-Dade County has assumed operation of one of the DHSMV's driver license offices.<sup>15</sup>

## **Driver License Examinations**

The DHSMV is required to conduct an examination of every applicant for a driver license, including an applicant who is licensed in another state or country, except under certain conditions.<sup>16</sup>

## **Class E Driver License**

An applicant for a Class E driver license examination includes all of the following:

- A test of the applicant's eyesight given by the driver license examiner designated by the DHSMV or by a licensed ophthalmologist, optometrist, or physician.<sup>17</sup>
- A test of the applicant's hearing given by a driver license examiner or a licensed physician. <sup>18</sup>
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances.<sup>19</sup>
- An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.<sup>20</sup>

## **Commercial Driver License**

The examination for an applicant for a commercial driver license must include the following:

- A test of the applicant's eyesight given by a driver license examiner designated by the DHSMV or by a licensed ophthalmologist, optometrist, or physician and a test of the applicant's hearing given by a driver license examiner or a licensed physician.
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle that he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; his or her knowledge of the effects of alcohol and controlled substances and the dangers of driving a motor vehicle after having consumed alcohol or controlled substances; and his or her knowledge of any special skills, requirements, or precautions necessary for the safe operation of the class of vehicle that he or she is applying to be licensed to operate.
- An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification that the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.<sup>21</sup>

The portion of the examination that tests an applicant's safe driving ability must be administered by the DHSMV or by an entity authorized by the DHSMV to administer such examination. Such an examination must be administered at a location approved by the DHSMV.<sup>22</sup>

- <sup>18</sup> S. <u>322.12(3)(b), F.S.</u>
- <sup>19</sup> S. <u>322.12(3)(c), F.S.</u>

<sup>&</sup>lt;sup>15</sup> Department of Highway Safety and Motor Vehicles, <u>Agency Analysis of House Bill 961, p.4</u> (Mar. 20, 2025)

<sup>&</sup>lt;sup>16</sup> S. <u>322.12(2), F.S.</u>

<sup>&</sup>lt;sup>17</sup> S. <u>322.12(3)(a), F.S.</u>

<sup>&</sup>lt;sup>20</sup> S. <u>322.12(3)(d), F.S.</u>

<sup>&</sup>lt;sup>21</sup> S. <u>322.12(4), F.S.</u>

<sup>&</sup>lt;sup>22</sup> S. <u>322.12(4)(a), F.S.</u>

A person who seeks to retain a hazardous-materials endorsement must, upon renewal, pass the test for such endorsement if the person has not taken and passed the hazardous-materials test within two years preceding his or her application for a commercial driver license in this state.<sup>23</sup>

If the DHSMV has sufficient evidence that an applicant has cheated on an examination, the DHSMV may suspend a person's driver license for one year. When an applicant returns to take the examination, such applicant is charged \$20 for each subsequent examination. If the test is administered by a tax collector, the tax collector retains the \$20 fee, less the general revenue service fee. The tax collector may also charge a \$6.25 service fee.<sup>24</sup>

### **Online License and Registration Portal**

The DHSMV is required to authorize by interagency agreement the tax collectors, in accordance with rules of the department, to serve as its agent for the provision of specified driver license services.<sup>25</sup> The services provided by tax collectors are limited to the issuance of driver licenses and identification cards.<sup>26</sup>

The DHSMVs online license and registration portal (MyDMV Portal) is a customer facing portal that allows Florida residents to renew or replace a driver license, identification card, and vehicle registrations. According to the DHSMV, the department previously agreed it will build functionality into the MyDMV Portal to allow customers the option to order a credential online and pick it up at their local tax collector's office the same day, if the customer is willing to pay the additional \$6.25 tax collector service fee.<sup>27</sup>

Currently, customers do not have the option of rounding up their transaction amount to the next dollar amount and donating those funds to charity. However, customers are allowed to make a voluntary contribution when renewing a driver's license or motor vehicle registration to statutorily approved organizations.<sup>28</sup>

### **Temporary Disqualification of a Commercial Driver License**

A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial driver license, at no cost.<sup>29</sup> After the period of disqualification ends, the person may be issued a commercial driver license for the remainder of his or her unexpired license period. Eligible persons must pay the reinstatement fee before being issued a commercial driver license.<sup>30</sup>

#### **Restricted Driver Licenses for Habitual Offenders**

A person whose driving privilege has been revoked for being a habitual offender,<sup>31</sup> may petition the DHSMV for reinstatement of his or her driving privileges after a period of 12 months has passed.<sup>32</sup> Upon such petition and after investigation of the person's qualification, fitness, and need to drive, the DHSMV must hold a hearing to determine whether the driving privilege should be reinstated on a restricted basis solely for business or employment purposes.

Current law defines the term "<u>habitual offender</u>" as any person whose record, as maintained by the DHSMV, shows that such person has accumulated the specified number of convictions for offenses described below within a five-year period:

• Three or more convictions of any one or more of the following offenses arising out of separate acts:

<sup>&</sup>lt;sup>23</sup> S. <u>322.12(4)(b), F.S.</u>

<sup>&</sup>lt;sup>24</sup> Department of Highway Safety and Motor Vehicles, <u>Agency Analysis of House Bill 961, p. 5</u> (Mar. 20, 2025)

<sup>&</sup>lt;sup>25</sup> S. <u>322.135(1), F.S.</u>

<sup>&</sup>lt;sup>26</sup> S. <u>322.135(1)(a), F.S.</u>

<sup>&</sup>lt;sup>27</sup> Department of Highway Safety and Motor Vehicles, <u>Agency Analysis of House Bill 961, p. 10</u> (Mar. 20, 2025)

<sup>&</sup>lt;sup>28</sup> S. <u>322.08(8), F.S.</u>

<sup>&</sup>lt;sup>29</sup> S. <u>322.251(4), F.S.</u>

<sup>&</sup>lt;sup>30</sup> Id.

<sup>&</sup>lt;sup>31</sup> S. <u>322.27(5), F.S.</u>, provides that DHSMV must revoke the license of any person designated a habitual offender, and such person is not eligible to be relicensed for a minimum of five years from the date of revocation. Any person whose license is revoked may, by petition to DHSMV, show cause why his or her license should not be revoked. <sup>32</sup> S. <u>322.271(1)(b)</u>, F.S.

- Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;
- Any violation relating to driving under the influence;
- Any felony in the commission of which a motor vehicle is used;
- Driving a motor vehicle while his or her license is suspended or revoked;
- Failing to stop and render aid as required under the laws of this state in the event of a motor vehicle crash resulting in the death or personal injury of another; or
- Driving a commercial motor vehicle while his or her privilege is disqualified.
- Fifteen convictions for moving traffic offenses for which points may be assessed.<sup>33</sup>

# **BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<u>Government Operations</u> <u>Subcommittee</u>	17 Y, 0 N, As CS	4/10/2025	Toliver	Walker
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul> <li>appointments of</li> <li>Removed the provehicles in an un</li> <li>Revised the requipermits.</li> <li>Revised the dead services to tax co</li> <li>Removed the wat applicants caughting the service of the serv</li></ul>	fered by DHSMV of ovision relating to iduly hazardous co irements governi dline by which the ollectors be compl iting periods and it cheating on the	o drivers operating ondition. ng the issuance of o transition of drive lete from 2030 to 2 fines related to per r driver license exa	commercial motor disabled parking r license issuance 027. nalizing certain
<u>Transportation &amp; Economic</u> <u>Development Budget</u> <u>Subcommittee</u>	13 Y, 0 N	4/15/2025	Davis	McAuliffe
State Affairs Committee				

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#### THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

<sup>33</sup> S. <u>322.264, F.S.</u>