

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 370

INTRODUCER: Transportation Committee and Senator Brodeur

SUBJECT: Electronic Motor Vehicle Registration Certificates

DATE: February 21, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 370 authorizes acceptance of an *electronic* certificate of motor vehicle registration as documentation required to be in the possession of a motor vehicle's operator or carried in the vehicle while the vehicle is being operated on the roads of this state. The bill provides that displaying an electronic registration certificate does not constitute consent for an officer or agent to access any other information on the electronic device, and the person who presents the device assumes liability for any resulting damage to the device.

The bill takes effect January 1, 2024.

**II. Present Situation:**

**Motor Vehicle Registration Requirements**

Except as otherwise provided in ch. 320, F.S., every owner or person in charge of a motor vehicle operated or driven on the roads of Florida must register the vehicle in this state. The owner or person in charge must apply to the DHSMV or to its authorized agent for registration of each such vehicle on a form prescribed by the DHSMV. Vehicles with out-of-state registrations are required by law to be registered within 10 days of the owner either becoming employed,

placing children in public school, or establishing residency in Florida.<sup>1</sup> Most motor vehicles have a registration period of 12 or 24 months during which the registration is valid.<sup>2</sup>

A complete registration consists of the following and is evidence of having paid the registration taxes and fees:

- A license plate attached to the vehicle in the designated area;<sup>3</sup>
- A registration certificate in the possession of the operator of the motor vehicle or carried in the vehicle at all times;<sup>4</sup> and
- A registration decal, which is a sticker provided on the registration certificate. The validation decal should be affixed in the upper right-hand corner of the Florida license plate.<sup>5</sup>

### **Proof of Motor Vehicle Registration**

The registration certificate or an official copy, a true copy or electronic copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the International Registration Plan must, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator of the vehicle or be carried in the vehicle for which it was issued.<sup>6</sup>

Such documentation must be exhibited upon demand of any authorized law enforcement officer or agent of the DHSMV, except for a vehicle registered under s. 320.0657, F.S., as a fleet vehicle. This does not apply during the first 30 days after purchase of a replacement vehicle. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in ch. 318, F.S.

The law provides that presenting an electronic device displaying an electronic copy of rental or lease documentation does not constitute consent for the officer or agent to access any other information on the device, and the person who presents the device to the officer or agent assumes liability for any resulting damage to the device.<sup>7</sup>

### **Electronic Registration Certificate**

Section 322.032, F.S., required DHSMV to establish a secure and uniform system for issuing an optional digital proof of driver license or identification card, and authorized the DHSMV to contract with private entities to develop an electronic credentialing system. “Electronic credentialing system” is defined as a computer system accessed by personal device that queries

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<sup>1</sup> DHSMV, *License Plates & Registrations – Motor Vehicle Registrations*, <https://www.flhsmv.gov/motor-vehicles-tags-titles/license-plates-registration/motor-vehicle-registrations/> (last visited February 13, 2023).

<sup>2</sup> Section 320.01(19)(a.), F.S.

<sup>3</sup> Section 316.605, F.S.

<sup>4</sup> Section 320.0605, F.S.

<sup>5</sup> Section 320.06(1)(b), F.S.

<sup>6</sup> Section 320.0605(1)(a), F.S.

<sup>7</sup> Section 320.0605(1)(b), F.S.

the DHSMV's driver license and identification card records, displays or transmits digital proof of driver license or identification card, and verifies the authenticity of those electronic credentials.<sup>8</sup>

Based on these requirements, the DHSMV has created the Florida Smart ID. The Florida Smart ID is functioning and available in the Apple App Store and Google Play Store. According to the DHSMV, as of October 31, 2022, 57,000 Floridians have downloaded and activated their Florida Smart ID.<sup>9</sup>

In 2022, a Florida law was adopted requiring the DHSMV's electronic credentialing system also display driver vehicle registration and insurance information by July 1, 2023.<sup>10</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 320.0605, F.S., authorizing a law enforcement officer or agent of the DHSMV to accept an electronic certificate of motor vehicle registration as required documentation that must be in the possession of the vehicle's operator or carried in the vehicle at all times while the vehicle is being operated on the roads of this state. The electronic registration certificate must be in a uniform format prescribed by the DHSMV.

The bill also provides that displaying an electronic copy of the registration certificate does not constitute consent for the officer or agent to access any other information on the device, and the person who presents the device to the officer or agent assumes liability for any resulting damage to the device.

The bill takes effect January 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.

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<sup>8</sup> Section 322.032(1)(c), F.S.

<sup>9</sup> Letter to the Chairs of the Joint Legislative Budget Commission from Terry L. Rhodes, Executive Director, DHSMV, (October 31, 2022).

<sup>10</sup> Chapter 2022-169, Laws of Fla. creating s. 324.252, F.S.

E. Other Constitutional Issues:

None Identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

DHSMV was provided a nonrecurring sum of \$1,413,270 in Fiscal Year 2022-2023 to implement the electronic insurance verification provisions required under s. 324.252, F.S., which also requires the electronic display of driver vehicle registration.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 320.0605 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.)

**CS by Transportation on February 21, 2023:**

The committee substitute clarifies that an officer or agent of the DHSMV may not access information on an electronic device other than the displayed registration certificate when provided.

B. Amendments:

None.