

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	HB 763 (SB 1068)	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	Rogers; and others (Joyner)	115 Y's	0 N's
<b>COMPANION BILLS:</b>	SB 1068; CS/CS/SB 1122; CS/CS/HB 1223;	<b>GOVERNOR'S ACTION:</b>	Approved

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**SUMMARY ANALYSIS**

HB 763 passed the House on March 5, 2012, and subsequently passed the Senate on March 9, 2012. Part of the bill also passed the House and Senate as part of CS/CS/HB 1223 on February 29, 2012, and March 9, 2012, respectively. The bill clarifies an existing statute to provide that a vehicle may not operate on the roads of this state after expiration of the renewal period, or after midnight on the registrant owner's birthday.

The bill also authorizes a refund of the license taxes assessed in s. 320.08, F.S., to a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

The bill has an indeterminate but likely minimal negative fiscal impact, attributable to a possible increase in the issuance of refunds.

The bill was approved by the Governor on April 13, 2012, ch. 2012-110, Laws of Florida. The effective date of the bill is July 1, 2012.

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### **Expiration of Registration and Required Renewal**

Section 320.07(1), F.S., provides that the registration of a motor vehicle or mobile home expires at midnight on the last day of the registration or extended registration period. In addition, this subsection states that a vehicle shall not operate on the roads of this state after expiration of the renewal period (which is midnight of the birthday of the registrant owner)<sup>1</sup> unless the registration has been renewed according to law.

##### **Advance Registration Renewal**

Section 320.071, F.S., authorizes advance registration renewals. Specifically, an owner of any motor vehicle, mobile home, or apportioned motor vehicle currently registered in the state may apply for renewal of the registration with the Department of Highway Safety and Motor Vehicles (DHSMV) any time during the three months preceding the date of expiration of the registration period.

##### **Registration Credit**

Section 320.15, F.S., entitles a resident owner of a motor vehicle or mobile home to receive a credit applicable to the registration (for the unexpired period) of any other vehicle registered in his or her name when his or her motor vehicle or mobile home has been destroyed or permanently removed from the state. The following stipulations apply:

- the amount of the credit must be \$3 or more;
- the registered owner must make an application to DHSMV for the credit; and
- the registered owner must surrender the vehicle's sticker.

Currently s. 320.15, F.S., is silent with regard to providing a refund to a motor vehicle registrant who renews during the advance renewal period, but surrenders the license plate prior to the first day of his or her birth month. In this scenario, the registrant does not owe taxes to DHSMV because the registrant has not yet entered the registration period. Section 215.26(1)(b), F.S., however, authorizes a refund of any moneys paid into the State Treasury when no tax, license, or account is due. According to DHSMV, "this applies to the situation where . . . a motor vehicle registrant who renewed during the advance renewal period and surrendered the license plate before the first day of his or her birth month."<sup>2</sup> In these instances, the registrant should be entitled to a refund.

#### **Effect of Changes**

##### **Individual Registration Expiration**

The bill amends s. 320.07(1), F.S., clarifying an existing statute and providing that a vehicle may not operate on the roads of this state after expiration of the renewal period, or after midnight on the registrant owner's birthday. According to the DHSMV, this has been the historical interpretation of this section. The effect of the proposed change may be useful information for motorists as it distinguishes between a company and an individual.

##### **Registration Credit**

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<sup>1</sup> Section 320.055(1)(a), F.S.

<sup>2</sup> Department of Highway Safety and Motor Vehicles, 2012 Agency Bill Analysis: HB 763.

The bill amends s. 320.15, F.S., to provide a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period may apply for a refund of the license taxes assessed in s. 320.08, F.S. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

DHSMV anticipates a possible increase in the issuance of refunds. The exact number of refunds is indeterminate, but estimated to be minimal.<sup>3</sup>

#### 2. Expenditures:

According to DHSMV, Information Systems Administration (ISA) will require approximately 40 programming hours in order to implement the bill's provisions. These hours can be incorporated within ISA's operational workload.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill extends the refund period beyond the advanced period to the end of the renewal period, which is midnight on an individual registrant owner's birthday.

### D. FISCAL COMMENTS:

According to DHSMV, the current practice allows for the refund of registration up to the vehicle owner's date of birth. This bill conforms the law to what is widely believed to be true by the general public, most tax collectors, and the Division of Motorist Services, thus the fiscal impact is likely minimal.

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<sup>3</sup> Department of Highway Safety and Motor Vehicles, 2012 Agency Bill Analysis: HB 763.