

**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 Infrastructure and Security

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BILL: SB 234

INTRODUCER: Senator Baxley

SUBJECT: Registration and Titling of Vehicles and Vessels

DATE: February 12, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	<b>Pre-meeting</b>
2.			JU	
3.			AP	

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**I. Summary:**

In Florida, a “heavy truck” is defined as any motor vehicle with a net vehicle weight of more than 5,000 pounds that is designed or used for the carriage of goods. Most motor vehicle registrations are renewed during the primary registrant’s birth month; however, since 1983 the registrations of all heavy trucks have been required to be renewed in December.

The bill changes, effective September 1, 2020, the date of registration renewals for heavy trucks in the 5,001 to 7,999 pound weight classification that are registered to natural persons from December to the registrant’s date of birth. The Department of Highway Safety and Motor Vehicles is authorized to develop a methodology to prorate heavy truck registration fees to implement this transition to birth-month registration periods.

Currently, the surviving spouse of a deceased registered owner of a motor vehicle who requests a registration certificate and transfer of the registration license plate from the deceased spouse to the surviving spouse must submit an application and present the decedent’s death certificate to the Department of Highway Safety and Motor Vehicles or tax collector’s office. Similarly, a death certificate is required in order to transfer a vessel title from a deceased title owner in the event there is not a probated last will and testament or letters of administration.

The bill allows electronic file of death records maintained by the Department of Health, in lieu of a death certificate, to be used for a motor vehicle registration or vessel title transfer.

The bill has a non-recurring positive impact on state revenue. See Fiscal Analysis for more details.

## II. Present Situation:

### Registration of Heavy Trucks

Motor Vehicles subject to registration under s. 320.08, F.S., can be renewed at a Department of Highway Safety and Motor Vehicles (HSMV) service center, a tax collector's office, or via the HSMV's Virtual Office website. Heavy trucks are a category of motor vehicle that must be registered and renewed. A "heavy truck" is defined as:

Any motor vehicle with a net vehicle weight of more than 5,000 pounds, which is registered on the basis of gross vehicle weight in accordance with s. 320.08(4), and which is designed or used for the carriage of goods or designed or equipped with a connecting device for the purpose of drawing a trailer that is attached or coupled thereto by means of such connecting device and includes any such motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.<sup>1</sup>

Heavy trucks in the 5,001 to 7,999 weight range can renew their registration for 12 or 24 months.<sup>2</sup> Most motor vehicles are renewed during the primary registrant's birth month;<sup>3</sup> however, since 1983 all heavy trucks have been required to be renewed in December.<sup>4</sup> Some specific examples of heavy trucks that fall into the 5,001 to 7,999 GVW classification are the Chevrolet Silverado, Ford F-250, Ford F-350, Nissan Titan, Dodge Ram, and GMC Sierra.<sup>5</sup>

Approximately 11.4 percent (87,324) of heavy trucks in the 5,001 to 7,999 GVW classification are registered to businesses that do not have a birth month.<sup>6</sup> Approximately 88.6 percent (678,676) of heavy trucks in the 5,001 to 7,999 GVW classification are registered to individuals who likely have a birth month other than December.<sup>7</sup> Based on transaction volume, 84 percent of the renewal transactions in fiscal year 2017-2018 occurred in person in tax collector offices, causing more customers to come into the offices in December.<sup>8</sup> Additionally, individuals who own both a heavy truck and another classification of vehicle, vessel, or trailer, must renew during their birth month and again in December.

Heavy trucks weighing 5,001 to 5,999 pounds have a registration renewal fee of \$60.75,<sup>9</sup> while heavy trucks weighing 6,000 to 7,999 pounds have a registration renewal fee of \$87.75.<sup>10</sup>

A registrant of any motor vehicle registered in Florida can renew his or her registration any time during the three months preceding the date of expiration of the registration period.<sup>11</sup>

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<sup>1</sup> Section 320.01(10), F.S.

<sup>2</sup> Section 320.055(1)(b), F.S.

<sup>3</sup> Section 320.055(1)(a), F.S.

<sup>4</sup> Section 320.055(5), F.S.

<sup>5</sup> Florida Department of Highway Safety and Motor Vehicles, Agency Analysis of 2019 Senate Bill 234, p.2 (December 12, 2018).

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Section 320.08(4)(a), F.S.

<sup>10</sup> Section 320.08(4)(b), F.S.

<sup>11</sup> Section 320.071, F.S.

### **Transfer of Registration and Title from a Deceased Person**

The surviving spouse of a deceased registered owner of a motor vehicle who requests a registration certificate and transfer of the registration license plate from the deceased spouse to the surviving spouse must submit an application<sup>12</sup> and present the decedent's death certificate to the tax collector's office or the HSMV.<sup>13</sup> The surviving spouse must also provide a marriage certificate (unless the name of the surviving spouse is on the death certificate) and proof of identity.<sup>14</sup>

If a surviving spouse does not bring an original copy of the deceased spouse's death certificate to the tax collector's office or the HSMV, the registration certificate and license plate cannot be transferred into the name of the surviving spouse. Instead, the surviving spouse must leave the office, retrieve the death certificate, and make another trip back to the tax collector's office or HSMV to produce the document.

The new owner or surviving owner of a vessel who wants to transfer the title from a deceased title owner must submit an application along with the original certificate of title and the decedent's probated last will and testament or letters of administration appointing the personal representative. If the probated will and letters of administration are unavailable, the surviving owner may provide a copy of the decedent's death certificate, a copy of the decedent's last will and testament, and an affidavit by the decedent's surviving spouse or heirs affirming rights of ownership may be accepted by the HSMV.<sup>15</sup>

If the new owner or surviving owner of a vessel does not bring the decedent's probated last will and testament or letters of administration, the individual must bring a copy of the decedent's death certificate. If the individual does not have a copy of the death certificate, he or she will not be able to transfer the title and will have to make a return visit to the tax collector's office or the HSMV in order to produce the document.

Currently, tax collectors are unable to print death certificates within their offices. After consulting with the Department of Health (DOH), the HSMV and the tax collectors have identified certain death records maintained by the DOH and available electronically to tax collectors that would enable tax collectors to verify, in lieu of a death certificate, the status of the deceased vehicle or vessel owner.

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<sup>12</sup> Department of Highway Safety and Motor Vehicles, Application for Surviving Spouse Transfer of Florida Certificate of Title for a Motor Vehicle, available at <https://www.flhsmv.gov/pdf/forms/82152.pdf> (last visited February 9, 2019).

<sup>13</sup> Section 320.0609(7), F.S.

<sup>14</sup> Department of Highway Safety and Motor Vehicles, Getting a Hassle Free Title Frequently Asked Questions, available at <https://www.flhsmv.gov/title-faq/> (last visited February 9, 2019).

<sup>15</sup> Section 328.01(3)(c), F.S.

### III. Effect of Proposed Changes:

#### Registration of Heavy Trucks

Effective September 1, 2020, the bill amends s. 320.055, F.S., changing the date of heavy truck renewals for trucks weighing 5,001 to 7,999 pounds and registered to natural persons, from December to the registrant's date of birth. Businesses registering heavy trucks weighing 5,001 to 7,999 pounds would continue to register their vehicles in December. Similarly, all owners of heavy trucks weighing 8,000 pounds or more would continue to register their vehicles in December.

The bill provides that in order to implement the change in renewal dates, the HSMV may develop methodology to prorate registration renewal fees for applicable motor vehicles. The methodology that HSMV is currently reviewing to minimize the fiscal impact based on prorating the registration is described below:

- January to June – Customers whose birth month falls within January to June would renew their registrations in December 2020 for 12 to 18 months. This will extend their registration until their birth month of 2022; and
- July to December – Customers whose birth month falls within July to December would pay a prorated amount in December 2020 up to their birth month in 2021 and receive a decal to that birth month.<sup>16</sup>

#### Transfer of Registration and Title from a Deceased Person

The bill amends ss. 320.0609 and 328.01, F.S., allowing for the utilization of an electronic file of death record maintained by the DOH in lieu of a death certificate for a motor vehicle registration or vessel title transfer.

The bill provides technical and conforming changes in ss. 320.07 and 320.0705, F.S.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>16</sup> Florida Department of Highway Safety and Motor Vehicles, Agency Analysis of 2019 Senate Bill 234, p.3 (December 12, 2018).

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:

In December of 2020, heavy truck registrants whose dates of birth occur in the months of January through June may choose to renew for 12 to 18 months, and registrants whose dates of birth occur in the months of July through December may choose to renew up to their birth month in 2021.

The chart below reflects the proration amount by birth month being considered by the HSMV.<sup>17</sup>

HEAVY TRUCK PRORATION METHODOLOGY					
Heavy Trucks GVW 5,001-6,000 (\$5.0625)			Heavy Trucks GVW 6,001-7,999 (\$7.3125)		
Birth Month	December 2020 Renewal	Pro-rated Fee	Birth Month	December 2020 Renewal	Pro-rated Fee
January	\$60.75 + 1 month	\$65.81	January	\$60.75 + 1 month	\$95.06
February	\$60.75 + 2 month	\$70.88	February	\$60.75 + 2 month	\$102.38
March	\$60.75 + 3 month	\$75.94	March	\$60.75 + 3 month	\$109.69
April	\$60.75 + 4 month	\$81.00	April	\$60.75 + 4 month	\$117.00
May	\$60.75 + 5 month	\$86.06	May	\$60.75 + 5 month	\$124.31
June	\$60.75 + 6 month	\$91.13	June	\$60.75 + 6 month	\$131.63
July	7 months	\$35.44	July	7 months	\$51.19
August	8 months	\$40.50	August	8 months	\$58.50
September	9 months	\$45.56	September	9 months	\$65.81
October	10 months	\$50.63	October	10 months	\$73.13
November	11 months	\$55.69	November	11 months	\$80.44
December	12 months	\$60.75	December	12 months	\$87.75

<sup>17</sup> Id.

**C. Government Sector Impact:**

The bill includes a methodology that prorates the applicable motor vehicle registration renewal fee and transitions heavy truck owners with trucks weighing between 5,001 and 7,999 pounds to a new renewal period based on their birth month.

The Revenue Estimating Conference (REC) met on January 18, 2019, and considered a similar provision prorating registration renewals for specified motor vehicles. In calculating the fiscal impact, the REC assumed customers would elect to maximize the duration of the renewal period, effectively paying more for a longer renewal period. The REC calculated there will be a positive, non-recurring impact of \$1.6 million in revenue (\$416,439 to the General Revenue Fund and approximately \$1.2 million to the State Transportation Trust Fund) for Fiscal Year 2020-2021.

The HSMV estimates that 459 hours will be required for programming and implementation. These hours are estimated to have a fiscal impact to the HSMV of \$25,305 in FTE and contracted resources. However, all expenses will be absorbed within existing resources.

The HSMV and the tax collectors may incur expenses related to public awareness and education efforts relating to the changes in heavy truck registration renewal dates. However, all expenses will be either offset by reducing the number of additional in-person customer trips to tax collector offices in December or absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.055, 320.0609, 320.07, 320.0705, and 328.01.

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

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

None.

**B. Amendments:**

None.

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

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