

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 247 Services Provided by the Department of Highway Safety and Motor Vehicles or Its Agents

SPONSOR(S): Infrastructure Strategies Committee, Transportation & Modals Subcommittee, Maney, and others

TIED BILLS: IDEN./SIM. BILLS: SB 736

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	17 Y, 0 N, As CS	Walker	Hinshelwood
2) Infrastructure & Tourism Appropriations Subcommittee	14 Y, 0 N	Hicks	Davis
3) Infrastructure Strategies Committee	23 Y, 0 N, As CS	Walker	Harrington

SUMMARY ANALYSIS

The bill addresses matters related to the Department of Highway Safety and Motor Vehicles (DHSMV) or its agents. The bill:

- Revises the application and affidavit requirements for the transfer of ownership of a motor vehicle or mobile home if the previous owner died testate.
- Provides that no additional fee can be charged by 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 trailers to be issued a license plate with reduced dimensions.
- Provides that a disabled veteran who qualifies for a "DV" license plate may, in lieu of the free "DV" license plate, be issued one of certain military license plates or a specialty license plate and receive a cost savings on the plate of their choosing.
- 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 servicemember who has a valid Florida driver license provides evidence satisfactory to the department that he or she is deployed outside this state.
- Repeals the requirement that requests for purchase of temporary tags to the DHSMV or its agents must be made, where applicable, on letterhead stationery and notarized.

The bill appears to have an insignificant fiscal impact on state government expenditures and a likely positive but indeterminate impact on the private sector due to the streamlining of administrative processes. See Fiscal Analysis Section.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Certificate of Title Transfer or Ownership

Current Situation

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

If the previous owner of a motor vehicle or mobile home died intestate,² the application for a certificate of title made by an heir does not have to contain an order of a probate court, if the applicant files with DHSMV an affidavit that the estate is not indebted and any surviving spouses and heirs have amicably agreed among themselves upon a division of the estate.³

If the previous owner died testate,⁴ the application must be accompanied by a certified copy of the will, if probated, and an affidavit that the estate is solvent with sufficient assets. If the will is not probated, the application must be accompanied by a sworn copy of the will and an affidavit that the estate is not indebted.⁵

Effect of the Bill

The bill adds 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, 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.

Lost or Destroyed Certificate of Title

Current Situation

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 DHSMV for a duplicate copy.⁶ Upon receiving an application signed and sworn to by the applicant, and accompanied by the required fee,⁷ DHSMV must issue a duplicate copy of the certificate of title.⁸

If an original, duplicate, or corrected certificate of title issued by DHSMV is lost in transit and is not delivered to the addressee, the owner or holder has 180 days from the date of issuance of the title to apply to DHSMV for the reissuance of the certificate of title without an additional fee.⁹ Florida law also authorizes tax collectors to process certificate of title applications and collect the associated fees.¹⁰ However, current law is not clear that tax collectors must issue a title lost in transit without charging an additional fee.

¹ S. 319.28(1)(a), F.S.

² "Intestate" means "[o]ne who has died without a valid will." BLACK'S LAW DICTIONARY 840 (8th ed. 2004).

³ S. 319.28(1)(b), F.S.

⁴ "Testate" means "[h]aving left a will at death." BLACK'S LAW DICTIONARY 1514 (8th ed. 2004).

⁵ S. 319.28(1)(b), F.S.

⁶ S. 319.29(1), F.S.

⁷ S. 319.32, F.S., states that the cost for each duplicate copy of a certificate of title is \$70 with a service charge of \$4.25.

⁸ S. 319.29(1), F.S.

⁹ S. 319.29(3), F.S.

¹⁰ S. 319.32(2)(b), F.S.

Effect of the Bill

The bill clarifies that an additional fee may not be charged by DHSMV or the tax collector for the reissuance of a lost in transit and not delivered certificate of title.

Permanent Registration Decals for Small Rental Trucks

Current Situation

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.¹¹

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.¹²

Currently rental cars have the ability to permanently register vehicles, provided they pay the appropriate annual license taxes and fees.¹³

Effect of the Bill

The bill allows rental trucks, under 15,000 pounds, the ability to permanently register trucks in the same manner as rental cars. Such rental trucks will be required to pay the appropriate annual license taxes and fees.

Registration License Plates

Current Situation

Under current law, DHSMV, upon receipt of an application and payment of the appropriate fees, must issue to a vehicle owner or lessee a certificate of registration and a license plate.¹⁴ License plates are issued for a ten-year period and must be replaced upon renewal at the end of the ten-year period. The replacement fee is \$28, \$2.80 of which is paid each year in the ten years leading up to the replacement, and such fees must be deposited into the Highway Safety Operating Trust Fund.¹⁵

Florida law provides that registration license plates must be at least 6 inches wide and not less than 12 inches in length. However, license plates with reduced dimensions can be issued by DHSMV to accommodate motorcycles, mopeds, or similar smaller vehicles.¹⁶ 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.¹⁷

Effect of the Bill

The bill adds that a trailer can qualify for a license plate with reduced dimensions.

¹¹ S. 320.06(1)(b)1., F.S.

¹² S. 320.06(1)(c), F.S.

¹³ S. 320.06(1)(b), F.S.

¹⁴ S. 319.06(1)(a), F.S.

¹⁵ S. 319.06(1)(b), F.S.

¹⁶ S. 320.06(3)(a), F.S.

¹⁷ S. 320.06(3)(a), F.S.

License Plates for Disabled Veterans

Current Situation

Florida law requires DHSMV to issue one free license plate to veterans with a 100 percent service-connected disability upon application.¹⁸ The license number on each plate issued to a disabled veteran must be identified by the letter designation “DV.”¹⁹ The design of the special disabled veteran plate is red, white, and blue, and resembles the United States flag.²⁰

Upon issuance of each new permanent “DV” license plate, an initial validation sticker²¹ with an expiration not exceeding 27 months, is issued without cost to the applicant.²² The applicant does have to pay the associated service charges for each initial application or renewal of registration.²³ 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.²⁴ Persons with a “DV” license plate with the international accessibility symbol are exempt from any fee or penalty for parking in any metered or timed parking space.²⁵

Florida has over 100 specialty license plates, with a statutory cap of 135,²⁶ available to Florida drivers who are willing to pay the additional annual use fee for such plate.²⁷ Within the specialty license plates, Florida offers 33 Special Military License Plates.²⁸ Each of the military service specialty license plates have specific requirements that must be met upon application and require payment of the license tax for the vehicle, if applicable,²⁹ before the plate can be issued.³⁰

Out of all military license plates offered in 2022 by DHSMV, the “DV” license plate ranked number one with 97,994 issued.³¹

Effect of the Bill

The bill provides that a disabled veteran who qualifies for the special “DV” license plate may be issued a military license plate for which he or she is eligible, or a specialty license plate, instead of the “DV” license plate upon application. The applicant must pay all of the applicable fees related to such plate, except for the initial license plate and registration fees waived for “DV” license plate applicants. Additionally, a military license plate or a specialty license plate elected in this manner is not eligible for the international symbol of accessibility.

¹⁸ S. 320.084(1), F.S.

¹⁹ S. 320.084 (3), F.S.

²⁰ FLHSMV, *Florida Military License Plate Brochure*, https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf (last visited Feb. 8, 2024).

²¹ The validation sticker must reflect the applicant’s birth month and the year of expiration.

²² S. 320.084(4)(a), F.S.

²³ S. 320.084(4)(b), F.S., refers to the fees in s. 320.04, F.S. For the original issuance of a license plate the service charge is \$2.50. For the issuance of each license plate validation sticker the service charge is \$1.00. An additional 50 cents is charged for each license plate and validation sticker so they can be treated with retroreflection material.

²⁴ S. 320.084(4)(c), F.S.

²⁵ S. 320.084(5), F.S.

²⁶ S. 320.08053(3)(b), F.S.

²⁷ S. 320.08056(2)(a), F.S.

²⁸ S. 320.089, F.S. The plates offered: Air Force Combat Action Medal, Air Force Cross, Combat Action Badge, Combat Action Ribbon, Combat Infantry Badge, Combat Medical Badge, Distinguished Flying Cross, Distinguished Service Cross, Ex-Prisoner of War, Gold Star Family, Korean War Veteran, Medal of Honor (Air Force), Medal of Honor (Army), Medal of Honor (Navy), National Guard, Navy Cross, Navy Submariner, Operation Desert Shield, Operation Desert Storm, Operation Enduring Freedom, Operation Iraqi Freedom, Pearl Harbor Survivor, Purple Heart, Silver Star, U.S. Reserve, Veteran of U.S. Armed Forces, Vietnam War Veteran, Woman Veteran, World War II Veteran, U.S. Paratrooper, Former Military Vehicle, Army of Occupation, and Bronze Star.

²⁹ See s. 320.089(1)(d) and (2)(a), F.S. An applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a DV license plate, or an applicant who was held as a prisoner of war, does not have to pay the motor vehicle license tax.

³⁰ S. 320.089, F.S.

³¹ FLHSMV, *supra* note 20, at pp. 5-6.

Temporary Tags

Current Situation

Florida law provides for a variety of legal uses for temporary license plates. Temporary tags, if authorized for use by DHSMV, must be conspicuously displayed on the rear license plate bracket or, on vehicles requiring front display of license plates, on the front of the vehicle in the location where the metal license plate would normally be displayed.³² Moreover, except as specifically provided otherwise, a temporary tag is valid for 30 days, and no more than two shall be issued to the same person for the same vehicle.³³

DHSMV may design, issue, and regulate the use of temporary tags in the following cases:

- Where a dealer license plate may not be lawfully used;
- For a casual or private sale, including the sale of a marine boat trailer by a marine boat trailer dealer;
- For certified common carriers or driveaway companies who transport motor vehicles, mobile homes, or recreational vehicles from one place to another for persons other than themselves;
- For banks, credit unions, and other financial institutions for the purpose of demonstrating repossessions for sale;
- Where a motor vehicle is sold in this state to a resident of another state for registration therein and the motor vehicle is not required to be registered;
- Where a motor vehicle is required to be weighed or emission tested prior to registration or have a vehicle identification number verified;
- Where an out-of-state resident, subject to registration in this state, must secure ownership documentation from the home state;
- For a rental car company which possesses a motor vehicle dealer license and which may use temporary tags on vehicles offered for lease by such company in accordance with the provisions of rules established by DHSMV;
- In the resolution of a consumer complaint where there is a need to issue more than two temporary tags;
- While a personalized prestige or specialty license plate is being manufactured for 90 day use upon the motor vehicle;
- In any case where a permanent license plate cannot legally be issued to an applicant and a temporary license plate is not specifically authorized; and
- For use by licensed dealers to transport motor vehicles and recreational vehicles from the dealer's licensed location to an off-premise sales location and return.³⁴

DHSMV is authorized to disallow the purchase of temporary tags by licensed dealers, common carriers, or financial institutions in those cases where abuse has occurred.³⁵

The DHSMV may sell temporary tags to their agents and where need is demonstrated by a consumer complainant. The fee must be \$2 each.³⁶ Additionally, agents of the DHSMV must sell temporary tags for \$2 each and must charge the service charge per transaction, regardless of the quantity sold.³⁷

Requests for purchase of temporary tags to the DHSMV or its agents must be made, where applicable, on letterhead stationery and notarized.³⁸

Effect of the Bill

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

³² S. 320.131(4), F.S.

³³ S. 320.131(2), F.S.

³⁴ S. 320.131(1), F.S.

³⁵ *Id.*

³⁶ *Id.* at 34

³⁷ *Id.*

³⁸ *Id.*

- 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 servicemember 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 these two purposes is valid for 60 days, instead of the default of 30 days. The bill repeals the requirement that requests for purchase of temporary tags to the DHSMV or its agents must be made, where applicable, on letterhead stationery and notarized. The bill also makes other technical and clarifying changes to the statute relating to temporary tags.

Effective Date

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

- Section 1** Amends s. 319.28, F.S., relating to transfer of ownership by operation of law.
- Section 2** Amends s. 319.29, F.S., relating to lost or destroyed certificates.
- Section 3** Amends s. 320.06, F.S., relating to registration certificates, license plates, and validation stickers.
- Section 4** Amends s. 316.084, F.S., relating to free motor vehicle license plate to certain disabled veterans.
- Section 5** Amends s. 320.131, F.S., relating to temporary tags.
- Section 6** Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DHSMV estimates that the bill will have a technology impact of \$8,130 in full-time equivalent position and contracted resources. This impact would be largely due to programming needed to conform with the following components of the bill:

- Reduce dimension of license plates for trailers;
- Allow additional license plate choices for customers who meet the DV requirement; and
- Allow additional situations where DHSMV may issue temporary tags.³⁹

Additionally, DHSMV has expressed that the department may need additional customer service staff in order to address workload related to temporary tag status questions.⁴⁰

³⁹ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2024 House Bill 247, pp. 6-7(Nov. 3, 2023).

⁴⁰ *Id.*

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill will likely have a positive, though indeterminate, fiscal impact on the private sector as a result of streamlining administrative processes related to the transfer of ownership of a motor vehicle or mobile home when a previous owner dies in testate and allowing rental truck under 15,000 pounds to be permanently registered.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Rulemaking may be necessary in order to conform to changes made by the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 19, 2024, the Transportation & Modals Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS:

- 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.
 - Requiring the attesting attorney to provide to the department a current copy of his or her certificate of good standing issued by The Florida Bar.
- Allows permanent motor vehicle registration decals for rental trucks that weigh under 15,000 pounds.
- Adds two additional cases wherein DHSMV is authorized and empowered to design, issue, and regulate the use of temporary tags.
- Eliminates the authorization of DHSMV or its agents to renew an initial temporary tag.

On February 8, 2024, the Infrastructure Strategies Committee considered one amendment, which was adopted, and reported favorably as a committee substitute. The amendment revises the application and affidavit requirements for the transfer of ownership of a motor vehicle or mobile home if the previous owner died testate by:

- No longer requiring the attesting attorney to provide to DHSMV a current copy of his or her certificate of good standing issued by the Florida Bar; and
- Deleting the phrase “who is representing the owner’s estate.”

The analysis is drafted to the committee substitute as approved by the Infrastructure Strategies Committee.