

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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 736

INTRODUCER: Senator Trumbull

SUBJECT: Services Provided by the Department of Highway Safety and Motor Vehicles or Its Agents

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Pre-meeting
2.			ATD	
3.			FP	

I. Summary:

SB 736 makes changes to various services and programs administered by the Department of Highway Safety and Motor Vehicles (DHSMV) and its agents. Specifically, the bill:

- Revises a requirement for a rightful heir to transfer ownership of a motor vehicle or mobile home if the previous owner died testate;
- Clarifies that no additional fee can be charged by the DHSMV or a tax collector for the reissuance of a certificate of title that is lost in transit and is not delivered;
- Authorizes DHSMV to issue reduced dimension license plates for trailers;
- Provides that a disabled veteran who qualifies for a free “DV” license plate may choose a military or specialty license plate he or she qualifies for in lieu of the “DV” license plate; and
- Removes the requirement to provide a written, notarized request for the purchase of a temporary tag and provides requirements for renewal of a temporary tag.

This bill takes effect July 1, 2024.

II. Present Situation:

County tax collectors are the Department of Highway Safety and Motor Vehicles’ (DHSMV) authorized agents for titling and registering motor vehicles, motor homes, and vessels.

Transfer of Ownership - Certificate of Title

Florida law states that in the case of transfer of ownership of a motor vehicle or mobile home by operation of law, such as inheritance, the DHSMV must receive satisfactory proof of ownership and right of possession to such motor vehicle or mobile home, and payment of the required

certificate of title application fee, before the DHSMV can issue the applicant a certificate of title.¹

If the previous owner died testate, the application must be accompanied by:²

- A certified copy of the will, if probated, and an affidavit that the estate is solvent with sufficient assets to pay all just claims; or
- A sworn copy of the will, if the will is not being probated, and an affidavit that the estate is not indebted.

Lost Certificates of Titles

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 the DHSMV for a duplicate copy.³ Upon receiving an application signed and sworn to by the applicant, and accompanied by the required fee,⁴ the DHSMV must issue a duplicate copy of the certificate of title.⁵

If an original, duplicate, or corrected certificate of title issued by the DHSMV is lost in transit and is not delivered to the addressee, the owner or holder must, within 180 days of the date of issuance of the title, apply to the DHSMV for the reissuance of the certificate of title without an additional fee.⁶ Florida law provides that tax collectors can handle certificate of title applications and collect the associated fees.⁷ However, the information technology system used by tax collectors to process title transactions currently lacks the functionality to issue a no fee replacement.

License Plates with Reduced Dimensions

In lieu of a standard license plate, the DHSMV may deem a plate with reduced dimensions necessary to accommodate motorcycles, mopeds, or similar smaller vehicles.⁸ 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.⁹

Disabled Veteran “DV” License Plates

Section 320.084, F.S., provides that a disabled veteran is eligible for one free “DV” license plate if he or she has been a resident of this state for the preceding five years or has established a domicile in this state, has been honorably discharged from the United States Armed Forces, and provides proof that he or she:

¹ Section 319.28(1)(a), F.S.

² Section 319.28(1)(b), F.S.

³ Section 319.29(1), F.S.

⁴ The fee for a duplicate title is generally \$75.25. See Section 319.32(1) and (2), F.S., and DHSMV, *Fees - Motor Vehicle Title Fees*, <https://www.flhsmv.gov/fees/> (last visited March 26, 2023).

⁵ Section 319.29(1), F.S.

⁶ Section 319.29(3), F.S.

⁷ Section 319.32(2)(b), F.S.

⁸ Section 320.06(3)(a), F.S.

⁹ *Id.*

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;
- Has been determined by the VA or its predecessor to have a service-related one hundred percent disability rating for compensation; or
- Has been determined to have a service connected disability rating of one hundred percent and receives disability retirement pay from any branch of the United States Armed Forces.

The license number on each plate issued to a disabled veteran must be identified by the letter designation “DV.”¹⁰ The design of the special disabled veteran plate is red, white, and blue, and resembles the United States flag.¹¹ As of January 2023, there were 97,994 active Florida “DV” license plates, the most of any military license plate.¹²

Upon issuance of each new permanent “DV” license plate, an initial validation sticker with an expiration not exceeding 27 months, is issued without cost to the applicant.¹³ The applicant does have to pay the associated service charges for each initial application or renewal of registration.¹⁴ 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.¹⁵

Any vehicle displaying a “DV” license plate that is transporting the person to whom the plate was issued is authorized to park in a designated accessible parking space.¹⁶ A state agency, county, municipality, or any agency thereof, may not enact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle that displays the “DV” license plate when the vehicle is transporting the person who has the disability or who the plate was issued to.¹⁷ Additionally, the governing body of a publicly owned or publicly operated airport must grant free parking to a vehicle displaying a “DV” license plate.¹⁸ These rights are afforded by the state and are not necessarily universally accepted as parking permits and license plates designated with the International Symbol of Accessibility.¹⁹

Special Military License Plates

Florida offers Special Military License Plates, which have specific eligibility requirements that must be met upon application and required payment of the license tax for the vehicle, if

¹⁰ Section 320.084(3), F.S.

¹¹ See DHSMV, *Florida Military License Plates*, HSMV 80003, available at https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf at 2. (last visited December 19, 2023).

¹² *Id.* at p. 6.

¹³ Section 320.084(4)(a), F.S.

¹⁴ Section 320.084(4)(b), F.S.

¹⁵ Section 320.084(4)(c), F.S.

¹⁶ Sections 553.5041(1) and 316.1955(1), F.S.

¹⁷ Section 316.1964(1), F.S. However, a fee may be charged when such parking facility or lot is being used in connection with an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium. See s. 316.1964(3), F.S.

¹⁸ Section 316.1964(7), F.S.

¹⁹ See U.S. Access Board, *Guide to the ADA Accessibility Standards: Guidance on the International Symbol of Accessibility* (March 27, 2017), <https://www.access-board.gov/ada/guides/guidance-on-the-isa/> (last visited December 19, 2023).

applicable, before the plate can be issued.²⁰ Section 320.089, F.S., authorizes the majority of these special military plates, which include several plates for veterans, plates for National Guard members and former Prisoners of War, and plates for military members who have been awarded specific honors such as combat badges and medals. General revenue generated from the sale of military plates issued under s. 320.089, F.S., are distributed to Florida Department of Veterans' Affairs trust funds to be used as follows:

- The first \$100,000 are to be used for the common benefit of the residents of Florida Veterans' Nursing Homes.²¹
- Any additional revenue is to be used to support program operations that benefit veterans or the operation, maintenance, or construction of domiciliary and nursing homes for veterans.²²
- Except for the revenue from the "Woman Veteran" license plate, which is to be used solely for creating and implementing programs to benefit women veterans.²³

Specialty License Plates

As of December 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 31 are in the presale process.²⁴ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.²⁵ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.²⁶

Temporary Tags

Section 320.131, F.S., authorizes DHSMV to sell temporary tag to their agents where a need is met by the consumer. The fee for the temporary tag is \$2, and from that \$1 from each tag sold is deposited into the Brain and Spinal Cord Injury Program Trust Fund. The remaining proceeds are deposited into the Highway Safety Operating Trust Fund. Agents of DHSMV are permitted to sell the temporary tags for \$2 each and service charges are authorized, regardless of quantity sold. Requests for temporary tags must be in written, notarized form. Unless provided otherwise, temporary tags are valid for 30 days, and no more than two shall be issued to the same person for the same vehicle.

III. Effect of Proposed Changes:

The bill amends s. 319.28, F.S., to provide, if the previous owner died testate, an application for the certificate of title may be made by and accompanied with an affidavit attested by a Florida-

²⁰ See ss. 320.0845, 320.0846, 320.089, 320.0891, 320.0892, 320.0893, F.S. A full-listing of the military plates offered by DHSMV are available at https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf *supra*, note 91.

²¹ Section 320.089(1)(c), F.S.

²² *Id.*

²³ Section 320.089(1)(d), F.S.

²⁴ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited October 10, 2023).

²⁵ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

²⁶ Section 320.08058, F.S.

licensed attorney in good standing with the Florida Bar who represents the previous owner's estate, that such heir or heirs are lawfully entitled to the rights of ownership and possession of the motor vehicle or mobile home. Such affidavit constitutes satisfactory proof of ownership and right of possession, and is not required to be accompanied by a copy of the will or other testamentary instrument.

The bill amends s. 319.29, F.S., to clarify that the DHSMV *or a tax collector* may reissue a certificate of title without an additional fee when the certificate of title is lost in transit and not delivered. The bill requires the applicant to apply for such reissuance within 180 days *after* the date of issuance of the certificate of title.

The bill amends s. 320.06, F.S., to clarify that the DHSMV may deem a reduced dimension license plate (as is currently issued for motorcycles and mopeds) necessary for a trailer. The department will need to determine size/type qualifications and program the necessary changes in technology systems.

The bill amends s. 320.084, F.S., to allow a disabled veteran who qualifies for the "DV" license plate to select a special military license plate for which he or she is eligible or specialty license plate in lieu of the free "DV" license plate. 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, the bill provides that an applicant who selects another plate in lieu of the "DV" plate will not be afforded the same protections and rights of the "DV" plate relating to disabled parking accessibility and free parking for vehicles displaying the "DV" plate.

The bill amends s. 320.131, F.S., to remove the requirement of providing a written, notarized request when applying for a temporary tag. Additionally, the bill provides that DHSMV or its agents may, in lieu of issuing a second temporary tag, renew the initial temporary tag for the same period applicable to the initial issuance (typically 30 days). Such a renewal is subject to the fee, service charge, and deposit requirements applicable to the issuance of the initial temporary tag.

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.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The department estimates programming and implementation associated with the bill will require \$8,130 in FTE and contracted resources.

The bill may have an indeterminate negative fiscal impact to DHSMV associated with the need to acquire and maintain additional inventories of reduced dimension license plates, and additional customer service staff to address temporary tag status questions from law enforcement agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

In its analysis of the bill DHSMV included a number of comments and recommended amendments,²⁷ including:

Transfer of Ownership by Operation of Law - The bill does not address liability or corrective action when the attorney affidavit is incorrect or facially self-serving. The department recommends that consideration should be given to allowing an applicant for such a transfer of ownership to submit a legal opinion, similar to the situation with a Power of Attorney, and providing that DHSMV is not liable for reasonably relying on a legal opinion from a Florida attorney which is provided with such a title application.

Renewal of Initial Temporary Tag - Currently, temporary tags have an expiration date printed on them to assist law enforcement agencies and a “renewal” would require the printing of another tag with a new expiration date. Alternatively, eliminating the printed expiration date altogether

²⁷ DHSMV, 2024 Agency Legislative Bill Analysis: HB 247 at p 8-10.

would open Florida to additional cases of fraudulent use of temporary tags. To address the underlying customer service issues the department recommends utilizing an existing process that allows tax collectors to issue a “registration-only” metal tag to expire on the registrant’s next birthdate. Alternatively, the department recommends increasing the expiration date of the temporary paper tag from 30 to 60 days.

Effective Date - The department recommends that the effective date of the bill be delayed from July 1, 2024, to July 1, 2026.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 319.28, 319.29, 320.06, 320.084, and 320.131.

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.