

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 Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/CS/SB 1348

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development;
Transportation Committee; and Senator Trumbull

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	Fav/CS
2.	<u>Wells</u>	<u>Nortelus</u>	<u>ATD</u>	Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1348 amends various provisions related to the Department of Highway Safety and Motor Vehicles (DHSMV), including tax collector duties and responsibilities, driver license issuance and revocation, and disabled parking permits. Specifically, the bill:

- Enhances penalties related to the "Florida Ban on Texting While Driving Law" and directs DHSMV to create a 4-hour basic driver improvement course specifically related to distracted driving.
- Prohibits and penalizes a person who, without authorization from the DHSMV or a tax collector, sells or offers to sell service appointments offered by the DHSMV or an authorized tax collector.
- Authorizes tax collectors to deliver certain documents by mail or make them available at the tax collector's office.
- Allows tax collectors to process applications for duplicate certificates of title.
- Allows a disabled veteran who meets certain requirements to be issued a specialty license plate embossed with the initials "DV" in the top left-hand corner.
- Revises the requirements governing the issuance of permanent disabled parking permits.
- Amends legislative intent language to provide that the transition of driver license issuance services from the DHSMV to tax collectors must be completed no later than June 30, 2027.
- Requires certain driver license applicants to retake examinations.

- Authorizes tax collectors to process specified transactions using the DHSMV’s online license and registration portal and offer licensees certain charitable donation options.
- Requires the revocation of a restricted driving privilege in certain circumstances.

The bill will have an indeterminate negative fiscal impact on the government sector. *See Section V., Fiscal Impact Statement.*

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Ban on Texting While Driving Law

The legislative intent of the “Florida Ban on Texting While Driving Law” is to:

- Improve roadway safety for all vehicle operators, vehicle passengers, bicyclists, pedestrians, and other road users;
- Prevent crashes related to the act of text messaging while driving a motor vehicle;
- Reduce injuries, deaths, property damage, health care costs, health insurance rates, and automobile insurance rates related to motor vehicle crashes; and
- Authorize law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving.¹

Prohibition

The Florida Ban on Texting While Driving Law prohibits a person from operating a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data on such a device for the purpose of nonvoice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, and instant messaging.² The term “wireless communications device” is defined as any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service and that allows text communications.³

A motor vehicle that is stationary is not being operated and, therefore, is not subject to this prohibition.⁴ Additionally, the prohibition does not apply to a motor vehicle operator who is:

- Performing official duties as an operator of an authorized emergency vehicle, a law enforcement or fire service professional, or an emergency medical services professional;
- Reporting an emergency or criminal or suspicious activity to law enforcement authorities;
- Receiving messages that are related to the operation or navigation of the motor vehicle; safety-related information, including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio broadcasts;
- Using a device or system for navigation purposes;

¹ Section 316.305(2), F.S.

² Section 316.305(3)(a), F.S.

³ *Id.*

⁴ *Id.*

- Conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function;
- Conducting wireless interpersonal communication that does not require reading text messages, except to activate, deactivate, or initiate a feature or function; and
- Operating an autonomous vehicle with the automated driving system engaged.⁵

Enforcement and Penalties

A law enforcement officer who stops a motor vehicle for a violation of the Florida Ban on Texting While Driving Law must inform the motor vehicle operator of his or her right to decline a search of his or her wireless communications device and may not:

- Access the wireless communications device without a warrant;
- Confiscate the wireless communications device while awaiting issuance of a warrant to access such device; and
- Obtain consent from the motor vehicle operator to search his or her wireless communications device through coercion or other improper method. Consent to search a motor vehicle operator's wireless communications device must be voluntary and unequivocal.⁶

A first violation of the ban on texting while driving is punishable as a nonmoving violation and carries a \$30 fine plus court costs,⁷ which could result in a total fine up to \$108.⁸ A second or subsequent violation of the ban committed within five years after the date of a prior conviction is a moving violation and carries a \$60 fine plus court costs,⁹ which could result in a total fine up to \$158.¹⁰

Data Collection and Reporting Requirement

When a law enforcement officer issues a citation for a violation of the Florida Ban on Texting While Driving Law, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and report the information to the Department of Highway Safety and Motor Vehicles (DHSMV) by April 1 annually in a form and manner determined by the DHSMV. The DHSMV must annually report the data collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies.¹¹

⁵ Section 316.305(3)(b), F.S.

⁶ Section 316.305(3)(c), F.S.

⁷ Section 316.305(4)(a), F.S. *See also* ch. 318, F.S.

⁸ Florida Court Clerks and Comptrollers, *2023 Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording*, p. 39, https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited March 6, 2025).

⁹ Section 316.305(4)(b), F.S. *See also* Ch. 318, F.S.

¹⁰ Florida Court Clerks and Comptrollers, *supra* note 8, at p. 42.

¹¹ Section 316.305(5), F.S.

Ban on the Use of Wireless Communications Devices in a Handheld Manner in School and Work Zones

Prohibition and Enforcement

In addition to the ban on texting while driving, law enforcement officers are authorized to stop motor vehicles and issue citations to persons who are driving in a designated school crossing, school zone, or work zone area¹²¹³ while using a wireless communications device in a handheld manner.¹⁴ Wireless communications device has the same meaning aforementioned for the Florida Ban on Texting While Driving Law and includes, but is not limited to, a cell phone, a tablet, a laptop, two-way messaging device, or an electronic game that is used or capable of being used in a handheld manner.¹⁵

The ban on the use of wireless communications devices in a handheld manner in school and work zones has almost identical exceptions and enforcement procedures as the Florida Ban on Texting While Driving Law.¹⁶ However, the ban on the use of a wireless communications device in a handheld manner in school and work zones expressly allows the use of a wireless communications device if it is operated in a hands-free or hands-free in voice-operated mode, including, but not limited to, a factory-installed or after-market Bluetooth device while driving.¹⁷

Penalties

A first violation of the ban on the use of wireless communications devices in a handheld manner in school and work zones is punishable as a noncriminal traffic infraction, punishable as a moving violation,¹⁸ and a violator will have 3 points assessed against his or her driver license.¹⁹ For a first offense, in lieu of the \$60 fine, additional court costs, and the assessment of points, a person may elect to participate in a wireless communications device driving safety program approved by the DHSMV. Upon completion of such program, the penalty and associated costs may be waived by the clerk of the court and the assessment of points must be waived.²⁰

Additionally, the clerk of the court may dismiss a case and assess court costs for a nonmoving traffic infraction for a person who is cited for a first-time violation of this section if the person shows the clerk proof of purchase of equipment that enables his or her personal wireless communications device to be used in a hands-free manner.²¹ All the proceeds collected from

¹² Section 316.003(111), F.S., defines work zone as the area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.

¹³ Section 316.306(3)(a), F.S., provides that the prohibition on work zone areas is only applicable if the construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area.

¹⁴ Sections 316.306(2) and 316.306(3)(a), F.S.

¹⁵ Section 316.306(1), F.S.

¹⁶ Section 316.306(3), F.S.

¹⁷ *Id.*

¹⁸ Chapter 318, F.S., provides that such violation carries a \$60 fine plus court costs.

¹⁹ Section 316.306(4)(a), F.S.

²⁰ *Id.*

²¹ Section 316.306(4)(b), F.S.

such penalties must be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.²²

Data Collection and Reporting Requirement

When a law enforcement officer issues a citation for a violation of the ban on the use of wireless communications device in a handheld manner in school and work zones, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and must report such information to the DHSMV in a form and manner determined by the DHSMV. The DHSMV must annually report the data collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies.²³

Driver Improvement Schools

The DHSMV currently approves and regulates the courses of all driver improvement schools. They are responsible for setting and modifying course content requirements to keep with current laws and safety information. They must annually review changes made to major traffic laws of the state and change course content accordingly.²⁴

As previously discussed, under certain circumstances a person may take a driver improvement course to waive the fees and fines associated with a traffic violation.

Sale of Service Appointments

Current law does not prohibit a person from selling or offering to sell a service appointment offered by an office of the DHSMV or an office of a tax collector acting as an authorized agent of the DHSMV. The DHSMV and authorized tax collectors offer various service appointments, including those relating to the issuance of:

- Driver licenses and identification cards;
- Motor Vehicle, mobile home and vessel registrations; and
- Certificate of titles for motor vehicles, mobile homes, and vessels.²⁵

Currently, certain private entities have been accused of booking DHSMV-related appointments and selling them for money. For example, officials with the Miami-Dade Tax Collector's Office have indicated that they, "have uncovered a network of appointment scalpers that are profiting

²² Section 316.306(5), F.S.

²³ Section 316.306(6), F.S.

²⁴ Section 318.1451, F.S.

²⁵ See Chs 319, 320, 322, and 328, F.S.

from [such] appointments.”²⁶ The Miami-Dade Tax Collector has found that certain entities are using fake accounts and selling appointments at prices ranging from \$25 to \$250.²⁷

Certificate of Original and Duplicate Title Issuance

An application for a certificate of title must be filed with the DHSMV, and must be accompanied by the required fee of \$75.75 (or \$87.75 for a vehicle with an out-of-state title).²⁸ If a certificate of title has previously been issued for a motor vehicle or mobile home in this state, the application for a certificate of title must be accompanied by the certificate of title duly assigned, or assigned and reassigned.²⁹ If the motor vehicle or mobile home for which application for a certificate of title is made is a new motor vehicle or new mobile home for which one or more manufacturers’ statements of origin are required by the provisions of the application for a certificate of title must be accompanied by all such manufacturers’ statements of origin.³⁰

A duly authorized person must sign the original certificate of title and each corrected certificate and, if there are no liens or encumbrances on the motor vehicle or mobile home, as shown in the records of the DHSMV or as shown in the application, deliver the certificate to the applicant or to another person as directed by the applicant or person, agent, or attorney submitting the application.³¹

Lost or Destroyed Certificates

If a certificate of title is lost or destroyed, application for a duplicate copy must be made to the DHSMV by the owner of the motor vehicle or mobile home or the holder of a lien on a form prescribed by DHSMV and accompanied by the fee prescribed in ch. 319, F.S. The application must be signed and sworn to by the applicant.³² The DHSMV must issue a duplicate copy of the certificate of title to the person entitled to receive the certificate of title under the provisions of ch. 319, F.S.³³

Mailing of Registration Certificates, License Plates, and Validation Stickers

The DHSMV and tax collectors may, at the request of the applicant, use the United States Postal Service to deliver registration certificates and renewals, license plates, mobile home stickers, and validation stickers to applicants.³⁴

²⁶ Kevin Boulandier, [Driving schools are booking up DMV appointments and selling them for hundreds of dollars, officials say](#), Miami 7 News, March 17, 2025. See also Amanda Plasencia, [Miami-Dade County tax collector uncovers network of scalpers selling DMV appointments](#), NBC 6 South Florida, March 18, 2025.

²⁷ *Id.*

²⁸ Section 319.23(1), F.S.

²⁹ *Id.*

³⁰ *Id.*

³¹ Section 319.24(2), F.S.

³² Section 319.29(4), F.S.

³³ *Id.*

³⁴ Section 320.031(1), F.S.

Disabled Veteran (“DV”) License Plate

Section 320.084(1), F.S., requires one free “DV” motor vehicle license number plate to be issued by DHSMV for use on any motor vehicle owned or leased by any disabled veteran who has been a Florida resident continuously for the preceding five years or has established a domicile in this state, and who has been honorably discharged from the United States Armed Forces.³⁵

Additionally, a disabled veteran who meets these requirements may be issued, in lieu of the “DV” license plate, a military license plate for which he or she is eligible, or a specialty license plate. A disabled veteran who elects a military license plate or specialty license plate, must pay all applicable fees related to such license plate, except for fees otherwise waived.³⁶

Issuance of Permanently Disabled Parking Permits

The DHSMV or its authorized agents must, upon application and receipt of the required fee, issue a disabled parking permit for a period of up to 4 years, which period ends on the applicant’s birthday, to any person who has long-term mobility impairment. No person will be required to pay a fee for a parking permit for disabled persons more than once in a 12-month period from the date of the prior fee payment.³⁷

In order for an applicant to be certified as having a long-term mobility impairment for a disabled parking permit, they must meet one of the following criteria:

- Is certified legally blind.
- Has an inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person. If the assistive device significantly restores the person’s ability to walk to the extent that the person can walk without severe limitation, the person is not eligible for the exemption parking permit.
- The need to permanently use a wheelchair.
- Restriction by lung disease to the extent that the person’s forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the person’s arterial oxygen is less than 60 mm/hg on room air at rest.
- Use of portable oxygen.
- Restriction by cardiac condition to the extent that the person’s functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
- Severe limitation in the person’s ability to walk due to an arthritic, neurological, or orthopedic condition.³⁸

The certification of the disability listed above must be provided by a specified physician, with certain requirements related to the long-term mobility impairment. The certificate of disability must include the:

- Disability of the applicant;

³⁵ Section 320.084(1), F.S.

³⁶ Section 320.084(6)(a), F.S.

³⁷ Section 320.0848(1)(a), F.S.

³⁸ Section 320.0848(1)(b), F.S.

- Certifying practitioner's name, address, and certification number;
- Eligibility criteria for the permit;
- Penalty for falsification by either the certifying practitioner or applicant;
- Duration of the condition that entitles the applicant for the permit;
- Justification for any additional placard;
- Statement, in bold letters: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility;" and
- Signatures of the applicant's physician or other certifying practitioner, applicant, and employee of the DHSMV's authorized agent which is processing the application.³⁹

A disabled parking permit is a placard that is visible from the front and the rear of a vehicle and must be hung from the vehicle's rear-view mirror when the vehicle is parked in a designated accessible parking space.⁴⁰ Each side of the placard displays the international symbol of accessibility, and a decal indicating the expiration date of the placard. One side of the placard must display the applicant's Florida driver license or identification card number, along with a warning that the applicant must have such identification at all times while using the permit.⁴¹

A law enforcement officer or parking enforcement specialist has the right to demand to be shown the person's disabled parking permit and driver license or identification card and may charge the person in control of the vehicle with resisting an officer without violence if the person refuses.⁴²

Any person who fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space, or who uses an unauthorized replica of such permit, is guilty of a second degree misdemeanor.⁴³

Any person who knowingly makes a false or misleading statement on an application to obtain a disabled parking permit commits a first degree misdemeanor.⁴⁴

Transition of Driver License Issuance Services to Tax Collectors

Section 322.02, F.S., provides a statement of legislative intent relating to the transition of driver license services from the DHSMV to the tax collectors.⁴⁵ Specifically, the statement provides that it is the intent of the Legislature that the complete transition of all driver license issuance services to tax collectors, who are constitutional officers under s. 1(d), Art. VIII of the State Constitution, be completed no later than June 30, 2015.⁴⁶ The transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the DHSMV.⁴⁷

³⁹ Section 320.0848(1)(c), F.S.

⁴⁰ DHSMV, Application for Disabled Person Parking Permit, available at <https://www.flhsmv.gov/pdf/forms/83039.pdf> (last visited March 29, 2025).

⁴¹ An exemption may be obtained from this requirement by the certifying physician in cases where the severity of the disability prevents the person from physically visiting or being transported in order to be issued a driver license or identification card; s. 320.0848(2)(a), F.S.

⁴² Section 316.1955, F.S.

⁴³ Section 320.0848(7), F.S.

⁴⁴ Section 320.0848(6), F.S.

⁴⁵ Section 322.02(1), F.S.

⁴⁶ *Id.*

⁴⁷ *Id.*

The tax collector in and for his or her county may be designated the exclusive agent of the DHSMV to implement and administer the provisions of ch. 322, F.S., as provided by s. 322.135, F.S.⁴⁸

On November 6, 2018, Florida voters approved Amendment 10 to the Florida Constitution, which provided for the election of tax collectors in all counties, including the counties of Volusia, Broward, and Miami-Dade, who had yet to elect tax collectors in their respective counties. A tax collector for Volusia County was elected in 2021 and began to assume the duties of issuing driver's licenses in its two offices, which was completed at the end of January 2022. Broward and Miami-Dade counties elected new tax collectors in November of 2024, and as of March 2025, have begun the transition of those duties from the DHSMV. Until the transition is complete for Miami-Dade and Broward counties, the DHSMV will continue its driver license services in its eight offices in Miami-Dade County, and its five offices in Broward County. Miami-Dade County has assumed operation of one of the DHSMV's driver license offices as of March 2025.⁴⁹

Driver License Examinations

The DHSMV is required to conduct an examination of every applicant for a driver license, including an applicant who is licensed in another state or country, except under certain conditions.⁵⁰ A person who holds a learner's driver license is not required to pay a fee for successfully completing the examination showing his or her ability to operate a motor vehicle and need not pay the fee for a replacement license.⁵¹

Class E Driver License

A Class E driver license examination includes all of the following:

- A test of the applicant's eyesight given by the driver license examiner designated by the DHSMV or by a licensed ophthalmologist, optometrist, or physician.⁵²
- A test of the applicant's hearing given by a driver license examiner or a licensed physician.⁵³
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances.⁵⁴

⁴⁸ Section 322.02(5), F.S.

⁴⁹ DHSMV, *2025 Legislative Bill Analysis: SB 1348* (March 17, 2025) at p. 4 (on file with the Senate Transportation Committee).

⁵⁰ Section 322.12(2), F.S.

⁵¹ *Id.*

⁵² Section 322.12(3)(a), F.S.

⁵³ Section 322.12(3)(b), F.S.

⁵⁴ Section 322.12(3)(c), F.S.

- An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.⁵⁵

Commercial Driver License

The examination for a commercial driver license must include the following:

- A test of the applicant's eyesight given by a driver license examiner designated by the DHSMV or by a licensed ophthalmologist, optometrist, or physician and a test of the applicant's hearing given by a driver license examiner or a licensed physician.
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; his or her knowledge of the effects of alcohol and controlled substances and the dangers of driving a motor vehicle after having consumed alcohol or controlled substances; and his or her knowledge of any special skills, requirements, or precautions necessary for the safe operation of the class of vehicle which he or she is applying to be licensed to operate.
- An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.⁵⁶

The portion of the examination which tests an applicant's safe driving ability must be administered by the DHSMV or by an entity authorized by the DHSMV to administer such examination, pursuant to s. 322.56, F.S. Such an examination must be administered at a location approved by the DHSMV.⁵⁷

A person who seeks to retain a hazardous-materials endorsement must, upon renewal, pass the test for such endorsement as specified in s. 322.57(1)(e) F.S., if the person has not taken and passed the hazardous-materials test within two years preceding his or her application for a commercial driver license in this state.⁵⁸

If the DHSMV has sufficient evidence that an applicant has cheated on an examination, the DHSMV, after providing a notice of rights under ch. 120, F.S., may suspend a person's driver license for one year. When an applicant returns to take the examination, they are charged \$20 for each subsequent examination. If the test is administered by a tax collector, the tax collector retains the \$20 fee, less the general revenue service fee. The tax collector may also charge a \$6.25 service fee.⁵⁹

⁵⁵ Section 322.12(3)(d), F.S.

⁵⁶ Section 322.12(4), F.S.

⁵⁷ Section 322.12(4)(a), F.S.

⁵⁸ Section 322.12(4)(b), F.S.

⁵⁹ DHSMV, *supra* note 20, at 5.

Driver License Agents - Voluntary Contributions

The DHSMV must authorize by interagency agreement the tax collectors, in accordance with rules of the department, to serve as its agent for the provision of specified driver license services.⁶⁰ The services provided by tax collectors are limited to the issuance of driver licenses and identification cards as authorized by ch. 322, F.S.⁶¹

Currently, customers do not have the option of rounding up their transaction amount to the next dollar amount to charity, however, customers are allowed to make a voluntary contribution when renewing a driver license or motor vehicle registration to statutorily approved organizations.⁶²

Temporary Disqualification of a Commercial Driver License

A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial driver license, at no cost.⁶³ Such person may, upon the completion of his or her disqualification, be issued a commercial driver license, of the type disqualified, for the remainder of his or her unexpired license period.⁶⁴ Eligible persons must pay the reinstatement fee provided in s. 322.21, F.S., before being issued a commercial driver license.⁶⁵ This section of law does not currently reference the term “if eligible,” rather it is implied that eligibility is a requirement.

Restricted Driving Privileges

A person whose driving privilege has been revoked under s. 322.27(5) F.S.,⁶⁶ may, upon expiration of 12 months from the date of such revocation, petition the DHSMV for reinstatement of his or her driving privilege.⁶⁷ Upon such petition and after investigation of the person’s qualification, fitness, and need to drive, the DHSMV must hold a hearing pursuant to ch. 120, F.S., to determine whether the driving privilege should be reinstated on a restricted basis solely for business or employment purposes.⁶⁸

Return of Certain Suspended Driver Licenses

An examination is not required for the return of a driver license suspended under the following conditions:

- Failure to comply with civil penalty or failure to appear.

⁶⁰ Section 322.135(1), F.S.

⁶¹ Section 322.135(1)(a), F.S.

⁶² Section 322.08(8), F.S.

⁶³ Section 322.251(4), F.S.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Section 322.27, F.S., provides that DHSMV shall revoke the license of any person designated a habitual offender, as set forth in s. [322.264](#), and such person is not eligible to be relicensed for a minimum of 5 years from the date of revocation, except as provided for in s. [322.271](#). Any person whose license is revoked may, by petition to DHSMV, show cause why his or her license should not be revoked.

⁶⁷ Section 322.271(1)(b), F.S.

⁶⁸ *Id.*

- Failure of a person charged with specified offenses under chs. 316 and 320, F.S.
- Failure to comply with directives ordered by traffic court.
- Failure to pay child support in non-IV-D cases.⁶⁹

A person applying for the return of a license suspended under the above conditions must present the DHSMV with certification from the court that he or she has complied with all obligations and penalties imposed pursuant to the conditions, and that they have complied with all the directives of the court, and pay a nonrefundable service fee of \$60, of which \$37.50 shall be deposited into the General Revenue Fund and \$22.50 shall be deposited into the Highway Safety Operating Trust Fund.⁷⁰ If reinstated by the clerk of the court or tax collector, \$37.50 must be retained and \$22.50 must be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. Drivers whose licenses are suspended or revoked are required to pay a \$45 fee or \$75 fee under s. 322.21(8), F.S., to reinstate a suspended or revoked license, however, if the \$45 or \$75 fee is paid, the DHSMV will not charge the \$60 fee referenced above.⁷¹

III. Effect of Proposed Changes:

Section 1 amends ss. 316.305, F.S., to enhance penalties related to the “Florida Ban on Texting While Driving.” Specifically, the bill does the following:

- Increases the first offense of texting while driving from a nonmoving violation to a moving violation and provides that a person shall have 3 points assessed to his or her driver license. A person may elect to participate in a specific distracted driving program. Upon successful completion, the fine and points may be waived.
- Provides that upon a second or subsequent offense of texting while driving within 5 years the person shall have 4 points assessed to his or her driver license. A person may elect to participate in a specific distracted driving program. Upon successful completion, the fine and points may be waived.

Section 2 amends s. 316.306, F.S. to provide that a person who is in violation of the prohibition on the use of a wireless communication device in a handheld manner while driving in a school or work zone, may also opt to take a distracted driving program to waive the fine and points from his or her driver license.

Section 3 amends s. 316.88, F.S., to provides that unless authorized in writing by DHSMV or a tax collector, a person is prohibited from selling or offering to sell a service appointment with a DHSMV office, or the office of a tax collector for any DHSMV-related service authorized in law. The bill provides that any person who violates this prohibition commits a first degree misdemeanor.

Section 4 amends s. 318.14, F.S. to direct DHSMV to create a 4-hour basic driver improvement course specifically related to distracted driving. The course must include testimonials of people whose lives have been affected by death or injury caused by distracted driving.

⁶⁹ Section 322.29(2), F.S.

⁷⁰ *Id.*

⁷¹ *Id.*

The bill also provides that all basic driver improvement courses must dedicate at least one hour to distracted driving, and that the course must include testimonials of people whose lives have been affected by death or injury caused by distracted driving.

Section 5 amends s. 319.24, F.S., to allow tax collectors, as authorized agents of the DHSMV, to deliver original certificates of title and corrected certificates by mail or make such certificates available to applicants at tax collectors' offices.

Section 6 amends s. 319.29, F.S., to provide that an application for a duplicate copy of a certificate of title may be fulfilled by the tax collector, acting as an authorized agent of the DHSMV. Upon the applicant's request, the duplicate copy may be issued by the tax collector and provided to the applicant at the tax collector's office or mailed by the tax collector to the applicant's address.

Section 7 amends s. 320.031, F.S., to allow tax collectors the ability to deliver in person at the request of the applicant, registration certificates, renewals, duplicate registration certificates, license plates, mobile home stickers, and validation stickers to the applicant.

Section 8 amends s. 320.084, F.S., to allow a disabled veteran who meets certain requirements to be issued a special or specialty license plate embossed with the initials "DV" in the top left-hand corner.

Section 9 amends s. 320.0848, F.S., to provide that the DHSMV must renew the disabled parking permit of a person certified as permanently disabled on the previous application for a subsequent four-year period without requiring the person to provide another certificate of disability, a United States Department of Veteran Affairs Form Letter 27-333, or its equivalent.

The bill would effectively allow a person to continue to apply for a permanently disabled parking permit decal every four years but only have to provide certification of disability from a physician every eight years.

Section 10 amends s. 322.02, F.S., to provide that the transition of all driver license issuance services from DHSMV to tax collectors, including the transition to the recently elected tax collectors in Broward and Miami-Dade counties, must be completed no later than June 30, 2027. The bill also repeals an existing provision that states that the transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the DHSMV.

The DHSMV has indicated that tax collector offices are largely turn-key operations, and the transition of driver license issuance services to the tax collectors should be completed by December 31, 2026. The Miami-Dade County Tax Collector has committed to transitioning at least three of its offices by June 30, 2026. The Broward County Tax Collector is continuing to assess the timeline to transition operations of the DHSMV's driver license offices. The DHSMV indicates that the budget to operate the 14 driver license offices in Miami-Dade and Broward counties is approximately \$27 million a year. The longer the transition takes, the longer the DHSMV will incur expenses associated with the operation of these driver license offices.⁷²

⁷² DHSMV, *Supra* note 20 at 6.

Section 11 amends s. 322.12, F.S., to explicitly state that a Class E driver license or a commercial driver license applicant who is found to have cheated during or otherwise circumvented any portion of the driver license examination must retake the examination.

Section 12 amends s. 322.135, F.S., to allow tax collectors to process driver license transactions using the DHSMV's online license and registration portal. It also allows tax collectors to offer a licensee or prospective licensee the option to increase the amount of his or her transaction to the next whole dollar amount in order to donate the amount of the increase to a charity registered with the Department of Agriculture and Consumer Services.

According to the DHSMV, the department previously agreed it will build functionality into the myDMV Portal to allow a customer the option to order a credential online and pick it up at their local tax collector's office the same day, if the customer is willing to pay the additional \$6.25 tax collector service fee.⁷³

Section 13 amends s. 322.251, F.S., to stipulate that a person whose privilege to operate a commercial motor vehicle is temporarily disqualified, may upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial license, if eligible, at no cost.

Section 14 amends s. 322.271, F.S., to provide that a person whose driving privilege has been revoked under s. 322.27(5) F.S., as a habitual traffic offender, may upon expiration of 12 months from the date of such revocation, petition the DHSMV for reinstatement of his or her driving privilege on a restricted basis for business or employment purposes. If the person subsequently violates the conditions of the restricted driving privilege, the restricted driving privilege must be revoked and the person is not eligible for any driving privilege for the remaining duration of the five-year period after his or her initial license revocation.

Section 15 amends s. 322.66 F.S., to conform a cross-reference.

Section 16 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁷³ *Id.*

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 DHSMV reports that the bill would not have a fiscal impact related the implementation of a new distracted driving improvement course. The DHSMV currently utilizes third-party vendors to assist in developing and creating driver improvement courses and content.

To the extent the bill delays the transition of driver license issuance services in Broward and Miami-Dade counties from the DHSMV to the recently elected tax collectors in those counties the DHSMV could incur additional, indeterminate expenditures.

The DHSMV reports that the bill would have an indeterminate negative fiscal impact on the department associated with information technology programming and implementation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.305, 316.306, 316.88, 318.14, 319.24, 319.29, 320.031, 320.084, 320.0848, 322.02, 322.12, 322.135, 322.251, 322.271, and 322.66.

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

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

CS/CS by Appropriations Committee on Transportation, Tourism, and Economic Development on April 15, 2025:

The committee substitute:

- Enhances penalties related to the "Florida Ban on Texting While Driving Law." It also directs the DHSMV to create a 4-hour basic driver improvement course specifically related to distracted driving, and requires that at least one hour of all basic driver improvement courses must be dedicated to distracted driving content.
- Prohibits a person, without authorization from the DHSMV or a tax collector, from selling or offering to sell service appointments offered by the DHSMV or an authorized tax collector.
- Allows a disabled veteran who meets certain requirements to be issued a special or specialty license plate embossed with the initials "DV" in the top left-hand corner.

CS by Transportation on April 1, 2025:

- Removes the provision related to removing certain commercial motor vehicles from service and the requirement for driver reexamination and third-party testing.
- Provides that a permitholder must continue to apply for a permanently disabled parking permit every four years, but specifies that the permitholder only has to provide certification of disability from a physician every eight years.
- Provides that the transition of driver license issuance services from the DHSMV to the tax collectors must be completed by June 30, 2027.
- Retains the requirement that a driver license applicant who is found to have cheated during the examination must retake the examination but removes an associated fee.
- Removes a provision relating to driver license revocations based solely on convictions for certain nonmoving violations.
- Restores an existing statutory provision that waives a driver license service fee in specified circumstances.

B. Amendments:

None.