

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">CS/CS/HB 961</a> <b>TITLE:</b> Department of Highway Safety and Motor Vehicles <b>SPONSOR(S):</b> Maney, Melo	<b>COMPANION BILL:</b> <a href="#">CS/CS/CS/SB 1348</a> (Trumbull) <b>LINKED BILLS:</b> None <b>RELATED BILLS:</b> None
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**FINAL HOUSE FLOOR ACTION:** 115 Y's 0 N's **GOVERNOR'S ACTION:** Pending

### SUMMARY

#### Effect of the Bill:

The bill makes various revisions to Department of Highway Safety and Motor Vehicles (DHSMV) processes, including:

- Prohibiting and penalizing 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.
- Authorizing tax collectors to deliver certain documents by mail or make them available at their office.
- Revising the requirements governing the issuance of disabled parking permits and creating a lifetime disabled parking permit for persons who are permanently disabled due to amputation or dismemberment.
- Revising the deadline by which the transition of driver license issuance services to tax collectors be completed from 2015 to 2027.
- Providing that certain driver applicants that cheat on their driver license exams must retake such exams.
- Authorizing tax collectors to process specified transactions using the DHSMV's online license and registration portal and offer licensees certain charitable donation options.
- Requiring the revocation of a restricted driving privilege in certain circumstances.
- Designating the week of April 14 as "Move Over Awareness Week."

#### Fiscal or Economic Impact:

This bill does not appear to have a fiscal impact on local governments. The bill may have an indeterminate positive fiscal impact on the private sector and an indeterminate fiscal impact on state government.

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### ANALYSIS

#### **EFFECT OF THE BILL:**

##### **Prohibiting the Sale of Service Appointments**

The bill prohibits a person 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, unless authorized in writing by the Department of Highway Safety and Motor Vehicles (DHSMV) or a tax collector. The bill provides that any person who violates this prohibition commits a misdemeanor of the first degree. (Section [1](#))

##### **Tax Collector Issuance and Delivery of Documents**

The bill allows 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.
- Issue duplicate copies of a certificate of title and provide such duplicate registration via mail to the applicant's address.
- Deliver in person, at the request of the applicant, registration certificates, renewals, duplicate registration certificates, license plates, mobile home stickers, and validation stickers. (Sections [2](#), [3](#), and [4](#))

**STORAGE NAME:** h0961z.GOS

**DATE:** 5/5/2025

## Disabled Parking Permits

The bill provides 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 or U.S. Department of Veterans Affairs Form Letter 27-333, or its equivalent. The bill allows 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 [5](#))

The bill authorizes the issuance of a lifetime disabled parking permit to a person who needs such permit and is certified as permanently disabled due to permanent dismemberment or an amputation. The permit is valid from the date of issuance until the person's death and is not subject to renewal every four years. A validation sticker must be issued with each lifetime disabled parking permit that indicates the permit does not expire. To obtain a replacement for a lifetime disabled permit that has been lost or stolen, a person may provide a certificate of disability issued at any time. (Section [5](#))

## Transition of Driver License Issuance Services from the DHSMV to Tax Collectors

The bill provides that the [transition of driver license issuance services from the 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 bill repeals obsolete language relating to an implementation schedule contained in a transition report that was submitted in 2011. (Sections [6](#) and [8](#))

## Driver License Examinations

The bill provides that a [Class E driver license](#) applicant 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 [7](#))

## Tax Collectors and the Online License and Registration Portal

The bill allows tax collectors to process driver license and identification card transactions using the DHSMV's [online license and registration portal](#) (MyDMV Portal). The bill 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 to donate the amount of the increase to a charity registered with the Department of Agriculture and Consumer Services. (Section [8](#))

## Temporary Disqualification of a Commercial Driver License

The bill clarifies that only an eligible 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 that is valid for the length of his or her unexpired commercial license at no cost. (Section [9](#))

## Restricted Driver Licenses for Habitual Offenders

The bill provides that if a [habitual offender](#) is granted a limited driving privilege and 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 [10](#))

## Move Over Awareness

The bill designates the week of April 14 as "Move Over Awareness Week," and encourages the DHSMV, local governments, and other agencies to sponsor events to promote public awareness on the dangers of failing to comply with the [Move Over Act](#). (Section [12](#))

## Effective Date

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2026. (Section [13](#))

## FISCAL OR ECONOMIC IMPACT:

### STATE GOVERNMENT:

The bill may have an indeterminate fiscal impact on DHSMV as the department may incur programming costs relating to the creation of a lifetime disabled parking permit.

### PRIVATE SECTOR:

Certain charities may see an increase in revenues to the extent a licensee or prospective licensee at a tax collector's office chooses to increase the amount of his or her transaction to the next whole dollar amount to donate to a charity registered with the Department of Agriculture and Consumer Services.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Prohibiting the 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 Department of Highway Safety and Motor Vehicles (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
- Certificates of title for motor vehicles, mobile homes, and vessels.<sup>1</sup>

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 indicated they "have uncovered a network of appointment scalpers that are profiting from [such] appointments."<sup>2</sup> The Miami-Dade Tax Collector has found that certain entities are using fake accounts and selling appointments at prices ranging from \$25 to \$250.<sup>3</sup>

#### Issuance of Certificates of Title and other Documents

An application for a certificate of title must be filed with the DHSMV and must be accompanied by the required fee of \$75.25.<sup>4</sup> 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, deliver the certificate to the applicant or to another person as directed by the applicant or person, agent, or attorney submitting the application.<sup>5</sup>

If a certificate of title is lost or destroyed, a sworn 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 the DHSMV and accompanied by the applicable fee.<sup>6</sup> The DHSMV must issue a duplicate copy of the certificate of title to the person entitled to receive the certificate of title.

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.<sup>7</sup>

#### Disabled Parking Permit

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 four years to any person who has long-term mobility impairment.<sup>8</sup> A certificate

<sup>1</sup> See ch. 319, 320, 322, or 328, F.S.

<sup>2</sup> Kevin Bouldier, [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.

<sup>3</sup> *Id.*

<sup>4</sup> S. [319.23\(1\), F.S.](#) See also DHSMV, [Fees](#) (last visited May 2, 2025).

<sup>5</sup> S. [319.24\(2\), F.S.](#)

<sup>6</sup> S. [319.29\(1\), F.S.](#)

<sup>7</sup> S. [320.031\(1\), F.S.](#)

<sup>8</sup> S. [320.0848\(1\)\(a\), F.S.](#)

of disability is required for an original and renewal disabled parking permit and must be provided by a licensed physician, podiatrist, optometrist, advanced registered nurse practitioner, physician's assistant, or a similarly licensed physician from another state.<sup>9</sup> There is no charge for a permanent disabled parking permit.<sup>10</sup> To obtain a replacement for a disabled parking permit that has been lost or stolen, a person must submit:

- A DHSMV application form;
- A certificate of disability issued within the last 12 months; and
- A replacement fee in the amount of \$1, unless submitted with a police report documenting that the permit was stolen.<sup>11</sup>

### **Transition of Driver License Issuance Services from the DHSMV to Tax Collectors**

Tax collectors may be designated the exclusive agent of the DHSMV to implement and administer driver license issuance services.<sup>12</sup> Current law provides that the intent is to transition driver license issuance services from the DHSMV to the tax collectors no later than June 30, 2015.<sup>13</sup>

Before 2018, the transition to driver license services in the charter counties that did not elect tax collectors—Miami-Dade, Broward, and Volusia—was authorized, but not required to occur.<sup>14</sup> On November 6, 2018, Florida voters approved Amendment 10 to the Florida Constitution,<sup>15</sup> which required the counties of Miami-Dade, Broward, and Volusia to elect tax collectors. A tax collector for Volusia County was elected in 2021 and began to assume the duties of issuing driver 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 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. As of March 2025, Miami-Dade County has assumed operation of one DHSMV driver license office.<sup>16</sup>

### **Driver License Examinations**

The DHSMV must 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.<sup>17</sup>

#### [Class E Driver License](#)

An applicant for 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.<sup>18</sup>
- A test of the applicant's hearing given by a driver license examiner or a licensed physician.<sup>19</sup>
- 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.<sup>20</sup>
- An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.<sup>21</sup>

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<sup>9</sup> S. [320.0848\(1\)\(b\), F.S.](#)

<sup>10</sup> S. [320.0848\(1\)\(a\), F.S.](#)

<sup>11</sup> S. [320.0848\(2\)\(d\), F.S.](#)

<sup>12</sup> S. [322.02\(5\), F.S.](#)

<sup>13</sup> S. [322.02\(1\), F.S.](#)

<sup>14</sup> *Id.*

<sup>15</sup> [Art. VIII, S. 1\(d\), FLA. CONST.](#)

<sup>16</sup> DHSMV, [Agency Analysis of House Bill 961, p.4](#) (Mar. 20, 2025).

<sup>17</sup> S. [322.12\(2\), F.S.](#)

<sup>18</sup> S. [322.12\(3\)\(a\), F.S.](#)

<sup>19</sup> S. [322.12\(3\)\(b\), F.S.](#)

<sup>20</sup> S. [322.12\(3\)\(c\), F.S.](#)

<sup>21</sup> S. [322.12\(3\)\(d\), F.S.](#)

## [Commercial Driver License](#)

The examination for an applicant 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 that 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 that 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 that the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.<sup>22</sup>

The portion of the examination that tests an applicant's safe driving ability must be administered by the DHSMV or an entity authorized by the DHSMV to administer such examination. Such an examination must be administered at a location approved by the DHSMV.<sup>23</sup>

A person who seeks to retain a hazardous-materials endorsement must, upon renewal, pass the test for such endorsement 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.<sup>24</sup>

If the DHSMV has sufficient evidence that an applicant has cheated on an examination, the DHSMV may suspend a person's driver license for one year. When an applicant returns to take the examination, such applicant is 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.<sup>25</sup>

## [Online License and Registration Portal](#)

The DHSMV is required, upon application, to 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.<sup>26</sup> Such services are limited to the issuance of driver licenses and identification cards.<sup>27</sup>

The DHSMV's online license and registration portal (MyDMV Portal) is a customer facing portal that allows Florida residents to renew or replace a driver license, identification card, and vehicle registration. According to the DHSMV, the department previously agreed to build functionality into the MyDMV Portal to allow customers 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 an additional \$6.25 tax collector service fee.<sup>28</sup>

Currently, customers do not have the option of rounding up their transaction amount to the next dollar amount and donating those funds to charity. However, customers are allowed to make a voluntary contribution when renewing a driver license or motor vehicle registration to statutorily approved organizations.<sup>29</sup>

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<sup>22</sup> S. [322.12\(4\), F.S.](#)

<sup>23</sup> S. [322.12\(4\)\(a\), F.S.](#)

<sup>24</sup> S. [322.12\(4\)\(b\), F.S.](#)

<sup>25</sup> DHSMV, [Agency Analysis of House Bill 961, p. 5](#) (Mar. 20, 2025).

<sup>26</sup> S. [322.135\(1\), F.S.](#)

<sup>27</sup> S. [322.135\(1\)\(a\), F.S.](#)

<sup>28</sup> DHSMV, [Agency Analysis of House Bill 961, p. 10](#) (Mar. 20, 2025).

<sup>29</sup> S. [322.08\(8\), F.S.](#)

## 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.<sup>30</sup> After the period of disqualification ends, the person may be issued a commercial driver license for the remainder of his or her unexpired license period. Eligible persons must pay the reinstatement fee before being issued a commercial driver license.<sup>31</sup>

## Restricted Driver Licenses for Habitual Offenders

A person whose driving privilege has been revoked for being a habitual offender<sup>32</sup> may petition the DHSMV for reinstatement of his or her driving privileges after a period of 12 months has passed.<sup>33</sup> Upon such petition and after investigation of the person's qualification, fitness, and need to drive, the DHSMV must hold a hearing to determine whether the driving privilege should be reinstated on a restricted basis solely for business or employment purposes.

Current law defines the term "[habitual offender](#)" as any person whose record, as maintained by the DHSMV, shows that such person has accumulated the specified number of convictions for offenses described below within a five-year period:

- Three or more convictions of any one or more of the following offenses arising out of separate acts:
  - Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;
  - Any violation relating to driving under the influence;
  - Any felony in the commission of which a motor vehicle is used;
  - Driving a motor vehicle while his or her license is suspended or revoked;
  - Failing to stop and render aid as required under the laws of this state in the event of a motor vehicle crash resulting in the death or personal injury of another; or
  - Driving a commercial motor vehicle while his or her privilege is disqualified.
- Fifteen convictions for moving traffic offenses for which points may be assessed.<sup>34</sup>

## Move Over Act

In 2002, the Legislature created the Move Over Act.<sup>35</sup> The act requires a driver traveling along a highway with two or more lanes to vacate the lane closest to the following vehicles:

- Authorized emergency vehicles.
- Sanitation vehicles.
- Utility service vehicles.
- Wreckers.
- Maintenance or construction vehicles displaying warning lights.
- Disabled vehicles on the side of the road.<sup>36</sup>

If the driver is unable to safely vacate the lane closest to those vehicles, the driver must reduce his or her speed to a speed that is 20 miles per hour (mph) less than the posted speed limit when the speed limit is 25 mph or greater.<sup>37</sup> The DHSMV must provide an educational awareness campaign informing the motoring public about the Move Over Act. The DHSMV is also required to provide information about the Move Over Act in all newly printed driver license educational materials.<sup>38</sup> In 2024, there were 205 crashes resulting from motorists failing to comply with the Move Over Act.<sup>39</sup>

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<sup>30</sup> S. [322.251\(4\), F.S.](#)

<sup>31</sup> *Id.*

<sup>32</sup> Section [322.27\(5\), F.S.](#), provides that DHSMV must revoke the license of any person designated a habitual offender, and such person is not eligible to be relicensed for a minimum of five years from the date of revocation. Any person whose license is revoked may, by petition to DHSMV, show cause why his or her license should not be revoked.

<sup>33</sup> S. [322.271\(1\)\(b\), F.S.](#)

<sup>34</sup> S. [322.264, F.S.](#)

<sup>35</sup> Ch. 2002-217, L.O.F.

<sup>36</sup> S. [316.126\(1\)\(b\), F.S.](#)

<sup>37</sup> S. [316.126\(1\)\(b\)2.](#)

<sup>38</sup> S. [316.126\(1\)\(c\), F.S.](#)

<sup>39</sup> DHSMV, [Move Over Crash and Citation Board](#) (last visited May 2, 2025).

