

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [HB 7013](#) **PCB GOS 26-07**

TITLE: OGSR/Department of Highway Safety and Motor Vehicles

SPONSOR(S): Government Operations Subcommittee, Conerly

COMPANION BILL: [CS/SB 7012](#)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Orig. Comm.: Government](#)

[Operations](#)

13 Y, 0 N

[Intergovernmental Affairs](#)

17 Y, 0 N

[State Affairs](#)

24 Y, 0 N

SUMMARY

Effect of the Bill:

The bill saves from repeal four public record exemptions for information received by the Department of Highway Safety and Motor Vehicles as part of its investigation or examinations relating to potential violations of the statutory provisions governing:

- Private rebuilt inspection providers.
- Title certificates.
- Motor vehicle licenses.
- Driver licenses and identification cards.

The public record exemptions will repeal on October 2, 2026, if the bill does not become a law.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

The bill removes the scheduled repeal dates, created pursuant to the [Open Government Sunset Review Act](#), of the four public record exemptions for information received by the Department of Highway Safety and Motor Vehicles (DHSMV) as part of its investigations or examinations of:

- Suspected violations of law by [private rebuilt inspection providers](#) or violations of any contract between DHSMV and those providers. (Section [1](#))
- [Suspected violations of ch. 319, F.S.](#), relating to title certificates, or any rule or order thereunder. (Section [2](#))
- [Suspected violations of ch. 320, F.S.](#), relating to motor vehicle licenses, or any rule or order thereunder. (Section [3](#))
- [Suspected violations of ch. 322, F.S.](#), relating to driver licenses and identification cards, or any rule or order thereunder. (Section [4](#))

The public record exemptions for such records will repeal on October 2, 2026, if the bill does not become a law. (Sections [1](#), [2](#), [3](#), and [4](#))

The effective date of the bill is upon becoming a law. (Section [5](#))

STORAGE NAME: h7013c.SAC

DATE: 1/27/2026

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR Act)¹ sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.²

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.³

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.⁴

Investigative Authority

In 2021, the Legislature authorized the Department of Highway Safety and Motor Vehicles (DHSMV) to issue investigatory subpoenas, take depositions, and compel the production of documents relating to potential violations of the statutory provisions governing:

- Private rebuilt inspection providers.
- Title certificates.
- Motor vehicle licenses.
- Driver licenses and identification cards.⁵

In addition to the expanded authority to conduct those investigations, the Legislature established a procedure for DHSMV to enforce a subpoena by petitioning a court of competent jurisdiction to issue an order requiring compliance. If a person or entity does not comply with the court order enforcing the subpoena, the court may rule that the failure to comply constitutes contempt of court.⁶

¹ [S. 119.15, F.S.](#)

² [S. 119.15\(3\), F.S.](#)

³ [S. 119.15\(6\)\(b\), F.S.](#)

⁴ [Art. I, s. 24\(c\), FLA. CONST.](#)

⁵ [Ch. 2021-187, L.O.F.](#)

⁶ [Id.](#)

Private Rebuilt Inspection Providers

Once a vehicle⁷ becomes junk⁸ or salvage,⁹ it needs to be rebuilt and physically inspected before it can be re-titled, sold, or exchanged. The inspection provides assurance to DHSMV and the eventual buyer that the identity of the vehicle is accurate and all major component parts have been repaired or replaced.¹⁰ DHSMV is authorized to carry out these inspections; however, DHSMV may authorize, through memoranda of understandings, private entities to serve as rebuilt inspection providers¹¹ and conduct rebuilt inspection services¹² provided that certain statutory requirements—criminal background checks on certain employees, mandatory bonding amounts and liability coverages, and facility specifications—are met.¹³ To determine whether an authorized private rebuilt inspection provider is complying with those statutory requirements (as well as any requirements the department sets out through contract), DHSMV may examine or investigate each inspection provider.¹⁴ These examinations and investigations ensure that the private rebuilt inspection provider is not colluding with bad actors, like chop shops, to disguise the identity of stolen motor vehicles. In Fiscal Year (FY) 2024-2025, there were 114,779 administrative investigations conducted relating to the private rebuilt inspection program.¹⁵

Suspected Violations of ch. 319, F.S.

DHSMV may investigate or examine any person suspected of violating the chapter of law regulating titles for motor vehicles, ch. 319, F.S., or any rule or order issued under that chapter.¹⁶ The chapter prohibits motor vehicle fraud, which consist of three main types: title fraud, odometer fraud, and vehicle cloning. Title fraud occurs when a title is altered in a way that misrepresents the true condition of the vehicle or false information is used to obtain ownership of a motor vehicle. Odometer fraud occurs when the mileage reading on a vehicle is altered to falsely reflect lower mileage. Vehicle cloning is a criminal scheme that involves stealing VIN numbers, counterfeiting VIN tags and forging ownership documents.¹⁷ In FY 2024-2025, there were 1,324 administrative investigations conducted relating to motor vehicle fraud.¹⁸

Suspected Violations of ch. 320, F.S.

DHSMV may examine or investigate any person suspected of violating the chapter of law regulating motor vehicle licenses, ch. 320, F.S., or any rule or order issued under that chapter.¹⁹ The chapter covers a variety of topics such as motor vehicle manufacturer and dealer licensing, motor vehicle registration, mobile home installation, license taxes, and the alteration of license plates. In FY 2024-2025, there were 1,324 administrative investigations conducted relating to motor vehicle fraud. In the same fiscal year, one subpoena was served from DHSMV's Bureau

⁷ [Section 319.14\(1\)\(c\)3., F.S.](#), defines the term “rebuilt vehicle” as a motor vehicle or mobile home built from salvage or junk.

⁸ [Section 319.30\(1\)\(h\), F.S.](#), defines the term “junk” as any material which is or may have been a motor vehicle or mobile home, with or without all component parts, which is inoperable and which material is in such condition that its highest or primary value is either in its sale or transfer as scrap metal or for its component parts, or a combination of the two, except when sold or delivered to or when purchased, possessed, or received by a secondary metals recycler or salvage motor vehicle dealer.

⁹ [Section 319.30\(1\)\(t\), F.S.](#), defines the term “salvage” as a motor vehicle or mobile home which is a total loss.

¹⁰ [S. 319.14\(1\)\(b\), F.S.](#)

¹¹ Department of Highway Safety and Motor Vehicles, [Private Rebuilt Vehicle Inspection Providers](#) (last visited Dec. 3, 2025). DHSMV provides a list of their authorized Private Rebuilt Vehicle Inspection providers on their website.

¹² [Section 319.141\(1\)\(b\), F.S.](#), provides that “rebuilt inspection services” includes the examination of the following: a rebuilt vehicle; a properly endorsed certificate of title, salvage certificate of title, or manufacturer’s statement of origin; an application for a rebuilt certificate of title; a rebuilders affidavit; a photograph of the junk or salvage vehicle taken before repairs began (if available, a photograph of the interior driver and passenger sides of the vehicle if airbags were previously deployed and replace); receipts or invoices for all major component parts and repairs which were changed; and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

¹³ [S. 319.141\(4\), F.S.](#)

¹⁴ [S. 319.1414\(1\), F.S.](#)

¹⁵ Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, Meeting Follow-up (Oct. 8, 2025) (on file with the Government Operations Subcommittee).

¹⁶ [S. 319.25\(3\), F.S.](#)

¹⁷ Department of Highway Safety and Motor Vehicles, [Motor Vehicle Fraud](#) (last visited Dec. 3, 2025).

¹⁸ Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, Meeting Follow-up (Oct. 8, 2025)(on file with the Government Operations Subcommittee).

¹⁹ [S. 320.861\(1\), F.S.](#)

of Dealer Services to an automotive company for suspected violations relating to its reimbursement schedule for goodwill repairs of motor vehicles.²⁰

Suspected Violations of ch. 322, F.S.

DHSMV may investigate and examine any person suspected of violating the chapter of law regulating driver licenses, ch. 322, F.S., or any rule or order issued under that chapter.²¹ The main types of fraud occurring in violation of this chapter are driver license and identification card fraud, which involves the illegal use of another person's identity, the submission of counterfeit identity documents, and all other activities intended to obtain a driver license or identification card by or for a person who is not eligible for a license or a card. Examples of such fraud include a person presenting a legitimate birth certificate belonging to another person to receive his or her driver license or identification card or the presentation of other counterfeit documents to prove citizenship.²² In FY 2024-2025, there were 3,300 administrative investigations conducted relating to DHSMV's Driver License Fraud Unit.²³

Public Record Exemption under Review

In 2021, the Legislature created four public record exemptions that protect information received by DHSMV as part of its investigations or examinations relating to potential violations of the statutory provisions governing:

- Private rebuilt inspection providers.
- Title certificates.
- Motor vehicle licenses.
- Driver licenses and identification cards.²⁴

The investigative records are confidential and exempt²⁵ from public record requirements, but become public once the investigation ceases to be active or administrative action taken by DHSMV has concluded or been made part of any hearing or court proceeding.²⁶ Additionally, DHSMV may release the protected information in the furtherance of its official duties and responsibilities or may release it to another governmental agency in the furtherance of that agency's duties and responsibilities.²⁷

The 2021 public necessity statement²⁸ provided that the release of the protected information "could obstruct or jeopardize the integrity of the investigation or examination and impair the ability of [DHSMV] in the performance of its official duties and responsibilities."²⁹

²⁰ Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, Meeting Follow-up (Oct. 8, 2025) (on file with the Government Operations Subcommittee).

²¹ [S. 322.71\(1\), F.S.](#)

²² Department of Highway Safety and Motor Vehicles, [Identity Theft and Driver License Fraud Protection](#) (last visited Dec. 3, 2025).

²³ Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, Meeting Follow-up (Oct. 8, 2025) (on file with the Government Operations Subcommittee).

²⁴ [Ch. 2021-237, L.O.F.; codified as ss. 319.1414\(5\), 319.25\(7\), 320.861\(5\), and 322.71\(5\), F.S.](#)

²⁵ There is a difference between records the Legislature designates *exempt* from public record requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004); *State v. Wooten*, 260 So. 3d 1060, 1070 (Fla. 4th DCA 2018); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. *See Op. Att'y Gen. Fla. 04-09* (2004).

²⁶ *Id.*

²⁷ *Id.*

²⁸ [Article I, s. 24\(c\), FLA. CONST.](#) requires each public record exemption to "state with specificity the public necessity justifying exemption."

²⁹ [Ch. 2021-237, L.O.F.](#)

Pursuant to the OGSR Act, the public record exemptions will repeal on October 2, 2026, unless reviewed and saved from repeal by the Legislature.³⁰

During the 2025 interim, House and Senate committee staff met with staff from DHSMV to discuss the public record exemptions under review. DHSMV staff provided that the department has received public record requests from suspected violators and their attorneys for complete investigative files. DHSMV staff noted that the exemptions prevent the person or entity who is being investigated or other unauthorized persons from learning investigative details at a time when those details could assist in evading detection for the suspected violation.³¹ DHSMV staff indicated that they were unaware of any litigation concerning the exemptions and have not had any issues interpreting or applying the exemptions. Nor were they aware of any other exemptions that protected the information or method by which a person could obtain information in the records by alternative means. DHSMV staff recommended that the exemptions be reenacted as is to preserve the integrity of their investigations.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Government Operations Subcommittee	13 Y, 0 N	12/10/2025	Toliver	Walker
Intergovernmental Affairs Subcommittee	17 Y, 0 N	1/20/2026	Darden	Burgess
State Affairs Committee	24 Y, 0 N	1/27/2026	Williamson	Walker

³⁰ [Ss. 319.1414\(5\), 319.25\(7\), 320.861\(5\), and 322.71\(5\), F.S.](#)

³¹ Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, FW: OGSR Questionnaires (Dec. 3, 2025) (on file with the Government Operations Subcommittee).