

1 A bill to be entitled

2 An act relating to automatic license plate reader
3 systems; amending s. 316.003, F.S.; defining the term
4 "automatic license plate reader system"; amending s.
5 316.008, F.S.; authorizing counties and municipalities
6 to install automatic license plate reader systems for
7 a specified purpose; creating s. 316.647, F.S.;
8 requiring the Department of Highway Safety and Motor
9 Vehicles to establish the Uninsured Vehicle
10 Enforcement Program; providing the purpose of the
11 program; requiring the department, in coordination
12 with the Department of Transportation, to install and
13 operate automatic license plate reader systems on
14 infrastructure; requiring the Department of Highway
15 Safety and Motor Vehicles to coordinate with
16 municipalities and counties to install such systems;
17 authorizing the department to use such systems to
18 access and collect certain data; providing
19 requirements for the program; authorizing the
20 department to contract with an entity to provide
21 necessary technology, equipment, and maintenance for
22 the program; authorizing law enforcement officers to
23 verify certain information by sworn affidavit;
24 providing that such affidavit constitutes probable
25 cause for prosecution; requiring data collected or

26 retained under the program to be retained by a law
27 enforcement agency under specified circumstances;
28 prohibiting data collected or retained through the use
29 of an automated license plate reader system from being
30 used by an individual or agency for purposes other
31 than traffic safety and traffic monitoring;
32 prohibiting law enforcement agencies and certain other
33 agencies from selling license plate data or sharing
34 such data unless otherwise authorized; requiring the
35 department to annually publish a report by a specified
36 date; requiring the department to provide such report
37 to the Legislature; providing requirements for such
38 report; providing applicability; authorizing the
39 department to adopt rules; amending ss. 212.05,
40 316.306, and 655.960, F.S.; conforming cross-
41 references; providing an effective date.

42
43 WHEREAS, the Insurance Information Institute reports that,
44 in 2015, the estimated percentage of uninsured motorists in
45 Florida ranked the highest of any state at 26.7 percent, and

46 WHEREAS, while many Floridians are paying premiums for
47 uninsured motor vehicle coverage, the state is missing tax
48 revenue associated with premiums from those who do not carry
49 this coverage, and

50 WHEREAS, crashes caused by uninsured motorists result in a

51 significant economic impact on Floridians and the state, and

52 WHEREAS, an uninsured vehicle enforcement program is one
 53 tool for encouraging motorists to comply with motor vehicle
 54 coverage requirements, and

55 WHEREAS, an uninsured vehicle enforcement program would
 56 give a vehicle owner the opportunity to choose vehicle insurance
 57 that meets his or her needs, and

58 WHEREAS, reducing the number of cases involving the justice
 59 system will reduce the fiscal impact of uninsured motorists on
 60 the state, and

61 WHEREAS, the collection of citation and diversion fees from
 62 those who have violated motor vehicle insurance laws under the
 63 uninsured vehicle enforcement program would reduce the tax
 64 burden on all Floridians, and

65 WHEREAS, similar enforcement programs implemented elsewhere
 66 have demonstrated that they are effective at increasing safety
 67 and reducing burdens on the justice system, and

68 WHEREAS, other state legislatures are considering enacting
 69 similar legislation in 2021, NOW, THEREFORE,

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 71 Be It Enacted by the Legislature of the State of Florida:

72
 73 Section 1. Present subsections (4) through (105) of
 74 section 316.003, Florida Statutes, are redesignated as
 75 subsections (5) through (106), respectively, a new subsection

76 (4) is added to that section, and present subsection (62) of
 77 that section is amended, to read:

78 316.003 Definitions.—The following words and phrases, when
 79 used in this chapter, shall have the meanings respectively
 80 ascribed to them in this section, except where the context
 81 otherwise requires:

82 (4) AUTOMATIC LICENSE PLATE READER SYSTEM.—A system of one
 83 or more mobile or fixed cameras that capture images of
 84 registration plates to which computer algorithms are applied to
 85 convert those images into computer-readable data.

86 (63)~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 87 provided in paragraph (85) (b) ~~(84) (b)~~, any privately owned way
 88 or place used for vehicular travel by the owner and those having
 89 express or implied permission from the owner, but not by other
 90 persons.

91 Section 2. Subsection (9) is added to section 316.008,
 92 Florida Statutes, to read:

93 316.008 Powers of local authorities.—

94 (9) In coordination with the Department of Highway Safety
 95 and Motor Vehicles and the Department of Transportation, a
 96 county, in any unincorporated area of that county, or a
 97 municipality, within the incorporated area of that municipality,
 98 may install, or may authorize by contract or interlocal
 99 agreement installation of, an automatic license plate reader
 100 system on streets and highways under its jurisdiction to enforce

101 the Uninsured Vehicle Enforcement Program established under s.
102 316.647.

103 Section 3. Section 316.647, Florida Statutes, is created
104 to read:

105 316.647 Uninsured Vehicle Enforcement Program.—

106 (1) The department shall establish the Uninsured Vehicle
107 Enforcement Program. The purpose of the program is to enhance
108 public safety through increased compliance with chapter 324.

109 (2) (a) The department, in coordination with the Department
110 of Transportation, shall install and operate automatic license
111 plate reader systems on infrastructure, including, but not
112 limited to, traffic signal poles and supports, highway sign
113 support structures, bridges, and overpasses. The installation of
114 the systems must make use of electrical power available on such
115 infrastructure.

116 (b) The department shall coordinate with municipalities
117 and counties in such installation as provided in s. 316.008(9).

118 (c) The department may use automatic license plate reader
119 systems to access and collect data for the investigation,
120 detection, analysis, or enforcement of compliance with chapter
121 324.

122 (3) The program must include all of the following:

123 (a) A system for matching a vehicle identified by an
124 automatic license plate reader system with insurance data held
125 by the department for registered vehicles.

126 (b) Appropriate safeguards and controls to prevent misuse
127 or unauthorized access.

128 (c) A disaster recovery plan to ensure service continuity
129 in the event of a disaster.

130 (d) A process for notifying the owner of record of a
131 vehicle who has been identified as not being in compliance with
132 chapter 324.

133 (4) The department may contract with an entity to provide
134 necessary technology, equipment, and maintenance for the program
135 and arrange for required updates and maintenance of system
136 software and for the analysis of the system's data and the
137 system's operational performance and effectiveness.

138 (5) A law enforcement officer may verify by sworn
139 affidavit, which affidavit constitutes probable cause for
140 prosecution under applicable state law, that:

141 (a) A photograph generated by an automatic license plate
142 reader system unit identifies a particular vehicle operating on
143 or having been operated on a public road, highway, street, or
144 turnpike or any other public place or upon any private road or
145 driveway that provides access to a single-family or multifamily
146 dwelling; and

147 (b) The data held by the department shows that the vehicle
148 was uninsured at the time such vehicle was being operated.

149 (6) (a) Data collected or retained through the use of an
150 automated license plate reader system under the program must be

151 retained by a law enforcement agency when the data is being used
152 as evidence of a violation of chapter 324; however, when the
153 data is no longer needed as evidence of a violation, the data
154 must be deleted or destroyed.

155 (b) Data collected or retained through the use of an
156 automated license plate reader system may not be used by any
157 individual or agency for purposes other than for traffic safety
158 or traffic monitoring. A law enforcement agency or any other
159 entity authorized to operate under this program may not sell
160 captured license plate data for any purpose or share such data
161 for any purpose not expressly authorized by this section.

162 (7) By September 15 of each year following the
163 implementation of the program, the department shall publish a
164 report on the operation of the program during the previous
165 fiscal year. An electronic copy of the report must be
166 distributed to the President of the Senate and the Speaker of
167 the House of Representatives. The report must include an
168 evaluation of program operations and may include any information
169 and recommendations for improvement of the program deemed
170 appropriate by the department.

171 (8) This section does not apply to, and may not be
172 construed or interpreted to prohibit the use of, any other
173 automated license plate reader system by an individual or a
174 private legal entity for purposes not otherwise prohibited by
175 law.

176 (9) The department may adopt rules to administer this
 177 section.

178 Section 4. Paragraph (c) of subsection (1) of section
 179 212.05, Florida Statutes, is amended to read:

180 212.05 Sales, storage, use tax.—It is hereby declared to
 181 be the legislative intent that every person is exercising a
 182 taxable privilege who engages in the business of selling
 183 tangible personal property at retail in this state, including
 184 the business of making mail order sales, or who rents or
 185 furnishes any of the things or services taxable under this
 186 chapter, or who stores for use or consumption in this state any
 187 item or article of tangible personal property as defined herein
 188 and who leases or rents such property within the state.

189 (1) For the exercise of such privilege, a tax is levied on
 190 each taxable transaction or incident, which tax is due and
 191 payable as follows:

192 (c) At the rate of 6 percent of the gross proceeds derived
 193 from the lease or rental of tangible personal property, as
 194 defined herein; however, the following special provisions apply
 195 to the lease or rental of motor vehicles:

196 1. When a motor vehicle is leased or rented for a period
 197 of less than 12 months:

198 a. If the motor vehicle is rented in Florida, the entire
 199 amount of such rental is taxable, even if the vehicle is dropped
 200 off in another state.

201 b. If the motor vehicle is rented in another state and
 202 dropped off in Florida, the rental is exempt from Florida tax.

203 2. Except as provided in subparagraph 3., for the lease or
 204 rental of a motor vehicle for a period of not less than 12
 205 months, sales tax is due on the lease or rental payments if the
 206 vehicle is registered in this state; provided, however, that no
 207 tax shall be due if the taxpayer documents use of the motor
 208 vehicle outside this state and tax is being paid on the lease or
 209 rental payments in another state.

210 3. The tax imposed by this chapter does not apply to the
 211 lease or rental of a commercial motor vehicle as defined in s.
 212 316.003(14) (a) ~~s. 316.003(13) (a)~~ to one lessee or rentee for a
 213 period of not less than 12 months when tax was paid on the
 214 purchase price of such vehicle by the lessor. To the extent tax
 215 was paid with respect to the purchase of such vehicle in another
 216 state, territory of the United States, or the District of
 217 Columbia, the Florida tax payable shall be reduced in accordance
 218 with the provisions of s. 212.06(7). This subparagraph shall
 219 only be available when the lease or rental of such property is
 220 an established business or part of an established business or
 221 the same is incidental or germane to such business.

222 Section 5. Paragraph (a) of subsection (3) of section
 223 316.306, Florida Statutes, is amended to read:

224 316.306 School and work zones; prohibition on the use of a
 225 wireless communications device in a handheld manner.-

226 (3) (a) 1. A person may not operate a motor vehicle while
 227 using a wireless communications device in a handheld manner in a
 228 designated school crossing, school zone, or work zone area as
 229 defined in s. 316.003(106) ~~s. 316.003(105)~~. This subparagraph
 230 shall only be applicable to work zone areas if construction
 231 personnel are present or are operating equipment on the road or
 232 immediately adjacent to the work zone area. For the purposes of
 233 this paragraph, a motor vehicle that is stationary is not being
 234 operated and is not subject to the prohibition in this
 235 paragraph.

236 2.a. During the period from October 1, 2019, through
 237 December 31, 2019, a law enforcement officer may stop motor
 238 vehicles to issue verbal or written warnings to persons who are
 239 in violation of subparagraph 1. for the purposes of informing
 240 and educating such persons of this section. This sub-
 241 subparagraph shall stand repealed on October 1, 2020.

242 b. Effective January 1, 2020, a law enforcement officer
 243 may stop motor vehicles and issue citations to persons who are
 244 driving while using a wireless communications device in a
 245 handheld manner in violation of subparagraph 1.

246 Section 6. Subsection (1) of section 655.960, Florida
 247 Statutes, is amended to read:

248 655.960 Definitions; ss. 655.960-655.965.—As used in this
 249 section and ss. 655.961-655.965, unless the context otherwise
 250 requires:

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251 (1) "Access area" means any paved walkway or sidewalk
252 which is within 50 feet of any automated teller machine. The
253 term does not include any street or highway open to the use of
254 the public, as defined in s. 316.003(85) (a) or (b) ~~s.~~
255 ~~316.003(84) (a) or (b)~~, including any adjacent sidewalk, as
256 defined in s. 316.003.

257 Section 7. This act shall take effect July 1, 2021.