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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 316.305, F.S.;
4 requiring law enforcement agencies to annually report
5 race and ethnicity data of certain violators to the
6 department; revising the date by which the department
7 must begin annually reporting such data to the
8 Governor and the Legislature; amending s. 316.646,
9 F.S.; deleting a precondition to a requirement that
10 the operator of a motor vehicle display proof of
11 maintenance of security to a law enforcement officer
12 or certain other persons; amending s. 319.141, F.S.;
13 extending the date by which the department must
14 implement a rebuilt motor vehicle inspection program;
15 adding counties where the program must be implemented;
16 deleting an obsolete provision; amending s. 319.32,
17 F.S.; prohibiting the department and a tax collector
18 from charging fees or service charges, except a
19 certain fee, under certain circumstances; amending s.
20 320.01, F.S.; revising the definition of the term
21 "apportionable vehicle"; amending s. 320.03, F.S.;
22 revising applicability; amending s. 320.77, F.S.;
23 requiring licensed mobile home dealers to deliver
24 certain documents to the department within a certain
25 timeframe; amending s. 320.771, F.S.; specifying the

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26 required term of a certain garage liability insurance
 27 policy; requiring licensed recreational vehicle
 28 dealers to deliver certain documents to the department
 29 within a certain timeframe; amending s. 320.8225,
 30 F.S.; requiring licensed mobile home manufacturers and
 31 recreational vehicle manufacturers, distributors, and
 32 importers to submit certain documents to the
 33 department within a certain timeframe; amending s.
 34 627.7415, F.S.; requiring that certain commercial
 35 motor vehicles meet certain federal financial
 36 responsibility requirements; providing an effective
 37 date.

38
 39 Be It Enacted by the Legislature of the State of Florida:

40
 41 Section 1. Subsection (5) of section 316.305, Florida
 42 Statutes, is amended to read:

43 316.305 Wireless communications devices; prohibition.—

44 (5) When a law enforcement officer issues a citation for a
 45 violation of this section, the law enforcement officer must
 46 record the race and ethnicity of the violator. All law
 47 enforcement agencies must maintain such information and report
 48 the information to the department by April 1 annually in a form
 49 and manner determined by the department. Beginning July 1, 2023
 50 ~~February 1, 2020~~, the department shall annually report the data

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51 collected under this subsection to the Governor, the President
52 of the Senate, and the Speaker of the House of Representatives.
53 The data collected must be reported at least by statewide totals
54 for local law enforcement agencies, state law enforcement
55 agencies, and state university law enforcement agencies. The
56 statewide total for local law enforcement agencies shall combine
57 the data for the county sheriffs and the municipal law
58 enforcement agencies.

59 Section 2. Subsection (2) of section 316.646, Florida
60 Statutes, is amended to read:

61 316.646 Security required; proof of security and display
62 thereof.—

63 ~~(2) If, upon a comparison of the vehicle registration~~
64 ~~certificate or other evidence of registration or ownership with~~
65 ~~the operator's driver license or other evidence of personal~~
66 ~~identity, it appears to a law enforcement officer or other~~
67 ~~person authorized to issue traffic citations that the operator~~
68 ~~is also the owner or registrant of the vehicle,~~ Upon the demand
69 of a ~~the~~ law enforcement officer or other person authorized to
70 issue traffic citations, the operator shall display proper proof
71 of maintenance of security as specified by subsection (1).

72 Section 3. Subsections (2) and (10) of section 319.141,
73 Florida Statutes, are amended to read:

74 319.141 Rebuilt motor vehicle inspection program.—

75 (2) By October 1, 2022 ~~2019~~, the department shall

76 | implement a program in Bay, Broward, Duval, Escambia,
 77 | Hillsborough, Leon, Manatee, Marion, Miami-Dade, Orange, Palm
 78 | Beach, and Volusia Counties ~~County~~ for rebuilt inspection
 79 | services offered by private sector participants.

80 | ~~(10) On or before July 1, 2021, the department shall~~
 81 | ~~submit a written report to the President of the Senate and the~~
 82 | ~~Speaker of the House of Representatives evaluating the~~
 83 | ~~effectiveness of the program and whether to expand the program~~
 84 | ~~to other counties.~~

85 | Section 4. Subsection (7) of section 319.32, Florida
 86 | Statutes, is amended to read:

87 | 319.32 Fees; service charges; disposition.—

88 | (7) Notwithstanding any other provision of this section,
 89 | the department and tax collector may not charge any fee or
 90 | service charge, except for the expedited title fee, if
 91 | applicable:7

92 | (a) For a certificate of title issued for a motor vehicle
 93 | solely to remove a deceased co-owner from a title registered in
 94 | the names of two persons if the other co-owner is the surviving
 95 | spouse; or

96 | (b) To issue a certificate of title solely to change the
 97 | ownership of a motor vehicle from a deceased spouse's name to
 98 | the surviving spouse's name.

99 | Section 5. Subsection (24) of section 320.01, Florida
 100 | Statutes, is amended to read:

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101 320.01 Definitions, general.—As used in the Florida
 102 Statutes, except as otherwise provided, the term:

103 (24) "Apportionable vehicle" means any vehicle, except
 104 recreational vehicles, vehicles displaying restricted plates,
 105 city pickup and delivery vehicles, ~~buses used in transportation~~
 106 ~~of chartered parties,~~ and government-owned vehicles, which is
 107 used or intended for use in two or more member jurisdictions
 108 that allocate or proportionally register vehicles and which is
 109 used for the transportation of persons for hire or is designed,
 110 used, or maintained primarily for the transportation of property
 111 and:

112 (a) Is a power unit having a gross vehicle weight in
 113 excess of 26,000 pounds;

114 (b) Is a power unit having three or more axles, regardless
 115 of weight; or

116 (c) Is used in combination, when the weight of such
 117 combination exceeds 26,000 pounds gross vehicle weight.

118
 119 Vehicles, or combinations thereof, having a gross vehicle weight
 120 of 26,000 pounds or less and two-axle vehicles may be
 121 proportionally registered.

122 Section 6. Subsection (8) of section 320.03, Florida
 123 Statutes, is amended to read:

124 320.03 Registration; duties of tax collectors;
 125 International Registration Plan.—

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126 (8) If the applicant's name appears on the list referred
127 to in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.
128 713.78(13), a license plate or revalidation sticker may not be
129 issued until that person's name no longer appears on the list or
130 until the person presents a receipt from the governmental entity
131 or the clerk of court that provided the data showing that the
132 fines outstanding have been paid. This subsection does not apply
133 to the owner of a leased vehicle if the vehicle is registered in
134 the name of the lessee of the vehicle. The tax collector and the
135 clerk of the court are each entitled to receive monthly, as
136 costs for implementing and administering this subsection, 10
137 percent of the civil penalties and fines recovered from such
138 persons. As used in this subsection, the term "civil penalties
139 and fines" does not include a wrecker operator's lien as
140 described in s. 713.78(13). If the tax collector has private tag
141 agents, such tag agents are entitled to receive a pro rata share
142 of the amount paid to the tax collector, based upon the
143 percentage of license plates and revalidation stickers issued by
144 the tag agent compared to the total issued within the county.
145 The authority of any private agent to issue license plates shall
146 be revoked, after notice and a hearing as provided in chapter
147 120, if he or she issues any license plate or revalidation
148 sticker contrary to the provisions of this subsection. This
149 section applies both ~~only~~ to the annual renewal ~~in the owner's~~
150 ~~birth month~~ of a motor vehicle registration and the replacement

151 of the motor vehicle registration or license plate, but does not
 152 apply to the transfer of a registration of a motor vehicle sold
 153 by a motor vehicle dealer licensed under this chapter, except
 154 for the transfer of registrations which includes the annual
 155 renewals. This section does not affect the issuance of the title
 156 to a motor vehicle, notwithstanding s. 319.23(8)(b).

157 Section 7. Paragraph (a) of subsection (16) of section
 158 320.77, Florida Statutes, is amended to read:

159 320.77 License required of mobile home dealers.—

160 (16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF
 161 CREDIT REQUIRED.—

162 (a) Before any license shall be issued or renewed, the
 163 applicant or licensee shall deliver to the department a good and
 164 sufficient surety bond, cash bond, or irrevocable letter of
 165 credit, executed by the applicant or licensee as principal.
 166 Within 10 calendar days after any renewal or continuation of or
 167 material change in such surety bond, cash bond, or irrevocable
 168 letter of credit or issuance of a new surety bond, a licensee
 169 shall deliver to the department, in a manner prescribed by the
 170 department, a copy of the renewed, continued, changed, or new
 171 surety bond, cash bond, or irrevocable letter of credit. The
 172 bond or irrevocable letter of credit shall be in a form to be
 173 approved by the department and shall be conditioned upon the
 174 dealer's complying with the conditions of any written contract
 175 made by the dealer in connection with the sale, exchange, or

176 improvement of any mobile home and his or her not violating any
177 of the provisions of chapter 319 or this chapter in the conduct
178 of the business for which the dealer is licensed. The bond or
179 irrevocable letter of credit shall be to the department and in
180 favor of any retail customer who shall suffer any loss as a
181 result of any violation of the conditions contained in this
182 section. The bond or irrevocable letter of credit shall be for
183 the license period, and a new bond or irrevocable letter of
184 credit or a proper continuation certificate shall be delivered
185 to the department at the beginning of each license period.
186 However, the aggregate liability of the surety in any one
187 license year shall in no event exceed the sum of such bond, or,
188 in the case of a letter of credit, the aggregate liability of
189 the issuing bank shall not exceed the sum of the credit. The
190 amount of the bond required shall be as follows:

191 1. A single dealer who buys, sells, or deals in mobile
192 homes and who has four or fewer supplemental licenses shall
193 provide a surety bond, cash bond, or irrevocable letter of
194 credit executed by the dealer applicant or licensee in the
195 amount of \$25,000.

196 2. A single dealer who buys, sells, or deals in mobile
197 homes and who has more than four supplemental licenses shall
198 provide a surety bond, cash bond, or irrevocable letter of
199 credit executed by the dealer applicant or licensee in the
200 amount of \$50,000.

201
 202 For the purposes of this paragraph, any person who buys, sells,
 203 or deals in both mobile homes and recreational vehicles shall
 204 provide the same surety bond required of dealers who buy, sell,
 205 or deal in mobile homes only.

206 Section 8. Paragraph (j) of subsection (3) and paragraph
 207 (a) of subsection (16) of section 320.771, Florida Statutes, are
 208 amended to read:

209 320.771 License required of recreational vehicle dealers.—

210 (3) APPLICATION.—The application for such license shall be
 211 in the form prescribed by the department and subject to such
 212 rules as may be prescribed by it. The application shall be
 213 verified by oath or affirmation and shall contain:

214 (j) Evidence ~~A statement~~ that the applicant is insured
 215 under a garage liability insurance policy, which shall include,
 216 at a minimum, \$25,000 combined single-limit liability coverage,
 217 including bodily injury and property damage protection, and
 218 \$10,000 personal injury protection, if the applicant is to be
 219 licensed as a dealer in, or intends to sell, recreational
 220 vehicles. Such policy must be for the license period. Within 10
 221 calendar days after any renewal or continuation of or material
 222 change in such policy or issuance of a new policy, the licensee
 223 shall deliver to the department, in a manner prescribed by the
 224 department, a copy of such renewed, continued, changed, or new
 225 policy. However, a garage liability policy is not required for

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226 | the licensure of a mobile home dealer who sells only park
227 | trailers.

228

229 | The department shall, if it deems necessary, cause an
230 | investigation to be made to ascertain if the facts set forth in
231 | the application are true and shall not issue a license to the
232 | applicant until it is satisfied that the facts set forth in the
233 | application are true.

234 | (16) BOND.—

235 | (a) Before any license shall be issued or renewed, the
236 | applicant shall deliver to the department a good and sufficient
237 | surety bond, executed by the applicant as principal and by a
238 | surety company qualified to do business in the state as surety.
239 | Within 10 calendar days after any renewal or continuation of or
240 | material change in such surety bond or issuance of a new surety
241 | bond, a licensee shall deliver to the department, in a manner
242 | prescribed by the department, a copy of such renewed, continued,
243 | changed, or new surety bond. The bond shall be in a form to be
244 | approved by the department and shall be conditioned upon the
245 | dealer's complying with the conditions of any written contract
246 | made by that dealer in connection with the sale, exchange, or
247 | improvement of any recreational vehicle and his or her not
248 | violating any of the provisions of chapter 319 or this chapter
249 | in the conduct of the business for which he or she is licensed.
250 | The bond shall be to the department and in favor of any retail

251 customer who shall suffer any loss as a result of any violation
 252 of the conditions hereinabove contained. The bond shall be for
 253 the license period, and a new bond or a proper continuation
 254 certificate shall be delivered to the department at the
 255 beginning of each license period. However, the aggregate
 256 liability of the surety in any one license year shall in no
 257 event exceed the sum of such bond. The amount of the bond
 258 required shall be as follows:

259 1. A single dealer who buys, sells, or deals in
 260 recreational vehicles and has four or fewer supplemental
 261 licenses shall provide a surety bond in the amount of \$10,000.

262 2. A single dealer who buys, sells, or deals in
 263 recreational vehicles and who has more than four supplemental
 264 licenses shall provide a surety bond in the amount of \$20,000.

265
 266 For the purposes of this paragraph, any person who buys, sells,
 267 or deals in both mobile homes and recreational vehicles shall
 268 provide the same surety bond required of dealers who buy, sell,
 269 or deal in mobile homes only.

270 Section 9. Paragraphs (a) and (b) of subsection (5) of
 271 section 320.8225, Florida Statutes, are amended to read:

272 320.8225 Mobile home and recreational vehicle
 273 manufacturer, distributor, and importer license.—

274 (5) REQUIREMENT OF ASSURANCE.—

275 (a) Annually, prior to the receipt of a license to

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276 manufacture mobile homes, the applicant or licensee shall submit
277 a surety bond, cash bond, or letter of credit from a financial
278 institution, or a proper continuation certificate, sufficient to
279 assure satisfaction of claims against the licensee for failure
280 to comply with appropriate code standards, failure to provide
281 warranty service, or violation of any provisions of this
282 section. The amount of the surety bond, cash bond, or letter of
283 credit must be \$50,000. Only one surety bond, cash bond, or
284 letter of credit shall be required for each manufacturer,
285 regardless of the number of factory locations. The surety bond,
286 cash bond, or letter of credit must be to the department, in
287 favor of any retail customer who suffers a loss arising out of
288 noncompliance with code standards or failure to honor or provide
289 warranty service. The department may disapprove any bond or
290 letter of credit that does not provide assurance as provided in
291 this section. Within 10 calendar days after any renewal or
292 continuation of or material change in such surety bond, cash
293 bond, or letter of credit or issuance of a new surety bond, cash
294 bond, or letter of credit, a licensee shall deliver to the
295 department, in a manner prescribed by the department, a copy of
296 such renewed, continued, changed, or new surety bond, cash bond,
297 or letter of credit.

298 (b) Annually, prior to the receipt of a license to
299 manufacture, distribute, or import recreational vehicles, the
300 applicant or licensee shall submit a surety bond, or a proper

301 continuation certificate, sufficient to assure satisfaction of
 302 claims against the licensee for failure to comply with
 303 appropriate code standards, failure to provide warranty service,
 304 or violation of any provisions of this section. The amount of
 305 the surety bond must be \$10,000 per year. The surety bond must
 306 be to the department, in favor of any retail customer who
 307 suffers loss arising out of noncompliance with code standards or
 308 failure to honor or provide warranty service. The department may
 309 disapprove any bond that does not provide assurance as provided
 310 in this section. Within 10 calendar days after any renewal or
 311 continuation of or material change in such surety bond or
 312 issuance of a new surety bond, a licensee shall deliver to the
 313 department, in a manner prescribed by the department, a copy of
 314 such renewed, continued, changed, or new surety bond.

315 Section 10. Subsection (4) of section 627.7415, Florida
 316 Statutes, is amended to read:

317 627.7415 Commercial motor vehicles; additional liability
 318 insurance coverage.—Commercial motor vehicles, as defined in s.
 319 207.002 or s. 320.01, operated upon the roads and highways of
 320 this state shall be insured with the following minimum levels of
 321 combined bodily liability insurance and property damage
 322 liability insurance in addition to any other insurance
 323 requirements:

324 (4) All commercial motor vehicles subject to regulations
 325 of the United States Department of Transportation, 49 C.F.R.

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326 | part 387, subparts ~~subpart~~ A and B, and as may be hereinafter
327 | amended, shall be insured in an amount equivalent to the minimum
328 | levels of financial responsibility as set forth in such
329 | regulations.

330

331 | A violation of this section is a noncriminal traffic infraction,
332 | punishable as a nonmoving violation as provided in chapter 318.

333 | Section 11. This act shall take effect July 1, 2022.