

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; requiring certain motor
13 vehicle operators to furnish proof of security after a
14 certain violation; amending s. 319.141, F.S.;
15 extending the date by which the department must
16 implement a rebuilt motor vehicle inspection program;
17 adding counties where the program must be implemented;
18 deleting an obsolete provision; amending s. 320.01,
19 F.S.; revising the definition of the term
20 "apportionable vehicle"; amending s. 320.03, F.S.;
21 revising applicability; amending s. 320.77, F.S.;
22 requiring licensed mobile home dealers to deliver
23 certain documents to the department within a certain
24 timeframe; amending s. 320.771, F.S.; specifying the
25 required term of a certain garage liability insurance

26 policy; requiring licensed recreational vehicle
 27 dealers to deliver certain documents to the department
 28 within a certain timeframe; amending s. 320.8225,
 29 F.S.; requiring licensed mobile home manufacturers and
 30 recreational vehicle manufacturers, distributors, and
 31 importers to submit certain documents to the
 32 department within a certain timeframe; amending ss.
 33 322.051 and 322.14, F.S.; requiring that
 34 distinguishing numbers assigned to identification
 35 cards and driver licenses, respectively, have a
 36 specified minimum number of randomly generated digits
 37 beginning on a specified date; amending s. 627.7415,
 38 F.S.; requiring that certain commercial motor vehicles
 39 meet certain federal financial responsibility
 40 requirements; providing an effective date.

41

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

43

44 Section 1. Subsection (5) of section 316.305, Florida
 45 Statutes, is amended to read:

46 316.305 Wireless communications devices; prohibition.—

47 (5) When a law enforcement officer issues a citation for a
 48 violation of this section, the law enforcement officer must
 49 record the race and ethnicity of the violator. All law
 50 enforcement agencies must maintain such information and report

51 the information to the department by April 1 annually in a form
 52 and manner determined by the department. Beginning July 1, 2023
 53 ~~February 1, 2020~~, the department shall annually report the data
 54 collected under this subsection to the Governor, the President
 55 of the Senate, and the Speaker of the House of Representatives.
 56 The data collected must be reported at least by statewide totals
 57 for local law enforcement agencies, state law enforcement
 58 agencies, and state university law enforcement agencies. The
 59 statewide total for local law enforcement agencies shall combine
 60 the data for the county sheriffs and the municipal law
 61 enforcement agencies.

62 Section 2. Subsections (2), (3), and (4) of section
 63 316.646, Florida Statutes, are amended to read:

64 316.646 Security required; proof of security and display
 65 thereof.—

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

75 (3) (a) Any operator who is the owner or registrant of the

76 | vehicle he or she is operating and ~~person~~ who violates this
77 | section commits a nonmoving traffic infraction subject to the
78 | penalty provided in chapter 318 and shall be required to furnish
79 | proof of security as provided in this section. If any operator
80 | who is the owner or registrant of the vehicle he or she is
81 | operating and who is ~~person~~ charged with a violation of this
82 | section fails to furnish proof at or before the scheduled court
83 | appearance date that security was in effect at the time of the
84 | violation, the court shall, upon conviction, notify the
85 | department to suspend the registration and driver license of
86 | such operator ~~person~~. If the court fails to order the suspension
87 | of such operator's ~~the person's~~ registration and driver license
88 | for a conviction of this section at the time of sentencing, the
89 | department shall, upon receiving notice of the conviction from
90 | the court, suspend such operator's ~~the person's~~ registration and
91 | driver license for the violation of this section. Such license
92 | and registration may be reinstated only as provided in s.
93 | 324.0221.

94 | (b) Any operator who is not the owner or registrant of the
95 | vehicle he or she is operating and who violates this section
96 | commits a nonmoving traffic infraction subject to the penalty
97 | provided in chapter 318.

98 | (4) Any operator ~~person~~ presenting proof of insurance as
99 | required in subsection (1) who knows that the insurance as
100 | represented by such proof of insurance is not currently in force

101 commits ~~is guilty of~~ a misdemeanor of the first degree,
 102 punishable as provided in s. 775.082 or s. 775.083.

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

105 319.141 Rebuilt motor vehicle inspection program.—

106 (2) By October 1, 2022 ~~2019~~, the department shall
 107 implement a program in Bay, Broward, Duval, Escambia,
 108 Hillsborough, Leon, Manatee, Marion, Miami-Dade, Orange, Palm
 109 Beach, and Volusia Counties ~~County~~ for rebuilt inspection
 110 services offered by private sector participants.

111 ~~(10) On or before July 1, 2021, the department shall~~
 112 ~~submit a written report to the President of the Senate and the~~
 113 ~~Speaker of the House of Representatives evaluating the~~
 114 ~~effectiveness of the program and whether to expand the program~~
 115 ~~to other counties.~~

116 Section 4. Subsection (24) of section 320.01, Florida
 117 Statutes, is amended to read:

118 320.01 Definitions, general.—As used in the Florida
 119 Statutes, except as otherwise provided, the term:

120 (24) "Apportionable vehicle" means any vehicle, except
 121 recreational vehicles, vehicles displaying restricted plates,
 122 city pickup and delivery vehicles, ~~buses used in transportation~~
 123 ~~of chartered parties,~~ and government-owned vehicles, which is
 124 used or intended for use in two or more member jurisdictions
 125 that allocate or proportionally register vehicles and which is

126 used for the transportation of persons for hire or is designed,
 127 used, or maintained primarily for the transportation of property
 128 and:

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

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

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

135

136 Vehicles, or combinations thereof, having a gross vehicle weight
 137 of 26,000 pounds or less and two-axle vehicles may be
 138 proportionally registered.

139 Section 5. Subsection (8) of section 320.03, Florida
 140 Statutes, is amended to read:

141 320.03 Registration; duties of tax collectors;
 142 International Registration Plan.—

143 (8) If the applicant's name appears on the list referred
 144 to in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.
 145 713.78(13), a license plate or revalidation sticker may not be
 146 issued until that person's name no longer appears on the list or
 147 until the person presents a receipt from the governmental entity
 148 or the clerk of court that provided the data showing that the
 149 fines outstanding have been paid. This subsection does not apply
 150 to the owner of a leased vehicle if the vehicle is registered in

151 the name of the lessee of the vehicle. The tax collector and the
152 clerk of the court are each entitled to receive monthly, as
153 costs for implementing and administering this subsection, 10
154 percent of the civil penalties and fines recovered from such
155 persons. As used in this subsection, the term "civil penalties
156 and fines" does not include a wrecker operator's lien as
157 described in s. 713.78(13). If the tax collector has private tag
158 agents, such tag agents are entitled to receive a pro rata share
159 of the amount paid to the tax collector, based upon the
160 percentage of license plates and revalidation stickers issued by
161 the tag agent compared to the total issued within the county.
162 The authority of any private agent to issue license plates shall
163 be revoked, after notice and a hearing as provided in chapter
164 120, if he or she issues any license plate or revalidation
165 sticker contrary to the provisions of this subsection. This
166 section applies both ~~only~~ to the annual renewal ~~in the owner's~~
167 ~~birth month~~ of a motor vehicle registration and the replacement
168 of the motor vehicle registration or license plate, but does not
169 apply to the transfer of a registration of a motor vehicle sold
170 by a motor vehicle dealer licensed under this chapter, except
171 for the transfer of registrations which includes the annual
172 renewals. This section does not affect the issuance of the title
173 to a motor vehicle, notwithstanding s. 319.23(8) (b) .

174 Section 6. Paragraph (a) of subsection (16) of section
175 320.77, Florida Statutes, is amended to read:

176 320.77 License required of mobile home dealers.—
 177 (16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF
 178 CREDIT REQUIRED.—
 179 (a) Before any license shall be issued or renewed, the
 180 applicant or licensee shall deliver to the department a good and
 181 sufficient surety bond, cash bond, or irrevocable letter of
 182 credit, executed by the applicant or licensee as principal.
 183 Within 10 calendar days after any renewal or continuation of or
 184 material change in such surety bond, cash bond, or irrevocable
 185 letter of credit or issuance of a new surety bond, a licensee
 186 shall deliver to the department, in a manner prescribed by the
 187 department, a copy of the renewed, continued, changed, or new
 188 surety bond, cash bond, or irrevocable letter of credit. The
 189 bond or irrevocable letter of credit shall be in a form to be
 190 approved by the department and shall be conditioned upon the
 191 dealer's complying with the conditions of any written contract
 192 made by the dealer in connection with the sale, exchange, or
 193 improvement of any mobile home and his or her not violating any
 194 of the provisions of chapter 319 or this chapter in the conduct
 195 of the business for which the dealer is licensed. The bond or
 196 irrevocable letter of credit shall be to the department and in
 197 favor of any retail customer who shall suffer any loss as a
 198 result of any violation of the conditions contained in this
 199 section. The bond or irrevocable letter of credit shall be for
 200 the license period, and a new bond or irrevocable letter of

201 credit or a proper continuation certificate shall be delivered
202 to the department at the beginning of each license period.
203 However, the aggregate liability of the surety in any one
204 license year shall in no event exceed the sum of such bond, or,
205 in the case of a letter of credit, the aggregate liability of
206 the issuing bank shall not exceed the sum of the credit. The
207 amount of the bond required shall be as follows:

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

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

218
219 For the purposes of this paragraph, any person who buys, sells,
220 or deals in both mobile homes and recreational vehicles shall
221 provide the same surety bond required of dealers who buy, sell,
222 or deal in mobile homes only.

223 Section 7. Paragraph (j) of subsection (3) and paragraph
224 (a) of subsection (16) of section 320.771, Florida Statutes, are
225 amended to read:

226 | 320.771 License required of recreational vehicle dealers.—

227 | (3) APPLICATION.—The application for such license shall be
 228 | in the form prescribed by the department and subject to such
 229 | rules as may be prescribed by it. The application shall be
 230 | verified by oath or affirmation and shall contain:

231 | (j) Evidence ~~A statement~~ that the applicant is insured
 232 | under a garage liability insurance policy, which shall include,
 233 | at a minimum, \$25,000 combined single-limit liability coverage,
 234 | including bodily injury and property damage protection, and
 235 | \$10,000 personal injury protection, if the applicant is to be
 236 | licensed as a dealer in, or intends to sell, recreational
 237 | vehicles. Such policy must be for the license period. Within 10
 238 | calendar days after any renewal or continuation of or material
 239 | change in such policy or issuance of a new policy, the licensee
 240 | shall deliver to the department, in a manner prescribed by the
 241 | department, a copy of such renewed, continued, changed, or new
 242 | policy. However, a garage liability policy is not required for
 243 | the licensure of a mobile home dealer who sells only park
 244 | trailers.

245 |
 246 | The department shall, if it deems necessary, cause an
 247 | investigation to be made to ascertain if the facts set forth in
 248 | the application are true and shall not issue a license to the
 249 | applicant until it is satisfied that the facts set forth in the
 250 | application are true.

251 (16) BOND.—

252 (a) Before any license shall be issued or renewed, the
253 applicant shall deliver to the department a good and sufficient
254 surety bond, executed by the applicant as principal and by a
255 surety company qualified to do business in the state as surety.
256 Within 10 calendar days after any renewal or continuation of or
257 material change in such surety bond or issuance of a new surety
258 bond, a licensee shall deliver to the department, in a manner
259 prescribed by the department, a copy of such renewed, continued,
260 changed, or new surety bond. The bond shall be in a form to be
261 approved by the department and shall be conditioned upon the
262 dealer's complying with the conditions of any written contract
263 made by that dealer in connection with the sale, exchange, or
264 improvement of any recreational vehicle and his or her not
265 violating any of the provisions of chapter 319 or this chapter
266 in the conduct of the business for which he or she is licensed.
267 The bond shall be to the department and in favor of any retail
268 customer who shall suffer any loss as a result of any violation
269 of the conditions hereinabove contained. The bond shall be for
270 the license period, and a new bond or a proper continuation
271 certificate shall be delivered to the department at the
272 beginning of each license period. However, the aggregate
273 liability of the surety in any one license year shall in no
274 event exceed the sum of such bond. The amount of the bond
275 required shall be as follows:

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

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

282
 283 For the purposes of this paragraph, any person who buys, sells,
 284 or deals in both mobile homes and recreational vehicles shall
 285 provide the same surety bond required of dealers who buy, sell,
 286 or deal in mobile homes only.

287 Section 8. Paragraphs (a) and (b) of subsection (5) of
 288 section 320.8225, Florida Statutes, are amended to read:

289 320.8225 Mobile home and recreational vehicle
 290 manufacturer, distributor, and importer license.—

291 (5) REQUIREMENT OF ASSURANCE.—

292 (a) Annually, prior to the receipt of a license to
 293 manufacture mobile homes, the applicant or licensee shall submit
 294 a surety bond, cash bond, or letter of credit from a financial
 295 institution, or a proper continuation certificate, sufficient to
 296 assure satisfaction of claims against the licensee for failure
 297 to comply with appropriate code standards, failure to provide
 298 warranty service, or violation of any provisions of this
 299 section. The amount of the surety bond, cash bond, or letter of
 300 credit must be \$50,000. Only one surety bond, cash bond, or

301 letter of credit shall be required for each manufacturer,
302 regardless of the number of factory locations. The surety bond,
303 cash bond, or letter of credit must be to the department, in
304 favor of any retail customer who suffers a loss arising out of
305 noncompliance with code standards or failure to honor or provide
306 warranty service. The department may disapprove any bond or
307 letter of credit that does not provide assurance as provided in
308 this section. Within 10 calendar days after any renewal or
309 continuation of or material change in such surety bond, cash
310 bond, or letter of credit or issuance of a new surety bond, cash
311 bond, or letter of credit, a licensee shall deliver to the
312 department, in a manner prescribed by the department, a copy of
313 such renewed, continued, changed, or new surety bond, cash bond,
314 or letter of credit.

315 (b) Annually, prior to the receipt of a license to
316 manufacture, distribute, or import recreational vehicles, the
317 applicant or licensee shall submit a surety bond, or a proper
318 continuation certificate, sufficient to assure satisfaction of
319 claims against the licensee for failure to comply with
320 appropriate code standards, failure to provide warranty service,
321 or violation of any provisions of this section. The amount of
322 the surety bond must be \$10,000 per year. The surety bond must
323 be to the department, in favor of any retail customer who
324 suffers loss arising out of noncompliance with code standards or
325 failure to honor or provide warranty service. The department may

326 disapprove any bond that does not provide assurance as provided
327 in this section. Within 10 calendar days after any renewal or
328 continuation of or material change in such surety bond or
329 issuance of a new surety bond, a licensee shall deliver to the
330 department, in a manner prescribed by the department, a copy of
331 such renewed, continued, changed, or new surety bond.

332 Section 9. Paragraph (a) of subsection (8) of section
333 322.051, Florida Statutes, is amended to read:

334 322.051 Identification cards.—

335 (8)(a) The department shall, upon receipt of the required
336 fee, issue to each qualified applicant for an identification
337 card a color photographic or digital image identification card
338 bearing a fullface photograph or digital image of the
339 identification cardholder. Notwithstanding chapter 761 or s.
340 761.05, the requirement for a fullface photograph or digital
341 image of the identification cardholder may not be waived. A
342 space shall be provided upon which the identification cardholder
343 shall affix his or her usual signature, as required in s.
344 322.14, in the presence of an authorized agent of the department
345 so as to ensure that such signature becomes a part of the
346 identification card. Beginning November 1, 2023, each
347 distinguishing number assigned to an original, renewal, or
348 replacement identification card must have a minimum of four
349 randomly generated digits.

350 Section 10. Paragraph (a) of subsection (1) of section

351 322.14, Florida Statutes, is amended to read:

352 322.14 Licenses issued to drivers.—

353 (1)(a) The department shall, upon successful completion of
 354 all required examinations and payment of the required fee, issue
 355 to every qualified applicant a printed driver license that must
 356 bear a color photograph or digital image of the licensee; the
 357 name of the state; a distinguishing number assigned to the
 358 licensee, which, beginning November 1, 2023, must have a minimum
 359 of four randomly generated digits on each original, renewal, or
 360 replacement driver license; and the licensee's full name, date
 361 of birth, and residence address; a brief description of the
 362 licensee, including, but not limited to, the licensee's gender
 363 and height; and the dates of issuance and expiration of the
 364 license. A space shall be provided upon which the licensee shall
 365 affix his or her usual signature. A license is invalid until it
 366 has been signed by the licensee except that the signature of the
 367 licensee is not required if it appears thereon in facsimile or
 368 if the licensee is not present within the state at the time of
 369 issuance.

370 Section 11. Subsection (4) of section 627.7415, Florida
 371 Statutes, is amended to read:

372 627.7415 Commercial motor vehicles; additional liability
 373 insurance coverage.—Commercial motor vehicles, as defined in s.
 374 207.002 or s. 320.01, operated upon the roads and highways of
 375 this state shall be insured with the following minimum levels of

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376 combined bodily liability insurance and property damage
377 liability insurance in addition to any other insurance
378 requirements:

379 (4) All commercial motor vehicles subject to regulations
380 of the United States Department of Transportation, 49 C.F.R.
381 part 387, subparts ~~subpart~~ A and B, and as may be hereinafter
382 amended, shall be insured in an amount equivalent to the minimum
383 levels of financial responsibility as set forth in such
384 regulations.

385

386 A violation of this section is a noncriminal traffic infraction,
387 punishable as a nonmoving violation as provided in chapter 318.

388 Section 12. This act shall take effect July 1, 2022.