

By Senator Harrell

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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  
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,

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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  
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.

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

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

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

86 319.32 Fees; service charges; disposition.—

87 (7) Notwithstanding any other provision of this section,

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88 the department and tax collector may not charge any fee or  
89 service charge, except for the expedited title fee, if  
90 applicable:7

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

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

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

100 320.01 Definitions, general.—As used in the Florida  
101 Statutes, except as otherwise provided, the term:

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

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

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

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

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117  
118 Vehicles, or combinations thereof, having a gross vehicle weight  
119 of 26,000 pounds or less and two-axle vehicles may be  
120 proportionally registered.

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

123 320.03 Registration; duties of tax collectors;  
124 International Registration Plan.—

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

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146 120, if he or she issues any license plate or revalidation  
147 sticker contrary to the provisions of this subsection. This  
148 section applies both ~~only~~ to the annual renewal ~~in the owner's~~  
149 ~~birth month~~ of a motor vehicle registration and the replacement  
150 of the motor vehicle registration or license plate, but does not  
151 apply to the transfer of a registration of a motor vehicle sold  
152 by a motor vehicle dealer licensed under this chapter, except  
153 for the transfer of registrations which includes the annual  
154 renewals. This section does not affect the issuance of the title  
155 to a motor vehicle, notwithstanding s. 319.23(8)(b).

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

158 320.77 License required of mobile home dealers.—

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

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

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

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

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

200  
201 For the purposes of this paragraph, any person who buys, sells,  
202 or deals in both mobile homes and recreational vehicles shall  
203 provide the same surety bond required of dealers who buy, sell,

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204 or deal in mobile homes only.

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

208 320.771 License required of recreational vehicle dealers.—

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

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

227  
228 The department shall, if it deems necessary, cause an  
229 investigation to be made to ascertain if the facts set forth in  
230 the application are true and shall not issue a license to the  
231 applicant until it is satisfied that the facts set forth in the  
232 application are true.



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233 (16) BOND.—

234 (a) Before any license shall be issued or renewed, the  
235 applicant shall deliver to the department a good and sufficient  
236 surety bond, executed by the applicant as principal and by a  
237 surety company qualified to do business in the state as surety.  
238 Within 10 calendar days after any renewal or continuation of or  
239 material change in such surety bond or issuance of a new surety  
240 bond, a licensee shall deliver to the department, in a manner  
241 prescribed by the department, a copy of such renewed, continued,  
242 changed, or new surety bond. The bond shall be in a form to be  
243 approved by the department and shall be conditioned upon the  
244 dealer's complying with the conditions of any written contract  
245 made by that dealer in connection with the sale, exchange, or  
246 improvement of any recreational vehicle and his or her not  
247 violating any of the provisions of chapter 319 or this chapter  
248 in the conduct of the business for which he or she is licensed.  
249 The bond shall be to the department and in favor of any retail  
250 customer who shall suffer any loss as a result of any violation  
251 of the conditions hereinabove contained. The bond shall be for  
252 the license period, and a new bond or a proper continuation  
253 certificate shall be delivered to the department at the  
254 beginning of each license period. However, the aggregate  
255 liability of the surety in any one license year shall in no  
256 event exceed the sum of such bond. The amount of the bond  
257 required shall be as follows:

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

261 2. A single dealer who buys, sells, or deals in

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262 recreational vehicles and who has more than four supplemental  
263 licenses shall provide a surety bond in the amount of \$20,000.

264  
265 For the purposes of this paragraph, any person who buys, sells,  
266 or deals in both mobile homes and recreational vehicles shall  
267 provide the same surety bond required of dealers who buy, sell,  
268 or deal in mobile homes only.

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

271 320.8225 Mobile home and recreational vehicle manufacturer,  
272 distributor, and importer license.—

273 (5) REQUIREMENT OF ASSURANCE.—

274 (a) Annually, prior to the receipt of a license to  
275 manufacture mobile homes, the applicant or licensee shall submit  
276 a surety bond, cash bond, or letter of credit from a financial  
277 institution, or a proper continuation certificate, sufficient to  
278 assure satisfaction of claims against the licensee for failure  
279 to comply with appropriate code standards, failure to provide  
280 warranty service, or violation of any provisions of this  
281 section. The amount of the surety bond, cash bond, or letter of  
282 credit must be \$50,000. Only one surety bond, cash bond, or  
283 letter of credit shall be required for each manufacturer,  
284 regardless of the number of factory locations. The surety bond,  
285 cash bond, or letter of credit must be to the department, in  
286 favor of any retail customer who suffers a loss arising out of  
287 noncompliance with code standards or failure to honor or provide  
288 warranty service. The department may disapprove any bond or  
289 letter of credit that does not provide assurance as provided in  
290 this section. Within 10 calendar days after any renewal or

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291 continuation of or material change in such surety bond, cash  
292 bond, or letter of credit or issuance of a new surety bond, cash  
293 bond, or letter of credit, a licensee shall deliver to the  
294 department, in a manner prescribed by the department, a copy of  
295 such renewed, continued, changed, or new surety bond, cash bond,  
296 or letter of credit.

297 (b) Annually, prior to the receipt of a license to  
298 manufacture, distribute, or import recreational vehicles, the  
299 applicant or licensee shall submit a surety bond, or a proper  
300 continuation certificate, sufficient to assure satisfaction of  
301 claims against the licensee for failure to comply with  
302 appropriate code standards, failure to provide warranty service,  
303 or violation of any provisions of this section. The amount of  
304 the surety bond must be \$10,000 per year. The surety bond must  
305 be to the department, in favor of any retail customer who  
306 suffers loss arising out of noncompliance with code standards or  
307 failure to honor or provide warranty service. The department may  
308 disapprove any bond that does not provide assurance as provided  
309 in this section. Within 10 calendar days after any renewal or  
310 continuation of or material change in such surety bond or  
311 issuance of a new surety bond, 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.

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

316 627.7415 Commercial motor vehicles; additional liability  
317 insurance coverage.—Commercial motor vehicles, as defined in s.  
318 207.002 or s. 320.01, operated upon the roads and highways of  
319 this state shall be insured with the following minimum levels of

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320 combined bodily liability insurance and property damage  
321 liability insurance in addition to any other insurance  
322 requirements:

323 (4) All commercial motor vehicles subject to regulations of  
324 the United States Department of Transportation, 49 C.F.R. part  
325 387, subparts ~~subpart~~ A and B, and as may be hereinafter  
326 amended, shall be insured in an amount equivalent to the minimum  
327 levels of financial responsibility as set forth in such  
328 regulations.

329  
330 A violation of this section is a noncriminal traffic infraction,  
331 punishable as a nonmoving violation as provided in chapter 318.

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