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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; removing a requirement for  
13    certain motor vehicle operators to subsequently  
14    furnish proof of security after a certain violation;  
15    amending ss. 322.051 and 322.14, F.S.; requiring that  
16    distinguishing numbers assigned to identification  
17    cards and driver licenses, respectively, have a  
18    specified minimum number of randomly generated digits  
19    beginning on a specified date; amending s. 319.141,  
20    F.S.; extending the date by which the department must  
21    implement a rebuilt motor vehicle inspection program;  
22    adding counties where the program must be implemented;  
23    deleting an obsolete provision; amending s. 319.32,  
24    F.S.; prohibiting the department and a tax collector  
25    from charging fees or service charges, except a  
26    certain fee, under certain circumstances; amending s.  
27    320.01, F.S.; revising the definition of the term  
28    "apportionable vehicle"; amending s. 320.03, F.S.;  
29    revising applicability; amending s. 320.77, F.S.;

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30 requiring licensed mobile home dealers to deliver  
31 certain documents to the department within a certain  
32 timeframe; amending s. 320.771, F.S.; specifying the  
33 required term of a certain garage liability insurance  
34 policy; requiring licensed recreational vehicle  
35 dealers to deliver certain documents to the department  
36 within a certain timeframe; amending s. 320.8225,  
37 F.S.; requiring licensed mobile home manufacturers and  
38 recreational vehicle manufacturers, distributors, and  
39 importers to submit certain documents to the  
40 department within a certain timeframe; amending s.  
41 627.7415, F.S.; requiring that certain commercial  
42 motor vehicles meet certain federal financial  
43 responsibility requirements; providing an effective  
44 date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Subsection (5) of section 316.305, Florida  
49 Statutes, is amended to read:

50 316.305 Wireless communications devices; prohibition.-

51 (5) When a law enforcement officer issues a citation for a  
52 violation of this section, the law enforcement officer must  
53 record the race and ethnicity of the violator. All law  
54 enforcement agencies must maintain such information and report  
55 the information to the department by April 1 annually in a form  
56 and manner determined by the department. Beginning July 1, 2023  
57 ~~February 1, 2020~~, the department shall annually report the data  
58 collected under this subsection to the Governor, the President

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59 of the Senate, and the Speaker of the House of Representatives.  
60 The data collected must be reported at least by statewide totals  
61 for local law enforcement agencies, state law enforcement  
62 agencies, and state university law enforcement agencies. The  
63 statewide total for local law enforcement agencies shall combine  
64 the data for the county sheriffs and the municipal law  
65 enforcement agencies.

66 Section 2. Subsections (2), (3), and (4) of section  
67 316.646, Florida Statutes, are amended to read:

68 316.646 Security required; proof of security and display  
69 thereof.—

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

79 (3) (a) Any operator who is the owner or registrant of the  
80 vehicle he or she is operating and ~~person~~ who violates this  
81 section commits a nonmoving traffic infraction subject to the  
82 penalty provided in chapter 318 and shall be required to furnish  
83 proof of security as provided in this section. If any operator  
84 who is the owner or registrant of the vehicle he or she is  
85 operating and who is ~~person~~ charged with a violation of this  
86 section fails to furnish proof at or before the scheduled court  
87 appearance date that security was in effect at the time of the

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88 violation, the court shall, upon conviction, notify the  
89 department to suspend the registration and driver license of  
90 such operator ~~person~~. If the court fails to order the suspension  
91 of such operator's ~~the person's~~ registration and driver license  
92 for a conviction of this section at the time of sentencing, the  
93 department shall, upon receiving notice of the conviction from  
94 the court, suspend such operator's ~~the person's~~ registration and  
95 driver license for the violation of this section. Such license  
96 and registration may be reinstated only as provided in s.  
97 324.0221.

98 (b) Any operator who is not the owner or registrant of the  
99 vehicle he or she is operating and who violates this section  
100 commits a nonmoving traffic infraction subject to the penalty  
101 provided in chapter 318.

102 (4) Any operator ~~person~~ presenting proof of insurance as  
103 required in subsection (1) who knows that the insurance as  
104 represented by such proof of insurance is not currently in force  
105 is guilty of a misdemeanor of the first degree, punishable as  
106 provided in s. 775.082 or s. 775.083.

107 Section 3. Paragraph (a) of subsection (8) of section  
108 322.051, Florida Statutes, is amended to read:

109 322.051 Identification cards.—

110 (8) (a) The department shall, upon receipt of the required  
111 fee, issue to each qualified applicant for an identification  
112 card a color photographic or digital image identification card  
113 bearing a fullface photograph or digital image of the  
114 identification cardholder. Notwithstanding chapter 761 or s.  
115 761.05, the requirement for a fullface photograph or digital  
116 image of the identification cardholder may not be waived. A

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117 space shall be provided upon which the identification cardholder  
118 shall affix his or her usual signature, as required in s.  
119 322.14, in the presence of an authorized agent of the department  
120 so as to ensure that such signature becomes a part of the  
121 identification card. Beginning November 1, 2023, each  
122 distinguishing number assigned to an original, renewal, or  
123 replacement identification card must have a minimum of four  
124 randomly generated digits.

125 Section 4. Paragraph (a) of subsection (1) of section  
126 322.14, Florida Statutes, is amended to read:

127 322.14 Licenses issued to drivers.—

128 (1) (a) The department shall, upon successful completion of  
129 all required examinations and payment of the required fee, issue  
130 to every qualified applicant a printed driver license that must  
131 bear a color photograph or digital image of the licensee; the  
132 name of the state; a distinguishing number assigned to the  
133 licensee, which, beginning November 1, 2023, must have a minimum  
134 of four randomly generated digits on each original, renewal, or  
135 replacement driver license; and the licensee's full name, date  
136 of birth, and residence address; a brief description of the  
137 licensee, including, but not limited to, the licensee's gender  
138 and height; and the dates of issuance and expiration of the  
139 license. A space shall be provided upon which the licensee shall  
140 affix his or her usual signature. A license is invalid until it  
141 has been signed by the licensee except that the signature of the  
142 licensee is not required if it appears thereon in facsimile or  
143 if the licensee is not present within the state at the time of  
144 issuance.

145 Section 5. Subsections (2) and (10) of section 319.141,

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146 Florida Statutes, are amended to read:

147 319.141 Rebuilt motor vehicle inspection program.—

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

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

157 Section 6. Subsection (7) of section 319.32, Florida  
158 Statutes, is amended to read:

159 319.32 Fees; service charges; disposition.—

160 (7) Notwithstanding any other provision of this section,  
161 the department and tax collector may not charge any fee or  
162 service charge, except for the expedited title fee, if  
163 applicable:7

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

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

171 Section 7. Subsection (24) of section 320.01, Florida  
172 Statutes, is amended to read:

173 320.01 Definitions, general.—As used in the Florida  
174 Statutes, except as otherwise provided, the term:

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175 (24) "Apportionable vehicle" means any vehicle, except  
176 recreational vehicles, vehicles displaying restricted plates,  
177 city pickup and delivery vehicles, ~~buses used in transportation~~  
178 ~~of chartered parties~~, and government-owned vehicles, which is  
179 used or intended for use in two or more member jurisdictions  
180 that allocate or proportionally register vehicles and which is  
181 used for the transportation of persons for hire or is designed,  
182 used, or maintained primarily for the transportation of property  
183 and:

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

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

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

190  
191 Vehicles, or combinations thereof, having a gross vehicle weight  
192 of 26,000 pounds or less and two-axle vehicles may be  
193 proportionally registered.

194 Section 8. Subsection (8) of section 320.03, Florida  
195 Statutes, is amended to read:

196 320.03 Registration; duties of tax collectors;  
197 International Registration Plan.—

198 (8) If the applicant's name appears on the list referred to  
199 in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.  
200 713.78(13), a license plate or revalidation sticker may not be  
201 issued until that person's name no longer appears on the list or  
202 until the person presents a receipt from the governmental entity  
203 or the clerk of court that provided the data showing that the

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204 fines outstanding have been paid. This subsection does not apply  
205 to the owner of a leased vehicle if the vehicle is registered in  
206 the name of the lessee of the vehicle. The tax collector and the  
207 clerk of the court are each entitled to receive monthly, as  
208 costs for implementing and administering this subsection, 10  
209 percent of the civil penalties and fines recovered from such  
210 persons. As used in this subsection, the term "civil penalties  
211 and fines" does not include a wrecker operator's lien as  
212 described in s. 713.78(13). If the tax collector has private tag  
213 agents, such tag agents are entitled to receive a pro rata share  
214 of the amount paid to the tax collector, based upon the  
215 percentage of license plates and revalidation stickers issued by  
216 the tag agent compared to the total issued within the county.  
217 The authority of any private agent to issue license plates shall  
218 be revoked, after notice and a hearing as provided in chapter  
219 120, if he or she issues any license plate or revalidation  
220 sticker contrary to the provisions of this subsection. This  
221 section applies both ~~only~~ to the annual renewal ~~in the owner's~~  
222 ~~birth month~~ of a motor vehicle registration and the replacement  
223 of the motor vehicle registration or license plate, but does not  
224 apply to the transfer of a registration of a motor vehicle sold  
225 by a motor vehicle dealer licensed under this chapter, except  
226 for the transfer of registrations which includes the annual  
227 renewals. This section does not affect the issuance of the title  
228 to a motor vehicle, notwithstanding s. 319.23(8)(b).

229 Section 9. Paragraph (a) of subsection (16) of section  
230 320.77, Florida Statutes, is amended to read:

231 320.77 License required of mobile home dealers.—

232 (16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF



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233 CREDIT REQUIRED.—

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

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262 amount of the bond required shall be as follows:

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

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

273

274 For the purposes of this paragraph, any person who buys, sells,  
275 or deals in both mobile homes and recreational vehicles shall  
276 provide the same surety bond required of dealers who buy, sell,  
277 or deal in mobile homes only.

278 Section 10. Paragraph (j) of subsection (3) and paragraph  
279 (a) of subsection (16) of section 320.771, Florida Statutes, are  
280 amended to read:

281 320.771 License required of recreational vehicle dealers.—

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

286 (j) Evidence ~~A statement~~ that the applicant is insured  
287 under a garage liability insurance policy, which shall include,  
288 at a minimum, \$25,000 combined single-limit liability coverage,  
289 including bodily injury and property damage protection, and  
290 \$10,000 personal injury protection, if the applicant is to be

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291 licensed as a dealer in, or intends to sell, recreational  
292 vehicles. Such policy must be for the license period. Within 10  
293 calendar days after any renewal or continuation of or material  
294 change in such policy or issuance of a new policy, the licensee  
295 shall deliver to the department, in a manner prescribed by the  
296 department, a copy of such renewed, continued, changed, or new  
297 policy. However, a garage liability policy is not required for  
298 the licensure of a mobile home dealer who sells only park  
299 trailers.

300

301 The department shall, if it deems necessary, cause an  
302 investigation to be made to ascertain if the facts set forth in  
303 the application are true and shall not issue a license to the  
304 applicant until it is satisfied that the facts set forth in the  
305 application are true.

306 (16) BOND.—

307 (a) Before any license shall be issued or renewed, the  
308 applicant shall deliver to the department a good and sufficient  
309 surety bond, executed by the applicant as principal and by a  
310 surety company qualified to do business in the state as surety.  
311 Within 10 calendar days after any renewal or continuation of or  
312 material change in such surety bond or issuance of a new surety  
313 bond, a licensee shall deliver to the department, in a manner  
314 prescribed by the department, a copy of such renewed, continued,  
315 changed, or new surety bond. The bond shall be in a form to be  
316 approved by the department and shall be conditioned upon the  
317 dealer's complying with the conditions of any written contract  
318 made by that dealer in connection with the sale, exchange, or  
319 improvement of any recreational vehicle and his or her not

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320 violating any of the provisions of chapter 319 or this chapter  
321 in the conduct of the business for which he or she is licensed.  
322 The bond shall be to the department and in favor of any retail  
323 customer who shall suffer any loss as a result of any violation  
324 of the conditions hereinabove contained. The bond shall be for  
325 the license period, and a new bond or a proper continuation  
326 certificate shall be delivered to the department at the  
327 beginning of each license period. However, the aggregate  
328 liability of the surety in any one license year shall in no  
329 event exceed the sum of such bond. The amount of the bond  
330 required shall be as follows:

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

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

337  
338 For the purposes of this paragraph, any person who buys, sells,  
339 or deals in both mobile homes and recreational vehicles shall  
340 provide the same surety bond required of dealers who buy, sell,  
341 or deal in mobile homes only.

342 Section 11. Paragraphs (a) and (b) of subsection (5) of  
343 section 320.8225, Florida Statutes, are amended to read:

344 320.8225 Mobile home and recreational vehicle manufacturer,  
345 distributor, and importer license.—

346 (5) REQUIREMENT OF ASSURANCE.—

347 (a) Annually, prior to the receipt of a license to  
348 manufacture mobile homes, the applicant or licensee shall submit

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349 a surety bond, cash bond, or letter of credit from a financial  
350 institution, or a proper continuation certificate, sufficient to  
351 assure satisfaction of claims against the licensee for failure  
352 to comply with appropriate code standards, failure to provide  
353 warranty service, or violation of any provisions of this  
354 section. The amount of the surety bond, cash bond, or letter of  
355 credit must be \$50,000. Only one surety bond, cash bond, or  
356 letter of credit shall be required for each manufacturer,  
357 regardless of the number of factory locations. The surety bond,  
358 cash bond, or letter of credit must be to the department, in  
359 favor of any retail customer who suffers a loss arising out of  
360 noncompliance with code standards or failure to honor or provide  
361 warranty service. The department may disapprove any bond or  
362 letter of credit that does not provide assurance as provided in  
363 this section. Within 10 calendar days after any renewal or  
364 continuation of or material change in such surety bond, cash  
365 bond, or letter of credit or issuance of a new surety bond, cash  
366 bond, or letter of credit, a licensee shall deliver to the  
367 department, in a manner prescribed by the department, a copy of  
368 such renewed, continued, changed, or new surety bond, cash bond,  
369 or letter of credit.

370 (b) Annually, prior to the receipt of a license to  
371 manufacture, distribute, or import recreational vehicles, the  
372 applicant or licensee shall submit a surety bond, or a proper  
373 continuation certificate, sufficient to assure satisfaction of  
374 claims against the licensee for failure to comply with  
375 appropriate code standards, failure to provide warranty service,  
376 or violation of any provisions of this section. The amount of  
377 the surety bond must be \$10,000 per year. The surety bond must

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378 be to the department, in favor of any retail customer who  
379 suffers loss arising out of noncompliance with code standards or  
380 failure to honor or provide warranty service. The department may  
381 disapprove any bond that does not provide assurance as provided  
382 in this section. Within 10 calendar days after any renewal or  
383 continuation of or material change in such surety bond or  
384 issuance of a new surety bond, a licensee shall deliver to the  
385 department, in a manner prescribed by the department, a copy of  
386 such renewed, continued, changed, or new surety bond.

387 Section 12. Subsection (4) of section 627.7415, Florida  
388 Statutes, is amended to read:

389 627.7415 Commercial motor vehicles; additional liability  
390 insurance coverage.—Commercial motor vehicles, as defined in s.  
391 207.002 or s. 320.01, operated upon the roads and highways of  
392 this state shall be insured with the following minimum levels of  
393 combined bodily liability insurance and property damage  
394 liability insurance in addition to any other insurance  
395 requirements:

396 (4) All commercial motor vehicles subject to regulations of  
397 the United States Department of Transportation, 49 C.F.R. part  
398 387, subparts ~~subpart~~ A and B, and as may be hereinafter  
399 amended, shall be insured in an amount equivalent to the minimum  
400 levels of financial responsibility as set forth in such  
401 regulations.

402  
403 A violation of this section is a noncriminal traffic infraction,  
404 punishable as a nonmoving violation as provided in chapter 318.

405 Section 13. This act shall take effect July 1, 2022.