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LEGISLATIVE ACTION

Senate	.	House
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	.	
Floor: 1/AD/3R	.	Floor: C
05/04/2023 04:38 PM	.	05/04/2023 05:14 PM
	.	

Senator Berman moved the following:

Senate Amendment (with title amendment)

Delete lines 13 - 115

and insert:

Section 1. Paragraph (b) of subsection (2) of section 316.066, Florida Statutes, as amended by section 1 of chapter 2022-198, Laws of Florida, is amended to read:

316.066 Written reports of crashes.—

(2)

(b) Crash reports held by an agency under paragraph (a) may be made immediately available to the parties involved in the



12 crash, their legal representatives, their licensed insurance
13 agents, their insurers or insurers to which they have applied
14 for coverage, persons under contract with such insurers to
15 provide claims or underwriting information, law enforcement
16 agencies and their contracted service providers, victim services
17 programs, and any federal, state, or local governmental agency
18 or any private person or entity acting on behalf of a federal,
19 state, or local governmental agency in carrying out its
20 functions, but not for redistribution to any person or entity
21 not listed in this subsection. Crash reports held by an agency
22 under paragraph (a) which do not contain the home or employment
23 street addresses, driver license or identification card numbers,
24 dates of birth, and home and employment telephone numbers of the
25 parties involved in the crash shall be made immediately
26 available to radio and television stations licensed by the
27 Federal Communications Commission and newspapers qualified to
28 publish legal notices under ss. 50.011 and 50.031. A crash
29 report may also be made available to any third party acting on
30 behalf of a person or entity authorized under this section to
31 access the crash report, except that the third party may
32 disclose the crash report only to the person or entity
33 authorized to access the crash report under this section on
34 whose behalf the third party has sought the report. This section
35 shall not prevent an agency, pursuant to a memorandum of
36 understanding, from providing data derived from crash reports to
37 a third party solely for the purpose of identifying vehicles
38 involved in crashes if such data does not reveal the identity,
39 home or employment telephone number or home or employment
40 address, or other personal information of the parties involved



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41 in the crash.

42 Section 2. Paragraph (b) of subsection (1) of section
43 316.2935, Florida Statutes, is amended to read:

44 316.2935 Air pollution control equipment; tampering
45 prohibited; penalty.—

46 (1)

47 (b) At the time of sale, lease, or transfer of title of a
48 motor vehicle, the seller, lessor, or transferor shall certify
49 in writing to the purchaser, lessee, or transferee that the air
50 pollution control equipment of the motor vehicle has not been
51 tampered with by the seller, lessor, or transferor or their
52 agents, employees, or other representatives. A licensed motor
53 vehicle dealer shall also visually observe those air pollution
54 control devices listed by department rule pursuant to subsection
55 (7), and certify that they are in place, and appear properly
56 connected and undamaged. Such certification shall not be deemed
57 or construed as a warranty that the pollution control devices of
58 the subject vehicle are in functional condition, nor does the
59 execution or delivery of this certification create by itself
60 grounds for a cause of action between the parties to this
61 transaction. This paragraph does not apply when the purchaser of
62 the motor vehicle is a lessee purchasing the leased motor
63 vehicle and the licensed motor vehicle dealer is not in
64 possession of the motor vehicle at the time of sale.

65 Section 3. Paragraph (v) is added to subsection (16) of
66 section 320.02, Florida Statutes, to read:

67 320.02 Registration required; application for registration;
68 forms.—

69 (16)



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70 (v) The application form for motor vehicle registration and
71 renewal of registration must include language permitting a
72 voluntary contribution of \$1 to Best Buddies International, Inc.
73 Such contributions shall be distributed monthly by the
74 department to Best Buddies International Inc., a corporation not
75 for profit under s. 501(c)(3) of the Internal Revenue Code.

76
77 For the purpose of applying the service charge provided in s.
78 215.20, contributions received under this subsection are not
79 income of a revenue nature.

80 Section 4. Subsection (1) of section 320.0657, Florida
81 Statutes, is amended to read:

82 320.0657 Permanent registration; fleet license plates.—

83 (1) As used in this section, the term "fleet" means
84 nonapportioned motor vehicles owned or leased by a company and
85 used for business purposes. A fleet consists of a minimum of 100
86 motor vehicles or a minimum of 25 trailers or semitrailers
87 ~~Vehicle numbers comprising a "fleet" shall be established by the~~
88 ~~department.~~ Vehicles registered as short-term rental vehicles
89 are excluded from the provisions of this section.

90 Section 5. Subsection (8) of section 322.08, Florida
91 Statutes, is amended to read:

92 322.08 Application for license; requirements for license
93 and identification card forms.—

94 (8) The application form for an original, renewal, or
95 replacement driver license or identification card must include
96 language permitting the following:

97 (a) A voluntary contribution of \$1 per applicant, which
98 contribution shall be deposited into the Health Care Trust Fund



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99 for organ and tissue donor education and for maintaining the
100 organ and tissue donor registry.

101 (b) A voluntary contribution of \$1 per applicant, which
102 shall be distributed to the Florida Council of the Blind.

103 (c) A voluntary contribution of \$2 per applicant, which
104 shall be distributed to the Hearing Research Institute,
105 Incorporated.

106 (d) A voluntary contribution of \$1 per applicant, which
107 shall be distributed to the Juvenile Diabetes Foundation
108 International.

109 (e) A voluntary contribution of \$1 per applicant, which
110 shall be distributed to the Children's Hearing Help Fund.

111 (f) A voluntary contribution of \$1 per applicant, which
112 shall be distributed to Family First, a nonprofit organization.

113 (g) A voluntary contribution of \$1 per applicant to Stop
114 Heart Disease, which shall be distributed to the Florida Heart
115 Research Institute, a nonprofit organization.

116 (h) A voluntary contribution of \$1 per applicant to Senior
117 Vision Services, which shall be distributed to the Florida
118 Association of Agencies Serving the Blind, Inc., a not-for-
119 profit organization.

120 (i) A voluntary contribution of \$1 per applicant for
121 services for persons with developmental disabilities, which
122 shall be distributed to The Arc of Florida.

123 (j) A voluntary contribution of \$1 to the Ronald McDonald
124 House, which shall be distributed each month to Ronald McDonald
125 House Charities of Tampa Bay, Inc.

126 (k) Notwithstanding s. 322.081, a voluntary contribution of
127 \$1 per applicant, which shall be distributed to the League



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128 Against Cancer/La Liga Contra el Cancer, a not-for-profit
129 organization.

130 (l) A voluntary contribution of \$1 per applicant to Prevent
131 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
132 Inc., a nonprofit organization.

133 (m) A voluntary contribution of \$1 per applicant, which
134 shall be distributed to Prevent Blindness Florida, a not-for-
135 profit organization, to prevent blindness and preserve the sight
136 of the residents of this state.

137 (n) Notwithstanding s. 322.081, a voluntary contribution of
138 \$1 per applicant to the state homes for veterans, to be
139 distributed on a quarterly basis by the department to the
140 Operations and Maintenance Trust Fund within the Department of
141 Veterans' Affairs.

142 (o) A voluntary contribution of \$1 per applicant to the
143 Disabled American Veterans, Department of Florida, which shall
144 be distributed quarterly to Disabled American Veterans,
145 Department of Florida, a nonprofit organization.

146 (p) A voluntary contribution of \$1 per applicant for Autism
147 Services and Supports, which shall be distributed to Achievement
148 and Rehabilitation Centers, Inc., Autism Services Fund.

149 (q) A voluntary contribution of \$1 per applicant to Support
150 Our Troops, which shall be distributed to Support Our Troops,
151 Inc., a Florida not-for-profit organization.

152 (r) Notwithstanding s. 322.081, a voluntary contribution of
153 \$1 per applicant to aid the homeless. Contributions made
154 pursuant to this paragraph shall be deposited into the Grants
155 and Donations Trust Fund of the Department of Children and
156 Families and used by the State Office on Homelessness to



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157 supplement grants made under s. 420.622(4) and (5), provide
158 information to the public about homelessness in the state, and
159 provide literature for homeless persons seeking assistance.

160 (s) A voluntary contribution of \$1 or more per applicant to
161 End Breast Cancer, which shall be distributed to the Florida
162 Breast Cancer Foundation.

163 (t) Notwithstanding s. 322.081(1), a voluntary contribution
164 of \$1 or more per applicant to Childhood Cancer Care, which
165 shall be distributed to the Live Like Bella Childhood Cancer
166 Foundation.

167 (u) A voluntary contribution of \$1 or more per applicant to
168 Best Buddies International, Inc., which shall be distributed
169 monthly to Best Buddies International, Inc., a corporation not
170 for profit under s. 501(c)(3) of the Internal Revenue Code.

171
172 A statement providing an explanation of the purpose of the trust
173 funds shall also be included. For the purpose of applying the
174 service charge provided under s. 215.20, contributions received
175 under paragraphs (b)-(u) ~~(b)-(t)~~ are not income of a revenue
176 nature.

177 Section 6. Paragraph (c) of subsection (9) of section
178 324.021, Florida Statutes, is amended to read:

179 324.021 Definitions; minimum insurance required.—The
180 following words and phrases when used in this chapter shall, for
181 the purpose of this chapter, have the meanings respectively
182 ascribed to them in this section, except in those instances
183 where the context clearly indicates a different meaning:

184 (9) OWNER; OWNER/LESSOR.—

185 (c) *Application*.—



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186 1. The limits on liability in subparagraphs (b)2. and 3. do
187 not apply to an owner of motor vehicles that are used for
188 commercial activity in the owner's ordinary course of business,
189 other than a rental company that rents or leases motor vehicles.
190 For purposes of this paragraph, the term "rental company"
191 includes only an entity that is engaged in the business of
192 renting or leasing motor vehicles to the general public and that
193 rents or leases a majority of its motor vehicles to persons with
194 no direct or indirect affiliation with the rental company. The
195 term "rental company" also includes:

196 a. A related rental or leasing company that is a subsidiary
197 of the same parent company as that of the renting or leasing
198 company that rented or leased the vehicle.

199 b. The holder of a motor vehicle title or an equity
200 interest in a motor vehicle title if the title or equity
201 interest is held pursuant to or to facilitate an asset-backed
202 securitization of a fleet of motor vehicles used solely in the
203 business of renting or leasing motor vehicles to the general
204 public and under the dominion and control of a rental company,
205 as described in this subparagraph, in the operation of such
206 rental company's business.

207 2. Furthermore, with respect to commercial motor vehicles
208 as defined in s. 627.732, the limits on liability in
209 subparagraphs (b)2. and 3. do not apply if, at the time of the
210 incident, the commercial motor vehicle is being used in the
211 transportation of materials found to be hazardous for the
212 purposes of the Hazardous Materials Transportation Authorization
213 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
214 required pursuant to such act to carry placards warning others



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215 of the hazardous cargo, unless at the time of lease or rental
216 either:

217 a. The lessee indicates in writing that the vehicle will
218 not be used to transport materials found to be hazardous for the
219 purposes of the Hazardous Materials Transportation Authorization
220 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

221 b. The lessee or other operator of the commercial motor
222 vehicle has in effect insurance with limits of at least
223 \$5,000,000 combined property damage and bodily injury liability.

224 3.a. A motor vehicle dealer, or a motor vehicle dealer's
225 leasing or rental affiliate, that provides a temporary
226 replacement vehicle at no charge or at a reasonable daily charge
227 to a service customer whose vehicle is being held for repair,
228 service, or adjustment by the motor vehicle dealer is immune
229 from any cause of action and is not liable, vicariously or
230 directly, under general law solely by reason of being the owner
231 of the temporary replacement vehicle for harm to persons or
232 property that arises out of the use, or operation, of the
233 temporary replacement vehicle by any person during the period
234 the temporary replacement vehicle has been entrusted to the
235 motor vehicle dealer's service customer if there is no
236 negligence or criminal wrongdoing on the part of the motor
237 vehicle owner, or its leasing or rental affiliate.

238 b. For purposes of this section, and notwithstanding any
239 other provision of general law, a motor vehicle dealer, or a
240 motor vehicle dealer's leasing or rental affiliate, that gives
241 possession, control, or use of a temporary replacement vehicle
242 to a motor vehicle dealer's service customer may not be adjudged
243 liable in a civil proceeding absent negligence or criminal



244 wrongdoing on the part of the motor vehicle dealer, or the motor
245 vehicle dealer's leasing or rental affiliate, if the motor
246 vehicle dealer or the motor vehicle dealer's leasing or rental
247 affiliate executes a written rental or use agreement and obtains
248 from the person receiving the temporary replacement vehicle a
249 copy of the person's driver license and insurance information
250 reflecting at least the minimum motor vehicle insurance coverage
251 required in the state. Any subsequent determination that the
252 driver license or insurance information provided to the motor
253 vehicle dealer, or the motor vehicle dealer's leasing or rental
254 affiliate, was in any way false, fraudulent, misleading,
255 nonexistent, canceled, not in effect, or invalid does not alter
256 or diminish the protections provided by this section, unless the
257 motor vehicle dealer, or the motor vehicle dealer's leasing or
258 rental affiliate, had actual knowledge thereof at the time
259 possession of the temporary replacement vehicle was provided.

260 c. For purposes of this subparagraph, the term:

261 (I) "Control" means the power to direct the management and
262 policies of a person, whether through ownership of voting
263 securities or otherwise.

264 (II) "Motor vehicle dealer's leasing or rental affiliate"
265 means a person who directly or indirectly controls, is
266 controlled by, or is under common control with the motor vehicle
267 dealer.

268 d. For purposes of this subparagraph, the term "service
269 customer" does not include an agent or a principal of a motor
270 vehicle dealer or a motor vehicle dealer's leasing or rental
271 affiliate, and does not include an employee of a motor vehicle
272 dealer or a motor vehicle dealer's leasing or rental affiliate



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273 unless the employee was provided a temporary replacement
274 vehicle:

275 (I) While the employee's personal vehicle was being held
276 for repair, service, or adjustment by the motor vehicle dealer;

277 (II) In the same manner as other customers who are provided
278 a temporary replacement vehicle while the customer's vehicle is
279 being held for repair, service, or adjustment; and

280 (III) The employee was not acting within the course and
281 scope of his or her employment.

282 Section 7. Subsection (3) of section 324.0221, Florida
283 Statutes, is amended to read:

284 324.0221 Reports by insurers to the department; suspension
285 of driver license and vehicle registrations; reinstatement.—

286 (3) An operator or owner whose driver license or
287 registration has been suspended under this section or s. 316.646
288 may affect ~~effect~~ its reinstatement upon compliance with the
289 requirements of this section and upon payment to the department
290 of a nonrefundable reinstatement fee of \$150 for the first
291 reinstatement. The reinstatement fee is \$250 for the second
292 reinstatement and \$500 for each subsequent reinstatement during
293 the 3 years following the first reinstatement. A person
294 reinstating her or his insurance under this subsection must also
295 secure ~~noncancelable~~ coverage as described in ss. 324.021(8),
296 324.023, and 627.7275(2) and present to the appropriate person
297 proof that the coverage is in force on a form adopted by the
298 department, and such proof shall be maintained for 2 years. If
299 the person does not have a second reinstatement within 3 years
300 after her or his initial reinstatement, the reinstatement fee is
301 \$150 for the first reinstatement after that 3-year period. If a



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302 person's license and registration are suspended under this
303 section or s. 316.646, only one reinstatement fee must be paid
304 to reinstate the license and the registration. All fees shall be
305 collected by the department at the time of reinstatement. The
306 department shall issue proper receipts for such fees and shall
307 promptly deposit those fees in the Highway Safety Operating
308 Trust Fund. One-third of the fees collected under this
309 subsection shall be distributed from the Highway Safety
310 Operating Trust Fund to the local governmental entity or state
311 agency that employed the law enforcement officer seizing the
312 license plate pursuant to s. 324.201. The funds may be used by
313 the local governmental entity or state agency for any authorized
314 purpose.

315 Section 8. Section 324.131, Florida Statutes, is amended to
316 read:

317 324.131 Period of suspension.—Such license, registration
318 and nonresident's operating privilege shall remain so suspended
319 and shall not be renewed, nor shall any such license or
320 registration be thereafter issued in the name of such person,
321 including any such person not previously licensed, unless and
322 until every such judgment is stayed, satisfied in full or to the
323 extent of the limits stated in s. 324.021(7) and until the said
324 person gives proof of financial responsibility as provided in s.
325 324.031, such proof to be maintained for 3 years. In addition,
326 if the person's license or registration has been suspended or
327 revoked due to a violation of s. 316.193 or pursuant to s.
328 322.26(2), that person shall maintain ~~noncancelable~~ liability
329 coverage for each motor vehicle registered in his or her name,
330 as described in s. 627.7275(2), and must present proof that



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331 coverage is in force on a form adopted by the Department of
332 Highway Safety and Motor Vehicles, such proof to be maintained
333 for 3 years.

334 Section 9. Paragraph (g) of subsection (3) of section
335 627.311, Florida Statutes, is amended to read:

336 627.311 Joint underwriters and joint reinsurers; public
337 records and public meetings exemptions.—

338 (3) The office may, after consultation with insurers
339 licensed to write automobile insurance in this state, approve a
340 joint underwriting plan for purposes of equitable apportionment
341 or sharing among insurers of automobile liability insurance and
342 other motor vehicle insurance, as an alternate to the plan
343 required in s. 627.351(1). All insurers authorized to write
344 automobile insurance in this state shall subscribe to the plan
345 and participate therein. The plan shall be subject to continuous
346 review by the office which may at any time disapprove the entire
347 plan or any part thereof if it determines that conditions have
348 changed since prior approval and that in view of the purposes of
349 the plan changes are warranted. Any disapproval by the office
350 shall be subject to the provisions of chapter 120. The Florida
351 Automobile Joint Underwriting Association is created under the
352 plan. The plan and the association:

353 (g) Must make available ~~noncancelable~~ coverage as provided
354 in s. 627.7275(2).

355 Section 10. Paragraph (b) of subsection (2) of section
356 627.7275, Florida Statutes, is amended to read:

357 627.7275 Motor vehicle liability.—

358 (2)

359 (b) The policies described in paragraph (a) shall be issued



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360 for at least 6 months and, ~~as to the minimum coverages required~~
361 ~~under this section, may not be canceled by the insured for any~~
362 ~~reason or by the insurer after 60 days, during which period the~~
363 ~~insurer is completing the underwriting of the policy.~~ After the
364 insurer has issued ~~completed underwriting~~ the policy, the
365 insurer shall notify the Department of Highway Safety and Motor
366 Vehicles that the policy is in full force and effect and ~~is not~~
367 ~~cancelable for the remainder of the policy period.~~ A premium
368 ~~shall be collected and the coverage is in effect for the 60-day~~
369 ~~period during which the insurer is completing the underwriting~~
370 ~~of the policy whether or not the person's driver license, motor~~
371 ~~vehicle tag, and motor vehicle registration are in effect.~~ Once
372 the ~~noncancelable~~ provisions of the policy become effective, the
373 coverages for bodily injury, property damage, and personal
374 injury protection may not be reduced below the minimum limits
375 required under s. 324.021 or s. 324.023 during the policy
376 period.

377
378 ===== T I T L E A M E N D M E N T =====

379 And the title is amended as follows:

380 Delete lines 2 - 9
381 and insert:

382 An act relating to driver license, identification
383 card, and motor vehicle registration; amending s.
384 316.066, F.S.; revising the parties that may receive
385 confidential crash reports to include law enforcement
386 agencies and their contracted service providers;
387 amending s. 316.2935, F.S.; providing applicability
388 relating to air pollution control equipment



389 certification requirements; amending ss. 320.02 and
390 322.08, F.S.; requiring that the motor vehicle
391 registration form and registration renewal form and
392 the driver license or identification card application
393 form, respectively, include an option to make a
394 voluntary contribution to Best Buddies International,
395 Inc.; amending s. 320.0657, F.S.; revising the
396 definition of the term "fleet"; amending s. 324.021,
397 F.S.; defining the terms "control" and "motor vehicle
398 dealer's leasing or rental affiliate" for purposes of
399 ch. 324, F.S.; amending ss. 324.0221 and 324.131,
400 F.S.; revising motor vehicle insurance coverage
401 requirements for certain persons; amending s. 627.311,
402 F.S.; revising a requirement for coverage made
403 available by the Florida Automobile Joint Underwriting
404 Association and the joint underwriting plan approved
405 by the Office of Insurance Regulation; amending s.
406 627.7275, F.S.; revising requirements for motor
407 vehicle insurance policies; providing an effective
408 date.