A bill to be entitled
An act relating to automatic license plate reader systems; amending s. 316.003, F.S.; defining the term "automatic license plate reader system"; amending s. 316.008, F.S.; authorizing counties and municipalities to install automatic license plate reader systems for a specified purpose; creating s. 316.647, F.S.; requiring the Department of Highway Safety and Motor Vehicles to establish the Uninsured Vehicle Enforcement Program; providing the purpose of the program; requiring the department, in coordination with the Department of Transportation, to install and operate automatic license plate reader systems on infrastructure; requiring the Department of Highway Safety and Motor Vehicles to coordinate with municipalities and counties to install such systems; authorizing the department to use such systems to access and collect certain data; providing requirements for the program; authorizing the department to contract with an entity to provide necessary technology, equipment, and maintenance for the program; authorizing law enforcement officers to verify certain information by sworn affidavit; providing that such affidavit constitutes probable cause for prosecution; requiring data collected or
26 retained under the program to be retained by a law
27 enforcement agency under specified circumstances;
28 prohibiting data collected or retained through the use
29 of an automated license plate reader system from being
30 used by an individual or agency for purposes other
31 than traffic safety and traffic monitoring;
32 prohibiting law enforcement agencies and certain other
33 agencies from selling license plate data or sharing
34 such data unless otherwise authorized; requiring the
35 department to annually publish a report by a specified
36 date; requiring the department to provide such report
37 to the Legislature; providing requirements for such
38 report; providing applicability; authorizing the
39 department to adopt rules; amending ss. 212.05,
40 316.306, and 655.960, F.S.; conforming cross-
41 references; providing an effective date.
42
43 WHEREAS, the Insurance Information Institute reports that,
44 in 2015, the estimated percentage of uninsured motorists in
45 Florida ranked the highest of any state at 26.7 percent, and
46 WHEREAS, while many Floridians are paying premiums for
47 uninsured motor vehicle coverage, the state is missing tax
48 revenue associated with premiums from those who do not carry
49 this coverage, and
50 WHEREAS, crashes caused by uninsured motorists result in a
significant economic impact on Floridians and the state, and

WHEREAS, an uninsured vehicle enforcement program is one
tool for encouraging motorists to comply with motor vehicle
coverage requirements, and

WHEREAS, an uninsured vehicle enforcement program would
give a vehicle owner the opportunity to choose vehicle insurance
that meets his or her needs, and

WHEREAS, reducing the number of cases involving the justice
system will reduce the fiscal impact of uninsured motorists on
the state, and

WHEREAS, the collection of citation and diversion fees from
those who have violated motor vehicle insurance laws under the
uninsured vehicle enforcement program would reduce the tax
burden on all Floridians, and

WHEREAS, similar enforcement programs implemented elsewhere
have demonstrated that they are effective at increasing safety
and reducing burdens on the justice system, and

WHEREAS, other state legislatures are considering enacting
similar legislation in 2021, NOW, THEREFORE,

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

Section 1. Present subsections (4) through (105) of
section 316.003, Florida Statutes, are redesignated as
subsections (5) through (106), respectively, a new subsection
(4) is added to that section, and present subsection (62) of that section is amended, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(4) AUTOMATIC LICENSE PLATE READER SYSTEM.—A system of one or more mobile or fixed cameras that capture images of registration plates to which computer algorithms are applied to convert those images into computer-readable data.

(63) (62) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (85)(b) (84)(b), any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 2. Subsection (9) is added to section 316.008, Florida Statutes, to read:

316.008 Powers of local authorities.—

(9) In coordination with the Department of Highway Safety and Motor Vehicles and the Department of Transportation, a county, in any unincorporated area of that county, or a municipality, within the incorporated area of that municipality, may install, or may authorize by contract or interlocal agreement installation of, an automatic license plate reader system on streets and highways under its jurisdiction to enforce
Section 3. Section 316.647, Florida Statutes, is created to read:

316.647 Uninsured Vehicle Enforcement Program.—

(1) The department shall establish the Uninsured Vehicle Enforcement Program. The purpose of the program is to enhance public safety through increased compliance with chapter 324.

(2)(a) The department, in coordination with the Department of Transportation, shall install and operate automatic license plate reader systems on infrastructure, including, but not limited to, traffic signal poles and supports, highway sign support structures, bridges, and overpasses. The installation of the systems must make use of electrical power available on such infrastructure.

(b) The department shall coordinate with municipalities and counties in such installation as provided in s. 316.008(9).

(c) The department may use automatic license plate reader systems to access and collect data for the investigation, detection, analysis, or enforcement of compliance with chapter 324.

(3) The program must include all of the following:

(a) A system for matching a vehicle identified by an automatic license plate reader system with insurance data held by the department for registered vehicles.
(b) Appropriate safeguards and controls to prevent misuse or unauthorized access.

(c) A disaster recovery plan to ensure service continuity in the event of a disaster.

(d) A process for notifying the owner of record of a vehicle who has been identified as not being in compliance with chapter 324.

(4) The department may contract with an entity to provide necessary technology, equipment, and maintenance for the program and arrange for required updates and maintenance of system software and for the analysis of the system's data and the system's operational performance and effectiveness.

(5) A law enforcement officer may verify by sworn affidavit, which affidavit constitutes probable cause for prosecution under applicable state law, that:

(a) A photograph generated by an automatic license plate reader system unit identifies a particular vehicle operating on or having been operated on a public road, highway, street, or turnpike or any other public place or upon any private road or driveway that provides access to a single-family or multifamily dwelling; and

(b) The data held by the department shows that the vehicle was uninsured at the time such vehicle was being operated.

(6)(a) Data collected or retained through the use of an automated license plate reader system under the program must be
retrieved by a law enforcement agency when the data is being used as evidence of a violation of chapter 324; however, when the data is no longer needed as evidence of a violation, the data must be deleted or destroyed.

(b) Data collected or retained through the use of an automated license plate reader system may not be used by any individual or agency for purposes other than for traffic safety or traffic monitoring. A law enforcement agency or any other entity authorized to operate under this program may not sell captured license plate data for any purpose or share such data for any purpose not expressly authorized by this section.

(7) By September 15 of each year following the implementation of the program, the department shall publish a report on the operation of the program during the previous fiscal year. An electronic copy of the report must be distributed to the President of the Senate and the Speaker of the House of Representatives. The report must include an evaluation of program operations and may include any information and recommendations for improvement of the program deemed appropriate by the department.

(8) This section does not apply to, and may not be construed or interpreted to prohibit the use of, any other automated license plate reader system by an individual or a private legal entity for purposes not otherwise prohibited by law.
(9) The department may adopt rules to administer this section.

Section 4. Paragraph (c) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05  Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(c) At the rate of 6 percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined herein; however, the following special provisions apply to the lease or rental of motor vehicles:

1. When a motor vehicle is leased or rented for a period of less than 12 months:
   a. If the motor vehicle is rented in Florida, the entire amount of such rental is taxable, even if the vehicle is dropped off in another state.
b. If the motor vehicle is rented in another state and dropped off in Florida, the rental is exempt from Florida tax.

2. Except as provided in subparagraph 3., for the lease or rental of a motor vehicle for a period of not less than 12 months, sales tax is due on the lease or rental payments if the vehicle is registered in this state; provided, however, that no tax shall be due if the taxpayer documents use of the motor vehicle outside this state and tax is being paid on the lease or rental payments in another state.

3. The tax imposed by this chapter does not apply to the lease or rental of a commercial motor vehicle as defined in s. 316.003(14)(a) to one lessee or rentee for a period of not less than 12 months when tax was paid on the purchase price of such vehicle by the lessor. To the extent tax was paid with respect to the purchase of such vehicle in another state, territory of the United States, or the District of Columbia, the Florida tax payable shall be reduced in accordance with the provisions of s. 212.06(7). This subparagraph shall only be available when the lease or rental of such property is an established business or part of an established business or the same is incidental or germane to such business.

Section 5. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—
(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(106). This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

2.a. During the period from October 1, 2019, through December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are in violation of subparagraph 1. for the purposes of informing and educating such persons of this section. This subparagraph shall stand repealed on October 1, 2020.

b. Effective January 1, 2020, a law enforcement officer may stop motor vehicles and issue citations to persons who are driving while using a wireless communications device in a handheld manner in violation of subparagraph 1.

Section 6. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:
(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(85)(a) or (b) or s. 316.003(84)(a) or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 7. This act shall take effect July 1, 2021.