

By Senator Rodriguez

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1                                   A bill to be entitled  
2       An act relating to insurance; amending s. 316.003,  
3       F.S.; defining the term "automatic license plate  
4       reader system"; amending s. 316.008, F.S.; authorizing  
5       counties and municipalities to install automatic  
6       license plate reader systems for a specified purpose;  
7       creating s. 316.647, F.S.; requiring the Department of  
8       Highway Safety and Motor Vehicles to establish the  
9       Uninsured Vehicle Enforcement Program; providing the  
10      purpose of the program; requiring the department, in  
11      coordination with the Department of Transportation, to  
12      install and operate automatic license plate reader  
13      systems on infrastructure; requiring the Department of  
14      Highway Safety and Motor Vehicles to coordinate with  
15      municipalities and counties to install such systems;  
16      authorizing the department to use such systems to  
17      access and collect certain data; providing  
18      requirements for the program; authorizing the  
19      department to contract with an entity to provide  
20      necessary technology, equipment, and maintenance for  
21      the program; authorizing law enforcement officers to  
22      verify certain information by sworn affidavit;  
23      providing that such affidavit constitutes probable  
24      cause for prosecution; requiring data collected or  
25      retained under the program to be retained by a law  
26      enforcement agency under specified circumstances;  
27      prohibiting data collected or retained through the use  
28      of an automated license plate reader system from being  
29      used by an individual or agency for purposes other

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30 than traffic safety and traffic monitoring;  
31 prohibiting law enforcement agencies and certain other  
32 agencies from selling license plate data or sharing  
33 such data unless otherwise authorized; requiring the  
34 department to annually publish a report by a specified  
35 date; requiring the department to provide such report  
36 to the Legislature; providing requirements for such  
37 report; providing applicability; authorizing the  
38 department to adopt rules; amending ss. 212.05,  
39 316.306, and 655.960, F.S.; conforming cross-  
40 references; providing an effective date.

41  
42 WHEREAS, the Insurance Information Institute reports that,  
43 in 2015, the estimated percentage of uninsured motorists in  
44 Florida ranked the highest of any state at 26.7 percent, and

45 WHEREAS, while many Floridians are paying premiums for  
46 uninsured motor vehicle coverage, the state is missing tax  
47 revenue associated with premiums from those who do not carry  
48 this coverage, and

49 WHEREAS, crashes caused by uninsured motorists result in a  
50 significant economic impact on Floridians and the state, and

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

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

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

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59 the state, and

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

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

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

69

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

71

72 Section 1. Present subsections (4) through (105) of section  
73 316.003, Florida Statutes, are redesignated as subsections (5)  
74 through (106), respectively, a new subsection (4) is added to  
75 that section, and present subsection (62) of that section is  
76 amended, to read:

77 316.003 Definitions.—The following words and phrases, when  
78 used in this chapter, shall have the meanings respectively  
79 ascribed to them in this section, except where the context  
80 otherwise requires:

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

85 (63)~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
86 provided in paragraph (85) (b) ~~(84) (b)~~, any privately owned way  
87 or place used for vehicular travel by the owner and those having

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88 express or implied permission from the owner, but not by other  
89 persons.

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

92 316.008 Powers of local authorities.—

93 (9) In coordination with the Department of Highway Safety  
94 and Motor Vehicles and the Department of Transportation, a  
95 county, in any unincorporated area of that county, or a  
96 municipality, within the incorporated area of that municipality,  
97 may install, or may authorize by contract or interlocal  
98 agreement installation of, an automatic license plate reader  
99 system on streets and highways under its jurisdiction to enforce  
100 the Uninsured Vehicle Enforcement Program established under s.  
101 316.647.

102 Section 3. Section 316.647, Florida Statutes, is created to  
103 read:

104 316.647 Uninsured Vehicle Enforcement Program.—

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

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

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

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117 (c) The department may use automatic license plate reader  
118 systems to access and collect data for the investigation,  
119 detection, analysis, or enforcement of compliance with chapter  
120 324.

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

122 (a) A system for matching a vehicle identified by an  
123 automatic license plate reader system with insurance data held  
124 by the department for registered vehicles.

125 (b) Appropriate safeguards and controls to prevent misuse  
126 or unauthorized access.

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

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

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

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

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

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

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

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

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

170 (8) This section does not apply to, and may not be  
171 construed or interpreted to prohibit the use of, any other  
172 automated license plate reader system by an individual or a  
173 private legal entity for purposes not otherwise prohibited by  
174 law.

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175       (9) The department may adopt rules to administer this  
176 section.

177       Section 4. Paragraph (c) of subsection (1) of section  
178 212.05, Florida Statutes, is amended to read:

179       212.05 Sales, storage, use tax.—It is hereby declared to be  
180 the legislative intent that every person is exercising a taxable  
181 privilege who engages in the business of selling tangible  
182 personal property at retail in this state, including the  
183 business of making mail order sales, or who rents or furnishes  
184 any of the things or services taxable under this chapter, or who  
185 stores for use or consumption in this state any item or article  
186 of tangible personal property as defined herein and who leases  
187 or rents such property within the state.

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

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

195       1. When a motor vehicle is leased or rented for a period of  
196 less than 12 months:

197       a. If the motor vehicle is rented in Florida, the entire  
198 amount of such rental is taxable, even if the vehicle is dropped  
199 off in another state.

200       b. If the motor vehicle is rented in another state and  
201 dropped off in Florida, the rental is exempt from Florida tax.

202       2. Except as provided in subparagraph 3., for the lease or  
203 rental of a motor vehicle for a period of not less than 12

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204 months, sales tax is due on the lease or rental payments if the  
205 vehicle is registered in this state; provided, however, that no  
206 tax shall be due if the taxpayer documents use of the motor  
207 vehicle outside this state and tax is being paid on the lease or  
208 rental payments in another state.

209 3. The tax imposed by this chapter does not apply to the  
210 lease or rental of a commercial motor vehicle as defined in s.  
211 316.003(14) (a) ~~s. 316.003(13) (a)~~ to one lessee or rentee for a  
212 period of not less than 12 months when tax was paid on the  
213 purchase price of such vehicle by the lessor. To the extent tax  
214 was paid with respect to the purchase of such vehicle in another  
215 state, territory of the United States, or the District of  
216 Columbia, the Florida tax payable shall be reduced in accordance  
217 with the provisions of s. 212.06(7). This subparagraph shall  
218 only be available when the lease or rental of such property is  
219 an established business or part of an established business or  
220 the same is incidental or germane to such business.

221 Section 5. Paragraph (a) of subsection (3) of section  
222 316.306, Florida Statutes, is amended to read:

223 316.306 School and work zones; prohibition on the use of a  
224 wireless communications device in a handheld manner.-

225 (3) (a) 1. A person may not operate a motor vehicle while  
226 using a wireless communications device in a handheld manner in a  
227 designated school crossing, school zone, or work zone area as  
228 defined in s. 316.003(106) ~~s. 316.003(105)~~. This subparagraph  
229 shall only be applicable to work zone areas if construction  
230 personnel are present or are operating equipment on the road or  
231 immediately adjacent to the work zone area. For the purposes of  
232 this paragraph, a motor vehicle that is stationary is not being

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233 operated and is not subject to the prohibition in this  
234 paragraph.

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

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

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

247 655.960 Definitions; ss. 655.960-655.965.—As used in this  
248 section and ss. 655.961-655.965, unless the context otherwise  
249 requires:

250 (1) "Access area" means any paved walkway or sidewalk which  
251 is within 50 feet of any automated teller machine. The term does  
252 not include any street or highway open to the use of the public,  
253 as defined in s. 316.003(85)(a) or (b) ~~s. 316.003(84)(a) or (b)~~,  
254 including any adjacent sidewalk, as defined in s. 316.003.

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