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1
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.