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1
 2 An act relating to driver license, identification
 3 card, and motor vehicle registration; amending s.
 4 316.066, F.S.; revising the parties that may receive
 5 confidential crash reports to include law enforcement
 6 agencies and their contracted service providers;
 7 amending s. 316.2935, F.S.; providing applicability
 8 relating to air pollution control equipment
 9 certification requirements; amending ss. 320.02 and
 10 322.08, F.S.; requiring that the motor vehicle
 11 registration form and registration renewal form and
 12 the driver license or identification card application
 13 form, respectively, include an option to make a
 14 voluntary contribution to Best Buddies International,
 15 Inc.; amending s. 320.0657, F.S.; revising the
 16 definition of the term "fleet"; amending s. 324.021,
 17 F.S.; defining the terms "control" and "motor vehicle
 18 dealer's leasing or rental affiliate" for purposes of
 19 ch. 324, F.S.; amending ss. 324.0221 and 324.131,
 20 F.S.; revising motor vehicle insurance coverage
 21 requirements for certain persons; amending s. 627.311,
 22 F.S.; revising a requirement for coverage made
 23 available by the Florida Automobile Joint Underwriting
 24 Association and the joint underwriting plan approved
 25 by the Office of Insurance Regulation; amending s.

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26 627.7275, F.S.; revising requirements for motor
 27 vehicle insurance policies; providing an effective
 28 date.

29
 30 Be It Enacted by the Legislature of the State of Florida:

31
 32 Section 1. Paragraph (b) of subsection (2) of section
 33 316.066, Florida Statutes, as amended by section 1 of chapter
 34 2022-198, Laws of Florida, is amended to read:

35 316.066 Written reports of crashes.—

36 (2)

37 (b) Crash reports held by an agency under paragraph (a)
 38 may be made immediately available to the parties involved in the
 39 crash, their legal representatives, their licensed insurance
 40 agents, their insurers or insurers to which they have applied
 41 for coverage, persons under contract with such insurers to
 42 provide claims or underwriting information, law enforcement
 43 agencies and their contracted service providers, victim services
 44 programs, and any federal, state, or local governmental agency
 45 or any private person or entity acting on behalf of a federal,
 46 state, or local governmental agency in carrying out its
 47 functions, but not for redistribution to any person or entity
 48 not listed in this subsection. Crash reports held by an agency
 49 under paragraph (a) which do not contain the home or employment
 50 street addresses, driver license or identification card numbers,

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51 | dates of birth, and home and employment telephone numbers of the
 52 | parties involved in the crash shall be made immediately
 53 | available to radio and television stations licensed by the
 54 | Federal Communications Commission and newspapers qualified to
 55 | publish legal notices under ss. 50.011 and 50.031. A crash
 56 | report may also be made available to any third party acting on
 57 | behalf of a person or entity authorized under this section to
 58 | access the crash report, except that the third party may
 59 | disclose the crash report only to the person or entity
 60 | authorized to access the crash report under this section on
 61 | whose behalf the third party has sought the report. This section
 62 | shall not prevent an agency, pursuant to a memorandum of
 63 | understanding, from providing data derived from crash reports to
 64 | a third party solely for the purpose of identifying vehicles
 65 | involved in crashes if such data does not reveal the identity,
 66 | home or employment telephone number or home or employment
 67 | address, or other personal information of the parties involved
 68 | in the crash.

69 | Section 2. Paragraph (b) of subsection (1) of section
 70 | 316.2935, Florida Statutes, is amended to read:

71 | 316.2935 Air pollution control equipment; tampering
 72 | prohibited; penalty.—

73 | (1)

74 | (b) At the time of sale, lease, or transfer of title of a
 75 | motor vehicle, the seller, lessor, or transferor shall certify

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76 | in writing to the purchaser, lessee, or transferee that the air
 77 | pollution control equipment of the motor vehicle has not been
 78 | tampered with by the seller, lessor, or transferor or their
 79 | agents, employees, or other representatives. A licensed motor
 80 | vehicle dealer shall also visually observe those air pollution
 81 | control devices listed by department rule pursuant to subsection
 82 | (7), and certify that they are in place, and appear properly
 83 | connected and undamaged. Such certification shall not be deemed
 84 | or construed as a warranty that the pollution control devices of
 85 | the subject vehicle are in functional condition, nor does the
 86 | execution or delivery of this certification create by itself
 87 | grounds for a cause of action between the parties to this
 88 | transaction. This paragraph does not apply when the purchaser of
 89 | the motor vehicle is a lessee purchasing the leased motor
 90 | vehicle and the licensed motor vehicle dealer is not in
 91 | possession of the motor vehicle at the time of sale.

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

94 | 320.02 Registration required; application for
 95 | registration; forms.—

96 | (16)

97 | (v) The application form for motor vehicle registration
 98 | and renewal of registration must include language permitting a
 99 | voluntary contribution of \$1 to Best Buddies International, Inc.
 100 | Such contributions shall be distributed monthly by the

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101 department to Best Buddies International Inc., a corporation not
 102 for profit under s. 501(c)(3) of the Internal Revenue Code.

103
 104 For the purpose of applying the service charge provided in s.
 105 215.20, contributions received under this subsection are not
 106 income of a revenue nature.

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

109 320.0657 Permanent registration; fleet license plates.—

110 (1) As used in this section, the term "fleet" means
 111 nonapportioned motor vehicles owned or leased by a company and
 112 used for business purposes. A fleet consists of a minimum of 100
 113 motor vehicles or a minimum of 25 trailers or semitrailers
 114 ~~Vehicle numbers comprising a "fleet" shall be established by the~~
 115 ~~department.~~ Vehicles registered as short-term rental vehicles
 116 are excluded from the provisions of this section.

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

119 322.08 Application for license; requirements for license
 120 and identification card forms.—

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

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

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126 | for organ and tissue donor education and for maintaining the
 127 | organ and tissue donor registry.

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

130 | (c) A voluntary contribution of \$2 per applicant, which
 131 | shall be distributed to the Hearing Research Institute,
 132 | Incorporated.

133 | (d) A voluntary contribution of \$1 per applicant, which
 134 | shall be distributed to the Juvenile Diabetes Foundation
 135 | International.

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

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

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

143 | (h) A voluntary contribution of \$1 per applicant to Senior
 144 | Vision Services, which shall be distributed to the Florida
 145 | Association of Agencies Serving the Blind, Inc., a not-for-
 146 | profit organization.

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

150 | (j) A voluntary contribution of \$1 to the Ronald McDonald

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151 House, which shall be distributed each month to Ronald McDonald
 152 House Charities of Tampa Bay, Inc.

153 (k) Notwithstanding s. 322.081, a voluntary contribution
 154 of \$1 per applicant, which shall be distributed to the League
 155 Against Cancer/La Liga Contra el Cancer, a not-for-profit
 156 organization.

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

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

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

169 (o) A voluntary contribution of \$1 per applicant to the
 170 Disabled American Veterans, Department of Florida, which shall
 171 be distributed quarterly to Disabled American Veterans,
 172 Department of Florida, a nonprofit organization.

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

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176 Fund.

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

180 (r) Notwithstanding s. 322.081, a voluntary contribution
 181 of \$1 per applicant to aid the homeless. Contributions made
 182 pursuant to this paragraph shall be deposited into the Grants
 183 and Donations Trust Fund of the Department of Children and
 184 Families and used by the State Office on Homelessness to
 185 supplement grants made under s. 420.622(4) and (5), provide
 186 information to the public about homelessness in the state, and
 187 provide literature for homeless persons seeking assistance.

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

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

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

199
 200 A statement providing an explanation of the purpose of the trust

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201 funds shall also be included. For the purpose of applying the
 202 service charge provided under s. 215.20, contributions received
 203 under paragraphs (b)-(u) ~~(b)-(t)~~ are not income of a revenue
 204 nature.

205 Section 6. Paragraph (c) of subsection (9) of section
 206 324.021, Florida Statutes, is amended to read:

207 324.021 Definitions; minimum insurance required.—The
 208 following words and phrases when used in this chapter shall, for
 209 the purpose of this chapter, have the meanings respectively
 210 ascribed to them in this section, except in those instances
 211 where the context clearly indicates a different meaning:

212 (9) OWNER; OWNER/LESSOR.—

213 (c) *Application*.—

214 1. The limits on liability in subparagraphs (b)2. and 3.
 215 do not apply to an owner of motor vehicles that are used for
 216 commercial activity in the owner's ordinary course of business,
 217 other than a rental company that rents or leases motor vehicles.
 218 For purposes of this paragraph, the term "rental company"
 219 includes only an entity that is engaged in the business of
 220 renting or leasing motor vehicles to the general public and that
 221 rents or leases a majority of its motor vehicles to persons with
 222 no direct or indirect affiliation with the rental company. The
 223 term "rental company" also includes:

224 a. A related rental or leasing company that is a
 225 subsidiary of the same parent company as that of the renting or

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226 leasing company that rented or leased the vehicle.

227 b. The holder of a motor vehicle title or an equity
 228 interest in a motor vehicle title if the title or equity
 229 interest is held pursuant to or to facilitate an asset-backed
 230 securitization of a fleet of motor vehicles used solely in the
 231 business of renting or leasing motor vehicles to the general
 232 public and under the dominion and control of a rental company,
 233 as described in this subparagraph, in the operation of such
 234 rental company's business.

235 2. Furthermore, with respect to commercial motor vehicles
 236 as defined in s. 627.732, the limits on liability in
 237 subparagraphs (b)2. and 3. do not apply if, at the time of the
 238 incident, the commercial motor vehicle is being used in the
 239 transportation of materials found to be hazardous for the
 240 purposes of the Hazardous Materials Transportation Authorization
 241 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
 242 required pursuant to such act to carry placards warning others
 243 of the hazardous cargo, unless at the time of lease or rental
 244 either:

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

249 b. The lessee or other operator of the commercial motor
 250 vehicle has in effect insurance with limits of at least

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251 \$5,000,000 combined property damage and bodily injury liability.

252 3.a. A motor vehicle dealer, or a motor vehicle dealer's
 253 leasing or rental affiliate, that provides a temporary
 254 replacement vehicle at no charge or at a reasonable daily charge
 255 to a service customer whose vehicle is being held for repair,
 256 service, or adjustment by the motor vehicle dealer is immune
 257 from any cause of action and is not liable, vicariously or
 258 directly, under general law solely by reason of being the owner
 259 of the temporary replacement vehicle for harm to persons or
 260 property that arises out of the use, or operation, of the
 261 temporary replacement vehicle by any person during the period
 262 the temporary replacement vehicle has been entrusted to the
 263 motor vehicle dealer's service customer if there is no
 264 negligence or criminal wrongdoing on the part of the motor
 265 vehicle owner, or its leasing or rental affiliate.

266 b. For purposes of this section, and notwithstanding any
 267 other provision of general law, a motor vehicle dealer, or a
 268 motor vehicle dealer's leasing or rental affiliate, that gives
 269 possession, control, or use of a temporary replacement vehicle
 270 to a motor vehicle dealer's service customer may not be adjudged
 271 liable in a civil proceeding absent negligence or criminal
 272 wrongdoing on the part of the motor vehicle dealer, or the motor
 273 vehicle dealer's leasing or rental affiliate, if the motor
 274 vehicle dealer or the motor vehicle dealer's leasing or rental
 275 affiliate executes a written rental or use agreement and obtains

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276 | from the person receiving the temporary replacement vehicle a
 277 | copy of the person's driver license and insurance information
 278 | reflecting at least the minimum motor vehicle insurance coverage
 279 | required in the state. Any subsequent determination that the
 280 | driver license or insurance information provided to the motor
 281 | vehicle dealer, or the motor vehicle dealer's leasing or rental
 282 | affiliate, was in any way false, fraudulent, misleading,
 283 | nonexistent, canceled, not in effect, or invalid does not alter
 284 | or diminish the protections provided by this section, unless the
 285 | motor vehicle dealer, or the motor vehicle dealer's leasing or
 286 | rental affiliate, had actual knowledge thereof at the time
 287 | possession of the temporary replacement vehicle was provided.

288 | c. For purposes of this subparagraph, the term:

289 | (I) "Control" means the power to direct the management and
 290 | policies of a person, whether through ownership of voting
 291 | securities or otherwise.

292 | (II) "Motor vehicle dealer's leasing or rental affiliate"
 293 | means a person who directly or indirectly controls, is
 294 | controlled by, or is under common control with the motor vehicle
 295 | dealer.

296 | d. For purposes of this subparagraph, the term "service
 297 | customer" does not include an agent or a principal of a motor
 298 | vehicle dealer or a motor vehicle dealer's leasing or rental
 299 | affiliate, and does not include an employee of a motor vehicle
 300 | dealer or a motor vehicle dealer's leasing or rental affiliate

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301 unless the employee was provided a temporary replacement
 302 vehicle:

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

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

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

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

312 324.0221 Reports by insurers to the department; suspension
 313 of driver license and vehicle registrations; reinstatement.—

314 (3) An operator or owner whose driver license or
 315 registration has been suspended under this section or s. 316.646
 316 may affect ~~effect~~ its reinstatement upon compliance with the
 317 requirements of this section and upon payment to the department
 318 of a nonrefundable reinstatement fee of \$150 for the first
 319 reinstatement. The reinstatement fee is \$250 for the second
 320 reinstatement and \$500 for each subsequent reinstatement during
 321 the 3 years following the first reinstatement. A person
 322 reinstating her or his insurance under this subsection must also
 323 secure ~~noncancelable~~ coverage as described in ss. 324.021(8),
 324 324.023, and 627.7275(2) and present to the appropriate person
 325 proof that the coverage is in force on a form adopted by the

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326 department, and such proof shall be maintained for 2 years. If
 327 the person does not have a second reinstatement within 3 years
 328 after her or his initial reinstatement, the reinstatement fee is
 329 \$150 for the first reinstatement after that 3-year period. If a
 330 person's license and registration are suspended under this
 331 section or s. 316.646, only one reinstatement fee must be paid
 332 to reinstate the license and the registration. All fees shall be
 333 collected by the department at the time of reinstatement. The
 334 department shall issue proper receipts for such fees and shall
 335 promptly deposit those fees in the Highway Safety Operating
 336 Trust Fund. One-third of the fees collected under this
 337 subsection shall be distributed from the Highway Safety
 338 Operating Trust Fund to the local governmental entity or state
 339 agency that employed the law enforcement officer seizing the
 340 license plate pursuant to s. 324.201. The funds may be used by
 341 the local governmental entity or state agency for any authorized
 342 purpose.

343 Section 8. Section 324.131, Florida Statutes, is amended
 344 to read:

345 324.131 Period of suspension.—Such license, registration
 346 and nonresident's operating privilege shall remain so suspended
 347 and shall not be renewed, nor shall any such license or
 348 registration be thereafter issued in the name of such person,
 349 including any such person not previously licensed, unless and
 350 until every such judgment is stayed, satisfied in full or to the

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351 extent of the limits stated in s. 324.021(7) and until the said
 352 person gives proof of financial responsibility as provided in s.
 353 324.031, such proof to be maintained for 3 years. In addition,
 354 if the person's license or registration has been suspended or
 355 revoked due to a violation of s. 316.193 or pursuant to s.
 356 322.26(2), that person shall maintain ~~noncancelable~~ liability
 357 coverage for each motor vehicle registered in his or her name,
 358 as described in s. 627.7275(2), and must present proof that
 359 coverage is in force on a form adopted by the Department of
 360 Highway Safety and Motor Vehicles, such proof to be maintained
 361 for 3 years.

362 Section 9. Paragraph (g) of subsection (3) of section
 363 627.311, Florida Statutes, is amended to read:

364 627.311 Joint underwriters and joint reinsurers; public
 365 records and public meetings exemptions.—

366 (3) The office may, after consultation with insurers
 367 licensed to write automobile insurance in this state, approve a
 368 joint underwriting plan for purposes of equitable apportionment
 369 or sharing among insurers of automobile liability insurance and
 370 other motor vehicle insurance, as an alternate to the plan
 371 required in s. 627.351(1). All insurers authorized to write
 372 automobile insurance in this state shall subscribe to the plan
 373 and participate therein. The plan shall be subject to continuous
 374 review by the office which may at any time disapprove the entire
 375 plan or any part thereof if it determines that conditions have

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376 | changed since prior approval and that in view of the purposes of
 377 | the plan changes are warranted. Any disapproval by the office
 378 | shall be subject to the provisions of chapter 120. The Florida
 379 | Automobile Joint Underwriting Association is created under the
 380 | plan. The plan and the association:

381 | (g) Must make available ~~noncancelable~~ coverage as provided
 382 | in s. 627.7275(2).

383 | Section 10. Paragraph (b) of subsection (2) of section
 384 | 627.7275, Florida Statutes, is amended to read:

385 | 627.7275 Motor vehicle liability.—

386 | (2)

387 | (b) The policies described in paragraph (a) shall be
 388 | issued for at least 6 months ~~and, as to the minimum coverages~~
 389 | ~~required under this section, may not be canceled by the insured~~
 390 | ~~for any reason or by the insurer after 60 days, during which~~
 391 | ~~period the insurer is completing the underwriting of the policy.~~
 392 | After the insurer has issued ~~completed underwriting~~ the policy,
 393 | the insurer shall notify the Department of Highway Safety and
 394 | Motor Vehicles that the policy is in full force and effect ~~and~~
 395 | ~~is not cancelable for the remainder of the policy period. A~~
 396 | ~~premium shall be collected and the coverage is in effect for the~~
 397 | ~~60-day period during which the insurer is completing the~~
 398 | ~~underwriting of the policy whether or not the person's driver~~
 399 | ~~license, motor vehicle tag, and motor vehicle registration are~~
 400 | ~~in effect.~~ Once the ~~noncancelable~~ provisions of the policy

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401 | become effective, the coverages for bodily injury, property
402 | damage, and personal injury protection may not be reduced below
403 | the minimum limits required under s. 324.021 or s. 324.023
404 | during the policy period.

405 | Section 11. This act shall take effect October 1, 2023.