

CHAPTER 2022-175

Senate Bill No. 914

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.305, F.S.; requiring law enforcement agencies to annually report race and ethnicity data of certain violators to the department; revising the date by which the department must begin annually reporting such data to the Governor and the Legislature; amending s. 316.646, F.S.; deleting a precondition to a requirement that the operator of a motor vehicle display proof of maintenance of security to a law enforcement officer or certain other persons; removing a requirement for certain motor vehicle operators to subsequently furnish proof of security after a certain violation; amending ss. 322.051 and 322.14, F.S.; requiring that distinguishing numbers assigned to identification cards and driver licenses, respectively, have a specified minimum number of randomly generated digits beginning on a specified date; amending s. 319.141, F.S.; extending the date by which the department must implement a rebuilt motor vehicle inspection program; adding counties where the program must be implemented; deleting an obsolete provision; amending s. 319.32, F.S.; prohibiting the department and a tax collector from charging fees or service charges, except a certain fee, under certain circumstances; amending s. 320.01, F.S.; revising the definition of the term “apportionable vehicle”; amending s. 320.03, F.S.; revising applicability; amending s. 320.77, F.S.; requiring licensed mobile home dealers to deliver certain documents to the department within a certain timeframe; amending s. 320.771, F.S.; specifying the required term of a certain garage liability insurance policy; requiring licensed recreational vehicle dealers to deliver certain documents to the department within a certain timeframe; amending s. 320.8225, F.S.; requiring licensed mobile home manufacturers and recreational vehicle manufacturers, distributors, and importers to submit certain documents to the department within a certain timeframe; amending s. 627.7415, F.S.; requiring that certain commercial motor vehicles meet certain federal financial responsibility requirements; providing an effective date.

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

Section 1. Subsection (5) of section 316.305, Florida Statutes, is amended to read:

316.305 Wireless communications devices; prohibition.—

(5) When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and report the information to the department by April 1 annually in a form and manner determined by the department. ~~Beginning July 1, 2023~~ ~~February 1, 2020~~, the department shall annually report the data collected under this

subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies shall combine the data for the county sheriffs and the municipal law enforcement agencies.

Section 2. Subsections (2), (3), and (4) of section 316.646, Florida Statutes, are amended to read:

316.646 Security required; proof of security and display thereof.—

(2) ~~If, upon a comparison of the vehicle registration certificate or other evidence of registration or ownership with the operator's driver license or other evidence of personal identity, it appears to a law enforcement officer or other person authorized to issue traffic citations that the operator is also the owner or registrant of the vehicle, Upon the demand of a the law enforcement officer or other person authorized to issue traffic citations, the operator shall display proper proof of maintenance of security as specified by subsection (1).~~

(3)(a) Any operator who is the owner or registrant of the vehicle he or she is operating and ~~person~~ who violates this section commits a nonmoving traffic infraction subject to the penalty provided in chapter 318 and shall be required to furnish proof of security as provided in this section. If ~~any operator who is the owner or registrant of the vehicle he or she is operating and who is~~ operator ~~person~~ charged with a violation of this section fails to furnish proof at or before the scheduled court appearance date that security was in effect at the time of the violation, the court shall, upon conviction, notify the department to suspend the registration and driver license of such operator ~~person~~. If the court fails to order the suspension of such operator's ~~the person's~~ registration and driver license for a conviction of this section at the time of sentencing, the department shall, upon receiving notice of the conviction from the court, suspend such operator's ~~the person's~~ registration and driver license for the violation of this section. Such license and registration may be reinstated only as provided in s. 324.0221.

(b) Any operator who is not the owner or registrant of the vehicle he or she is operating and who violates this section commits a nonmoving traffic infraction subject to the penalty provided in chapter 318.

(4) Any operator ~~person~~ presenting proof of insurance as required in subsection (1) who knows that the insurance as represented by such proof of insurance is not currently in force is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. Paragraph (a) of subsection (8) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(8)(a) The department shall, upon receipt of the required fee, issue to each qualified applicant for an identification card a color photographic or digital image identification card bearing a fullface photograph or digital image of the identification cardholder. Notwithstanding chapter 761 or s. 761.05, the requirement for a fullface photograph or digital image of the identification cardholder may not be waived. A space shall be provided upon which the identification cardholder shall affix his or her usual signature, as required in s. 322.14, in the presence of an authorized agent of the department so as to ensure that such signature becomes a part of the identification card. Beginning November 1, 2023, each distinguishing number assigned to an original, renewal, or replacement identification card must have a minimum of four randomly generated digits.

Section 4. Paragraph (a) of subsection (1) of section 322.14, Florida Statutes, is amended to read:

322.14 Licenses issued to drivers.—

(1)(a) The department shall, upon successful completion of all required examinations and payment of the required fee, issue to every qualified applicant a printed driver license that must bear a color photograph or digital image of the licensee; the name of the state; a distinguishing number assigned to the licensee, which, beginning November 1, 2023, must have a minimum of four randomly generated digits on each original, renewal, or replacement driver license; and the licensee's full name, date of birth, and residence address; a brief description of the licensee, including, but not limited to, the licensee's gender and height; and the dates of issuance and expiration of the license. A space shall be provided upon which the licensee shall affix his or her usual signature. A license is invalid until it has been signed by the licensee except that the signature of the licensee is not required if it appears thereon in facsimile or if the licensee is not present within the state at the time of issuance.

Section 5. Subsections (2) and (10) of section 319.141, Florida Statutes, are amended to read:

319.141 Rebuilt motor vehicle inspection program.—

(2) By October 1, ~~2022~~ 2019, the department shall implement a program in ~~Bay, Broward, Duval, Escambia, Hillsborough, Leon, Manatee, Marion, Miami-Dade, Orange, Palm Beach, and Volusia Counties~~ County for rebuilt inspection services offered by private sector participants.

~~(10)—On or before July 1, 2021, the department shall submit a written report to the President of the Senate and the Speaker of the House of Representatives evaluating the effectiveness of the program and whether to expand the program to other counties.~~

Section 6. Subsection (7) of section 319.32, Florida Statutes, is amended to read:

319.32 Fees; service charges; disposition.—

(7) Notwithstanding any other provision of this section, the department and tax collector may not charge any fee or service charge, except for the expedited title fee, if applicable;

(a) For a certificate of title issued for a motor vehicle solely to remove a deceased co-owner from a title registered in the names of two persons if the other co-owner is the surviving spouse; or

(b) To issue a certificate of title solely to change the ownership of a motor vehicle from a deceased spouse's name to the surviving spouse's name.

Section 7. Subsection (24) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(24) “Apportionable vehicle” means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, ~~buses used in transportation of chartered parties,~~ and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds;

(b) Is a power unit having three or more axles, regardless of weight; or

(c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be proportionally registered.

Section 8. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s. 713.78(13), a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the governmental entity or the clerk of court that provided the data showing that the fines outstanding have been paid. This subsection does not apply to the owner of a leased vehicle if the vehicle is registered in the name of the

lessee of the vehicle. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term “civil penalties and fines” does not include a wrecker operator’s lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies both only to the annual renewal in the owner’s birth month of a motor vehicle registration and the replacement of the motor vehicle registration or license plate, but does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which includes the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

Section 9. Paragraph (a) of subsection (16) of section 320.77, Florida Statutes, is amended to read:

320.77 License required of mobile home dealers.—

(16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF CREDIT REQUIRED.—

(a) Before any license shall be issued or renewed, the applicant or licensee shall deliver to the department a good and sufficient surety bond, cash bond, or irrevocable letter of credit, executed by the applicant or licensee as principal. Within 10 calendar days after any renewal or continuation of or material change in such surety bond, cash bond, or irrevocable letter of credit or issuance of a new surety bond, a licensee shall deliver to the department, in a manner prescribed by the department, a copy of the renewed, continued, changed, or new surety bond, cash bond, or irrevocable letter of credit. The bond or irrevocable letter of credit shall be in a form to be approved by the department and shall be conditioned upon the dealer’s complying with the conditions of any written contract made by the dealer in connection with the sale, exchange, or improvement of any mobile home and his or her not violating any of the provisions of chapter 319 or this chapter in the conduct of the business for which the dealer is licensed. The bond or irrevocable letter of credit shall be to the department and in favor of any retail customer who shall suffer any loss as a result of any violation of the conditions contained in this section. The bond or irrevocable letter of credit shall be for the license period, and a new bond or irrevocable letter of credit or a proper continuation certificate shall be delivered to the department at the beginning of each license period. However, the aggregate liability of the surety in any one license year shall in no event exceed the sum of such bond, or, in the case of a letter of credit, the aggregate liability of the

issuing bank shall not exceed the sum of the credit. The amount of the bond required shall be as follows:

1. A single dealer who buys, sells, or deals in mobile homes and who has four or fewer supplemental licenses shall provide a surety bond, cash bond, or irrevocable letter of credit executed by the dealer applicant or licensee in the amount of \$25,000.

2. A single dealer who buys, sells, or deals in mobile homes and who has more than four supplemental licenses shall provide a surety bond, cash bond, or irrevocable letter of credit executed by the dealer applicant or licensee in the amount of \$50,000.

For the purposes of this paragraph, any person who buys, sells, or deals in both mobile homes and recreational vehicles shall provide the same surety bond required of dealers who buy, sell, or deal in mobile homes only.

Section 10. Paragraph (j) of subsection (3) and paragraph (a) of subsection (16) of section 320.771, Florida Statutes, are amended to read:

320.771 License required of recreational vehicle dealers.—

(3) APPLICATION.—The application for such license shall be in the form prescribed by the department and subject to such rules as may be prescribed by it. The application shall be verified by oath or affirmation and shall contain:

(j) ~~Evidence A statement~~ that the applicant is insured under a garage liability insurance policy, which shall include, at a minimum, \$25,000 combined single-limit liability coverage, including bodily injury and property damage protection, and \$10,000 personal injury protection, if the applicant is to be licensed as a dealer in, or intends to sell, recreational vehicles. Such policy must be for the license period. Within 10 calendar days after any renewal or continuation of or material change in such policy or issuance of a new policy, the licensee shall deliver to the department, in a manner prescribed by the department, a copy of such renewed, continued, changed, or new policy. However, a garage liability policy is not required for the licensure of a mobile home dealer who sells only park trailers.

The department shall, if it deems necessary, cause an investigation to be made to ascertain if the facts set forth in the application are true and shall not issue a license to the applicant until it is satisfied that the facts set forth in the application are true.

(16) BOND.—

(a) Before any license shall be issued or renewed, the applicant shall deliver to the department a good and sufficient surety bond, executed by the applicant as principal and by a surety company qualified to do business in the state as surety. Within 10 calendar days after any renewal or continuation of or material change in such surety bond or issuance of a

new surety bond, a licensee shall deliver to the department, in a manner prescribed by the department, a copy of such renewed, continued, changed, or new surety bond. The bond shall be in a form to be approved by the department and shall be conditioned upon the dealer's complying with the conditions of any written contract made by that dealer in connection with the sale, exchange, or improvement of any recreational vehicle and his or her not violating any of the provisions of chapter 319 or this chapter in the conduct of the business for which he or she is licensed. The bond shall be to the department and in favor of any retail customer who shall suffer any loss as a result of any violation of the conditions hereinabove contained. The bond shall be for the license period, and a new bond or a proper continuation certificate shall be delivered to the department at the beginning of each license period. However, the aggregate liability of the surety in any one license year shall in no event exceed the sum of such bond. The amount of the bond required shall be as follows:

1. A single dealer who buys, sells, or deals in recreational vehicles and has four or fewer supplemental licenses shall provide a surety bond in the amount of \$10,000.
2. A single dealer who buys, sells, or deals in recreational vehicles and who has more than four supplemental licenses shall provide a surety bond in the amount of \$20,000.

For the purposes of this paragraph, any person who buys, sells, or deals in both mobile homes and recreational vehicles shall provide the same surety bond required of dealers who buy, sell, or deal in mobile homes only.

Section 11. Paragraphs (a) and (b) of subsection (5) of section 320.8225, Florida Statutes, are amended to read:

320.8225 Mobile home and recreational vehicle manufacturer, distributor, and importer license.—

(5) REQUIREMENT OF ASSURANCE.—

(a) Annually, prior to the receipt of a license to manufacture mobile homes, the applicant or licensee shall submit a surety bond, cash bond, or letter of credit from a financial institution, or a proper continuation certificate, sufficient to assure satisfaction of claims against the licensee for failure to comply with appropriate code standards, failure to provide warranty service, or violation of any provisions of this section. The amount of the surety bond, cash bond, or letter of credit must be \$50,000. Only one surety bond, cash bond, or letter of credit shall be required for each manufacturer, regardless of the number of factory locations. The surety bond, cash bond, or letter of credit must be to the department, in favor of any retail customer who suffers a loss arising out of noncompliance with code standards or failure to honor or provide warranty service. The department may disapprove any bond or letter of credit that does not provide assurance as provided in this section. Within 10 calendar days after any renewal or

continuation of or material change in such surety bond, cash bond, or letter of credit or issuance of a new surety bond, cash bond, or letter of credit, a licensee shall deliver to the department, in a manner prescribed by the department, a copy of such renewed, continued, changed, or new surety bond, cash bond, or letter of credit.

(b) Annually, prior to the receipt of a license to manufacture, distribute, or import recreational vehicles, the applicant or licensee shall submit a surety bond, or a proper continuation certificate, sufficient to assure satisfaction of claims against the licensee for failure to comply with appropriate code standards, failure to provide warranty service, or violation of any provisions of this section. The amount of the surety bond must be \$10,000 per year. The surety bond must be to the department, in favor of any retail customer who suffers loss arising out of noncompliance with code standards or failure to honor or provide warranty service. The department may disapprove any bond that does not provide assurance as provided in this section. Within 10 calendar days after any renewal or continuation of or material change in such surety bond or issuance of a new surety bond, a licensee shall deliver to the department, in a manner prescribed by the department, a copy of such renewed, continued, changed, or new surety bond.

Section 12. Subsection (4) of section 627.7415, Florida Statutes, is amended to read:

627.7415 Commercial motor vehicles; additional liability insurance coverage.—Commercial motor vehicles, as defined in s. 207.002 or s. 320.01, operated upon the roads and highways of this state shall be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(4) All commercial motor vehicles subject to regulations of the United States Department of Transportation, 49 C.F.R. part 387, subparts ~~subpart~~ A and B, and as may be hereinafter amended, shall be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 13. This act shall take effect July 1, 2022.

Approved by the Governor June 8, 2022.

Filed in Office Secretary of State June 8, 2022.