

CHAPTER 2023-186

Committee Substitute for House Bill No. 965

An act relating to driver license, identification card, and motor vehicle registration; amending s. 316.066, F.S.; revising the parties that may receive confidential crash reports to include law enforcement agencies and their contracted service providers; amending s. 316.2935, F.S.; providing applicability relating to air pollution control equipment certification requirements; amending ss. 320.02 and 322.08, F.S.; requiring that the motor vehicle registration form and registration renewal form and the driver license or identification card application form, respectively, include an option to make a voluntary contribution to Best Buddies International, Inc.; amending s. 320.0657, F.S.; revising the definition of the term “fleet”; amending s. 324.021, F.S.; defining the terms “control” and “motor vehicle dealer’s leasing or rental affiliate” for purposes of ch. 324, F.S.; amending ss. 324.0221 and 324.131, F.S.; revising motor vehicle insurance coverage requirements for certain persons; amending s. 627.311, F.S.; revising a requirement for coverage made available by the Florida Automobile Joint Underwriting Association and the joint underwriting plan approved by the Office of Insurance Regulation; amending s. 627.7275, F.S.; revising requirements for motor vehicle insurance policies; providing an effective date.

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

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

316.066 Written reports of crashes.—

(2)

(b) Crash reports held by an agency under paragraph (a) may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, law enforcement agencies and their contracted service providers, victim services programs, and any federal, state, or local governmental agency or any private person or entity acting on behalf of a federal, state, or local governmental agency in carrying out its functions, but not for redistribution to any person or entity not listed in this subsection. Crash reports held by an agency under paragraph (a) which do not contain the home or employment street addresses, driver license or identification card numbers, dates of birth, and home and employment telephone numbers of the parties involved in the crash shall be made immediately available to radio and television stations licensed by the Federal Communications Commission and newspapers

qualified to publish legal notices under ss. 50.011 and 50.031. A crash report may also be made available to any third party acting on behalf of a person or entity authorized under this section to access the crash report, except that the third party may disclose the crash report only to the person or entity authorized to access the crash report under this section on whose behalf the third party has sought the report. This section shall not prevent an agency, pursuant to a memorandum of understanding, from providing data derived from crash reports to a third party solely for the purpose of identifying vehicles involved in crashes if such data does not reveal the identity, home or employment telephone number or home or employment address, or other personal information of the parties involved in the crash.

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

316.2935 Air pollution control equipment; tampering prohibited; penalty.—

(1)

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

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

320.02 Registration required; application for registration; forms.—

(16)

(v) The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$1 to Best Buddies International, Inc. Such contributions shall be distributed monthly by the department to Best Buddies International Inc., a corporation not for profit under s. 501(c)(3) of the Internal Revenue Code.

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

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

320.0657 Permanent registration; fleet license plates.—

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

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

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

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

(a) A voluntary contribution of \$1 per applicant, which contribution shall be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry.

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

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

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

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

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

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

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

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

(j) A voluntary contribution of \$1 to the Ronald McDonald House, which shall be distributed each month to Ronald McDonald House Charities of Tampa Bay, Inc.

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

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

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

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

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

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

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

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

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

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

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

A statement providing an explanation of the purpose of the trust funds shall also be included. For the purpose of applying the service charge provided under s. 215.20, contributions received under paragraphs ~~(b)-(u)~~ ~~(b)-(t)~~ are not income of a revenue nature.

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

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

(9) OWNER; OWNER/LESSOR.—

(c) *Application*.—

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

a. A related rental or leasing company that is a subsidiary of the same parent company as that of the renting or leasing company that rented or leased the vehicle.

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

2. Furthermore, with respect to commercial motor vehicles as defined in s. 627.732, the limits on liability in subparagraphs (b)2. and 3. do not apply if, at the time of the incident, the commercial motor vehicle is being used in the transportation of materials found to be hazardous for the purposes of the

Hazardous Materials Transportation Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is required pursuant to such act to carry placards warning others of the hazardous cargo, unless at the time of lease or rental either:

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

b. The lessee or other operator of the commercial motor vehicle has in effect insurance with limits of at least \$5,000,000 combined property damage and bodily injury liability.

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

b. For purposes of this section, and notwithstanding any other provision of general law, a motor vehicle dealer, or a motor vehicle dealer's leasing or rental affiliate, that gives possession, control, or use of a temporary replacement vehicle to a motor vehicle dealer's service customer may not be adjudged liable in a civil proceeding absent negligence or criminal wrongdoing on the part of the motor vehicle dealer, or the motor vehicle dealer's leasing or rental affiliate, if the motor vehicle dealer or the motor vehicle dealer's leasing or rental affiliate executes a written rental or use agreement and obtains from the person receiving the temporary replacement vehicle a copy of the person's driver license and insurance information reflecting at least the minimum motor vehicle insurance coverage required in the state. Any subsequent determination that the driver license or insurance information provided to the motor vehicle dealer, or the motor vehicle dealer's leasing or rental affiliate, was in any way false, fraudulent, misleading, nonexistent, canceled, not in effect, or invalid does not alter or diminish the protections provided by this section, unless the motor vehicle dealer, or the motor vehicle dealer's leasing or rental affiliate, had actual knowledge thereof at the time possession of the temporary replacement vehicle was provided.

c. For purposes of this subparagraph, the term:

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

(II) “Motor vehicle dealer’s leasing or rental affiliate” means a person who directly or indirectly controls, is controlled by, or is under common control with the motor vehicle dealer.

d. For purposes of this subparagraph, the term “service customer” does not include an agent or a principal of a motor vehicle dealer or a motor vehicle dealer’s leasing or rental affiliate, and does not include an employee of a motor vehicle dealer or a motor vehicle dealer’s leasing or rental affiliate unless the employee was provided a temporary replacement vehicle:

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

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

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

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

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

(3) An operator or owner whose driver license or registration has been suspended under this section or s. 316.646 may affect ~~effect~~ its reinstatement upon compliance with the requirements of this section and upon payment to the department of a nonrefundable reinstatement fee of \$150 for the first reinstatement. The reinstatement fee is \$250 for the second reinstatement and \$500 for each subsequent reinstatement during the 3 years following the first reinstatement. A person reinstating her or his insurance under this subsection must also secure ~~noncancelable~~ coverage as described in ss. 324.021(8), 324.023, and 627.7275(2) and present to the appropriate person proof that the coverage is in force on a form adopted by the department, and such proof shall be maintained for 2 years. If the person does not have a second reinstatement within 3 years after her or his initial reinstatement, the reinstatement fee is \$150 for the first reinstatement after that 3-year period. If a person’s license and registration are suspended under this section or s. 316.646, only one reinstatement fee must be paid to reinstate the license and the registration. All fees shall be collected by the department at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly deposit those fees in the Highway Safety Operating Trust Fund. One-third of the fees collected under this subsection shall be distributed from the Highway Safety Operating Trust Fund to the local governmental entity or state agency that employed the law enforcement officer seizing the license plate pursuant to s. 324.201. The funds may be used by the local governmental entity or state agency for any authorized purpose.

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

324.131 Period of suspension.—Such license, registration and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent of the limits stated in s. 324.021(7) and until the said person gives proof of financial responsibility as provided in s. 324.031, such proof to be maintained for 3 years. In addition, if the person's license or registration has been suspended or revoked due to a violation of s. 316.193 or pursuant to s. 322.26(2), that person shall maintain ~~noncancelable~~ liability coverage for each motor vehicle registered in his or her name, as described in s. 627.7275(2), and must present proof that coverage is in force on a form adopted by the Department of Highway Safety and Motor Vehicles, such proof to be maintained for 3 years.

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

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

(3) The office may, after consultation with insurers licensed to write automobile insurance in this state, approve a joint underwriting plan for purposes of equitable apportionment or sharing among insurers of automobile liability insurance and other motor vehicle insurance, as an alternate to the plan required in s. 627.351(1). All insurers authorized to write automobile insurance in this state shall subscribe to the plan and participate therein. The plan shall be subject to continuous review by the office which may at any time disapprove the entire plan or any part thereof if it determines that conditions have changed since prior approval and that in view of the purposes of the plan changes are warranted. Any disapproval by the office shall be subject to the provisions of chapter 120. The Florida Automobile Joint Underwriting Association is created under the plan. The plan and the association:

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

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

627.7275 Motor vehicle liability.—

(2)

(b) The policies described in paragraph (a) shall be issued for at least 6 months and, ~~as to the minimum coverages required under this section, may not be canceled by the insured for any reason or by the insurer after 60 days, during which period the insurer is completing the underwriting of the policy.~~

After the insurer has issued ~~completed underwriting~~ the policy, the insurer shall notify the Department of Highway Safety and Motor Vehicles that the policy is in full force and effect ~~and is not cancelable for the remainder of the policy period. A premium shall be collected and the coverage is in effect for the 60-day period during which the insurer is completing the underwriting of the policy whether or not the person's driver license, motor vehicle tag, and motor vehicle registration are in effect.~~ Once the ~~noncancelable~~ provisions of the policy become effective, the coverages for bodily injury, property damage, and personal injury protection may not be reduced below the minimum limits required under s. 324.021 or s. 324.023 during the policy period.

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

Approved by the Governor June 2, 2023.

Filed in Office Secretary of State June 2, 2023.