

1                   A bill to be entitled  
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; amending s. 319.141, F.S.;  
13          extending the date by which the department must  
14          implement a rebuilt motor vehicle inspection program;  
15          adding counties where the program must be implemented;  
16          deleting an obsolete provision; amending s. 320.01,  
17          F.S.; revising the definition of the term  
18          "apportionable vehicle"; amending s. 320.03, F.S.;  
19          revising applicability; amending s. 320.77, F.S.;  
20          requiring licensed mobile home dealers to deliver  
21          certain documents to the department within a certain  
22          timeframe; amending s. 320.771, F.S.; specifying the  
23          required term of a certain garage liability insurance  
24          policy; requiring licensed recreational vehicle  
25          dealers to deliver certain documents to the department

26 |       within a certain timeframe; amending s. 320.8225,  
 27 |       F.S.; requiring licensed mobile home manufacturers and  
 28 |       recreational vehicle manufacturers, distributors, and  
 29 |       importers to submit certain documents to the  
 30 |       department within a certain timeframe; amending s.  
 31 |       627.7415, F.S.; requiring that certain commercial  
 32 |       motor vehicles meet certain federal financial  
 33 |       responsibility requirements; providing an effective  
 34 |       date.

35 |

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

37 |

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

40 |       316.305 Wireless communications devices; prohibition.—

41 |       (5) When a law enforcement officer issues a citation for a  
 42 | violation of this section, the law enforcement officer must  
 43 | record the race and ethnicity of the violator. All law  
 44 | enforcement agencies must maintain such information and report  
 45 | the information to the department by April 1 annually in a form  
 46 | and manner determined by the department. Beginning July 1, 2023  
 47 | ~~February 1, 2020~~, the department shall annually report the data  
 48 | collected under this subsection to the Governor, the President  
 49 | of the Senate, and the Speaker of the House of Representatives.  
 50 | The data collected must be reported at least by statewide totals

51 for local law enforcement agencies, state law enforcement  
 52 agencies, and state university law enforcement agencies. The  
 53 statewide total for local law enforcement agencies shall combine  
 54 the data for the county sheriffs and the municipal law  
 55 enforcement agencies.

56 Section 2. Subsection (2) of section 316.646, Florida  
 57 Statutes, is amended to read:

58 316.646 Security required; proof of security and display  
 59 thereof.—

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

69 Section 3. Subsections (2) and (10) of section 319.141,  
 70 Florida Statutes, are amended to read:

71 319.141 Rebuilt motor vehicle inspection program.—

72 (2) By October 1, 2022 ~~2019~~, the department shall  
 73 implement a program in Bay, Broward, Duval, Escambia,  
 74 Hillsborough, Leon, Manatee, Marion, Miami-Dade, Orange, Palm  
 75 Beach, and Volusia Counties ~~County~~ for rebuilt inspection

76 services offered by private sector participants.

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

82 Section 4. Subsection (24) of section 320.01, Florida  
 83 Statutes, is amended to read:

84 320.01 Definitions, general.—As used in the Florida  
 85 Statutes, except as otherwise provided, the term:

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

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

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

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

101  
 102 Vehicles, or combinations thereof, having a gross vehicle weight  
 103 of 26,000 pounds or less and two-axle vehicles may be  
 104 proportionally registered.

105 Section 5. Subsection (8) of section 320.03, Florida  
 106 Statutes, is amended to read:

107 320.03 Registration; duties of tax collectors;  
 108 International Registration Plan.—

109 (8) If the applicant's name appears on the list referred  
 110 to in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.  
 111 713.78(13), a license plate or revalidation sticker may not be  
 112 issued until that person's name no longer appears on the list or  
 113 until the person presents a receipt from the governmental entity  
 114 or the clerk of court that provided the data showing that the  
 115 fines outstanding have been paid. This subsection does not apply  
 116 to the owner of a leased vehicle if the vehicle is registered in  
 117 the name of the lessee of the vehicle. The tax collector and the  
 118 clerk of the court are each entitled to receive monthly, as  
 119 costs for implementing and administering this subsection, 10  
 120 percent of the civil penalties and fines recovered from such  
 121 persons. As used in this subsection, the term "civil penalties  
 122 and fines" does not include a wrecker operator's lien as  
 123 described in s. 713.78(13). If the tax collector has private tag  
 124 agents, such tag agents are entitled to receive a pro rata share  
 125 of the amount paid to the tax collector, based upon the

126 percentage of license plates and revalidation stickers issued by  
127 the tag agent compared to the total issued within the county.  
128 The authority of any private agent to issue license plates shall  
129 be revoked, after notice and a hearing as provided in chapter  
130 120, if he or she issues any license plate or revalidation  
131 sticker contrary to the provisions of this subsection. This  
132 section applies both ~~only~~ to the annual renewal ~~in the owner's~~  
133 ~~birth month~~ of a motor vehicle registration and the replacement  
134 of the motor vehicle registration or license plate, but does not  
135 apply to the transfer of a registration of a motor vehicle sold  
136 by a motor vehicle dealer licensed under this chapter, except  
137 for the transfer of registrations which includes the annual  
138 renewals. This section does not affect the issuance of the title  
139 to a motor vehicle, notwithstanding s. 319.23(8)(b).

140 Section 6. Paragraph (a) of subsection (16) of section  
141 320.77, Florida Statutes, is amended to read:

142 320.77 License required of mobile home dealers.—

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

145 (a) Before any license shall be issued or renewed, the  
146 applicant or licensee shall deliver to the department a good and  
147 sufficient surety bond, cash bond, or irrevocable letter of  
148 credit, executed by the applicant or licensee as principal.  
149 Within 10 calendar days after any renewal or continuation of or  
150 material change in such surety bond, cash bond, or irrevocable

151 letter of credit or issuance of a new surety bond, a licensee  
152 shall deliver to the department, in a manner prescribed by the  
153 department, a copy of the renewed, continued, changed, or new  
154 surety bond, cash bond, or irrevocable letter of credit. The  
155 bond or irrevocable letter of credit shall be in a form to be  
156 approved by the department and shall be conditioned upon the  
157 dealer's complying with the conditions of any written contract  
158 made by the dealer in connection with the sale, exchange, or  
159 improvement of any mobile home and his or her not violating any  
160 of the provisions of chapter 319 or this chapter in the conduct  
161 of the business for which the dealer is licensed. The bond or  
162 irrevocable letter of credit shall be to the department and in  
163 favor of any retail customer who shall suffer any loss as a  
164 result of any violation of the conditions contained in this  
165 section. The bond or irrevocable letter of credit shall be for  
166 the license period, and a new bond or irrevocable letter of  
167 credit or a proper continuation certificate shall be delivered  
168 to the department at the beginning of each license period.  
169 However, the aggregate liability of the surety in any one  
170 license year shall in no event exceed the sum of such bond, or,  
171 in the case of a letter of credit, the aggregate liability of  
172 the issuing bank shall not exceed the sum of the credit. The  
173 amount of the bond required shall be as follows:  
174       1. A single dealer who buys, sells, or deals in mobile  
175 homes and who has four or fewer supplemental licenses shall

176 provide a surety bond, cash bond, or irrevocable letter of  
 177 credit executed by the dealer applicant or licensee in the  
 178 amount of \$25,000.

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

184  
 185 For the purposes of this paragraph, any person who buys, sells,  
 186 or deals in both mobile homes and recreational vehicles shall  
 187 provide the same surety bond required of dealers who buy, sell,  
 188 or deal in mobile homes only.

189 Section 7. Paragraph (j) of subsection (3) and paragraph  
 190 (a) of subsection (16) of section 320.771, Florida Statutes, are  
 191 amended to read:

192 320.771 License required of recreational vehicle dealers.—

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

197 (j) Evidence ~~A statement~~ that the applicant is insured  
 198 under a garage liability insurance policy, which shall include,  
 199 at a minimum, \$25,000 combined single-limit liability coverage,  
 200 including bodily injury and property damage protection, and



201 \$10,000 personal injury protection, if the applicant is to be  
202 licensed as a dealer in, or intends to sell, recreational  
203 vehicles. Such policy must be for the license period. Within 10  
204 calendar days after any renewal or continuation of or material  
205 change in such policy or issuance of a new policy, the licensee  
206 shall deliver to the department, in a manner prescribed by the  
207 department, a copy of such renewed, continued, changed, or new  
208 policy. However, a garage liability policy is not required for  
209 the licensure of a mobile home dealer who sells only park  
210 trailers.

211  
212 The department shall, if it deems necessary, cause an  
213 investigation to be made to ascertain if the facts set forth in  
214 the application are true and shall not issue a license to the  
215 applicant until it is satisfied that the facts set forth in the  
216 application are true.

217 (16) BOND.—

218 (a) Before any license shall be issued or renewed, the  
219 applicant shall deliver to the department a good and sufficient  
220 surety bond, executed by the applicant as principal and by a  
221 surety company qualified to do business in the state as surety.  
222 Within 10 calendar days after any renewal or continuation of or  
223 material change in such surety bond or issuance of a new surety  
224 bond, a licensee shall deliver to the department, in a manner  
225 prescribed by the department, a copy of such renewed, continued,

226 changed, or new surety bond. The bond shall be in a form to be  
227 approved by the department and shall be conditioned upon the  
228 dealer's complying with the conditions of any written contract  
229 made by that dealer in connection with the sale, exchange, or  
230 improvement of any recreational vehicle and his or her not  
231 violating any of the provisions of chapter 319 or this chapter  
232 in the conduct of the business for which he or she is licensed.  
233 The bond shall be to the department and in favor of any retail  
234 customer who shall suffer any loss as a result of any violation  
235 of the conditions hereinabove contained. The bond shall be for  
236 the license period, and a new bond or a proper continuation  
237 certificate shall be delivered to the department at the  
238 beginning of each license period. However, the aggregate  
239 liability of the surety in any one license year shall in no  
240 event exceed the sum of such bond. The amount of the bond  
241 required shall be as follows:

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

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

248  
249 For the purposes of this paragraph, any person who buys, sells,  
250 or deals in both mobile homes and recreational vehicles shall

251 provide the same surety bond required of dealers who buy, sell,  
 252 or deal in mobile homes only.

253 Section 8. Paragraphs (a) and (b) of subsection (5) of  
 254 section 320.8225, Florida Statutes, are amended to read:

255 320.8225 Mobile home and recreational vehicle  
 256 manufacturer, distributor, and importer license.—

257 (5) REQUIREMENT OF ASSURANCE.—

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

276 bond, or letter of credit or issuance of a new surety bond, cash  
277 bond, or letter of credit, a licensee shall deliver to the  
278 department, in a manner prescribed by the department, a copy of  
279 such renewed, continued, changed, or new surety bond, cash bond,  
280 or letter of credit.

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

298 Section 9. Subsection (4) of section 627.7415, Florida  
299 Statutes, is amended to read:

300 627.7415 Commercial motor vehicles; additional liability

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2022

301 insurance coverage.—Commercial motor vehicles, as defined in s.  
302 207.002 or s. 320.01, operated upon the roads and highways of  
303 this state shall be insured with the following minimum levels of  
304 combined bodily liability insurance and property damage  
305 liability insurance in addition to any other insurance  
306 requirements:

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

313  
314 A violation of this section is a noncriminal traffic infraction,  
315 punishable as a nonmoving violation as provided in chapter 318.

316 Section 10. This act shall take effect July 1, 2022.