

By Representative Gardiner

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 316.006, F.S.; revising the traffic control
4 jurisdiction of a county over certain roads and
5 rights-of-way dedicated in a residential
6 subdivision under certain circumstances;
7 creating s. 316.00825, F.S.; authorizing the
8 governing body of a county to abandon the roads
9 and rights-of-way dedicated in a recorded
10 subdivision plat under certain circumstances;
11 providing for traffic control jurisdiction of
12 such roads; amending s. 316.520, F.S.; revising
13 language with respect to penalties relating to
14 loads on vehicles; amending s. 319.001, F.S.;
15 providing definitions with respect to
16 provisions of law relating to title
17 certificates; correcting a cross reference, to
18 conform; amending s. 319.14, F.S.; revising
19 language with respect to the sale of motor
20 vehicles registered or used as taxicabs, police
21 vehicles, lease vehicles, or rebuilt vehicles
22 and nonconforming vehicles; amending s. 319.22,
23 F.S.; providing that it is illegal to transfer
24 title to a motor vehicle under certain
25 circumstances; providing a penalty; amending s.
26 319.30, F.S.; revising definitions; providing a
27 penalty with respect to certain violations by
28 salvage motor vehicle dealers; providing
29 reference to state-assigned identification
30 number plates; amending s. 319.32, F.S.;
31 providing a time period for the payment of

1 certain funds by county officers to the State
2 Treasury by electronic funds transfer; amending
3 s. 319.33, F.S.; including reference to
4 state-assigned identification number plates;
5 amending s. 320.03, F.S.; providing a time
6 period for county officers to pay certain funds
7 to the State Treasury by electronic funds
8 transfer; amending s. 320.27, F.S.; revising
9 language with respect to the denial,
10 suspension, or revocation of a license by the
11 department with respect to motor vehicle
12 dealers; amending s. 320.60, F.S.; redefining
13 the term "motor vehicle" to include heavy
14 trucks or buses; amending s. 328.73, F.S.;
15 providing a time period for county officers to
16 pay certain funds to the State Treasury by
17 electronic funds transfer; amending s. 713.78,
18 F.S.; authorizing employees of the department
19 and law enforcement officers to inspect the
20 records of persons regularly engaged in the
21 business of recovering, towing, or storing
22 vehicles or vessels; providing a penalty for
23 failure to maintain required records or failure
24 to produce records when required; amending ss.
25 316.251 and 501.976, F.S.; correcting a cross
26 reference, to conform; providing an effective
27 date.

28
29 Be It Enacted by the Legislature of the State of Florida:
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31

1 Section 1. Paragraph (c) is added to subsection (3) of
2 section 316.006, Florida Statutes, to read:

3 316.006 Jurisdiction.--Jurisdiction to control traffic
4 is vested as follows:

5 (3) COUNTIES.--

6 (c) If the governing body of a county abandons the
7 roads and rights-of-way dedicated in a recorded residential
8 subdivision, and simultaneously conveys the county's interest
9 therein to a homeowners' association for the subdivision in
10 the manner prescribed in s. 316.00825, that county's traffic
11 control jurisdiction over the abandoned and conveyed roads
12 ceases unless the requirements of paragraph (b) are met.

13
14 Notwithstanding the provisions of subsection (2), each county
15 shall have original jurisdiction to regulate parking, by
16 resolution of the board of county commissioners and the
17 erection of signs conforming to the manual and specifications
18 of the Department of Transportation, in parking areas located
19 on property owned or leased by the county, whether or not such
20 areas are located within the boundaries of chartered
21 municipalities.

22 Section 2. Section 316.00825, Florida Statutes, is
23 created to read:

24 316.00825 Closing and abandonment of roads; optional
25 conveyance to homeowners' association; traffic control
26 jurisdiction.--In addition to the authority provided in s.
27 336.12, the governing body of the county may abandon the roads
28 and rights-of-way dedicated in a recorded residential
29 subdivision plat and simultaneously convey the county's
30 interest in such roads, rights-of-way, and appurtenant

1 drainage facilities to a homeowners' association for the
2 subdivision, if the following conditions have been met:
3 (1) The homeowners' association has requested the
4 abandonment and conveyance in writing for the purpose of
5 converting the subdivision to a gated neighborhood with
6 restricted public access.
7 (2) No fewer than four-fifths of the owners of record
8 of property located in the subdivision have consented in
9 writing to the abandonment and simultaneous conveyance to the
10 homeowners' association.
11 (3) The homeowners' association is both a corporation
12 not for profit organized and in good standing under chapter
13 617, and a "homeowners' association" as defined in s.
14 720.301(7) with the power to levy and collect assessments for
15 routine and periodic major maintenance and operation of street
16 lighting, drainage, sidewalks, and pavement in the
17 subdivision.
18 (4) The homeowners' association has entered into and
19 executed such agreements, covenants, warranties, and other
20 instruments; has provided, or has provided assurance of, such
21 funds, reserve funds, and funding sources; and has satisfied
22 such other requirements and conditions as may be established
23 or imposed by the county with respect to the ongoing
24 operation, maintenance, and repair and the periodic
25 reconstruction or replacement of the roads, drainage, street
26 lighting, and sidewalks in the subdivision after the
27 abandonment by the county.
28 (5) Unless an agreement providing for county
29 jurisdiction has been entered into and executed pursuant to s.
30 316.006(3)(b), the homeowners' association assumes traffic
31

1 control jurisdiction over the roads within the newly formed
2 restricted access gated neighborhood.
3
4 Upon abandonment of the roads and rights-of-way and the
5 conveyance thereof to the homeowners' association, the
6 homeowners' association shall have all the rights, title, and
7 interest in the roads and rights-of-way, including all
8 appurtenant drainage facilities, as were previously vested in
9 the county. Thereafter, the homeowners' association shall
10 hold the roads and rights-of-way in trust for the benefit of
11 the owners of the property in the subdivision, and shall
12 operate, maintain, repair, and, from time to time, replace and
13 reconstruct the roads, street lighting, sidewalks, and
14 drainage facilities as necessary to ensure their use and
15 enjoyment by the property owners, tenants, and residents of
16 the subdivision and their guests and invitees. The provisions
17 of this section shall be regarded as supplemental and
18 additional to the provisions of s. 336.12, and shall not be
19 regarded as in derogation of that section.

20 Section 3. Subsection (3) of section 316.520, Florida
21 Statutes, is amended to read:

22 316.520 Loads on vehicles.--

23 (1) A vehicle may not be driven or moved on any
24 highway unless the vehicle is so constructed or loaded as to
25 prevent any of its load from dropping, shifting, leaking,
26 blowing, or otherwise escaping therefrom, except that sand may
27 be dropped only for the purpose of securing traction or water
28 or other substance may be sprinkled on a roadway in cleaning
29 or maintaining the roadway.

30 (2) It is the duty of every owner and driver,
31 severally, of any vehicle hauling, upon any public road or

1 highway open to the public, dirt, sand, lime rock, gravel,
2 silica, or other similar aggregate or trash, garbage, or any
3 similar material that could fall or blow from such vehicle, to
4 prevent such materials from falling, blowing, or in any way
5 escaping from such vehicle. Covering and securing the load
6 with a close-fitting tarpaulin or other appropriate cover is
7 required.

8 (3) A violation of this section is a noncriminal
9 traffic infraction, punishable as a moving ~~nonmoving~~ violation
10 as provided in chapter 318.

11 Section 4. Section 319.001, Florida Statutes, is
12 amended to read:

13 319.001 Definitions.--As used in this chapter, the
14 term:

15 (1) "Department" means the Department of Highway
16 Safety and Motor Vehicles.

17 (2) "Front-end assembly" means fenders, hood, grill,
18 and bumper.

19 (3)~~(2)~~ "Licensed dealer," unless otherwise
20 specifically provided, means a motor vehicle dealer licensed
21 under s. 320.27, a mobile home dealer licensed under s.
22 320.77, or a recreational vehicle dealer licensed under s.
23 320.771.

24 (4) "Motorcycle body assembly" means frame, fenders,
25 and gas tanks.

26 (5) "Motorcycle engine" means cylinder block, heads,
27 engine case, and crank case.

28 (6) "Motorcycle transmission" means drive train.

29 (7)~~(3)~~ "New mobile home" means a mobile home the
30 equitable or legal title to which has never been transferred
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1 by a manufacturer, distributor, importer, or dealer to an
2 ultimate purchaser.

3 (8)~~(4)~~ "New motor vehicle" means a motor vehicle the
4 equitable or legal title to which has never been transferred
5 by a manufacturer, distributor, importer, or dealer to an
6 ultimate purchaser; however, when legal title is not
7 transferred but possession of a motor vehicle is transferred
8 pursuant to a conditional sales contract or lease and the
9 conditions are not satisfied and the vehicle is returned to
10 the motor vehicle dealer, the motor vehicle may be resold by
11 the motor vehicle dealer as a new motor vehicle, provided the
12 selling motor vehicle dealer gives the following written
13 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A
14 PREVIOUS PURCHASER." The purchaser shall sign an
15 acknowledgment, a copy of which is kept in the selling
16 dealer's file.

17 (9) "Rear body section" means both quarter panels,
18 decklid, bumper, and floor pan.

19 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
20 debt or release of a debtor from a lien by the lienholder.

21 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
22 that is not a "new motor vehicle" as defined in subsection(8)
23 ~~(4)~~.

24 Section 5. Section 319.14, Florida Statutes, is
25 amended to read:

26 319.14 Sale of motor vehicles registered or used as
27 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
28 and nonconforming vehicles.--

29 (1)(a) No person shall knowingly offer for sale, sell,
30 or exchange any vehicle that has been licensed, registered, or
31 used as a taxicab, police vehicle, or short-term-lease

1 vehicle, or a vehicle that has been repurchased by a
2 manufacturer pursuant to a settlement, determination, or
3 decision under chapter 681, until the department has stamped
4 in a conspicuous place on the certificate of title of the
5 vehicle, or its duplicate, words stating the nature of the
6 previous use of the vehicle or the title has been stamped
7 "Manufacturer's Buy Back" to reflect that the vehicle is a
8 nonconforming vehicle. If the certificate of title or
9 duplicate was not so stamped upon initial issuance thereof or
10 if, subsequent to initial issuance of the title, the use of
11 the vehicle is changed to a use requiring the notation
12 provided for in this section, the owner or lienholder of the
13 vehicle shall surrender the certificate of title or duplicate
14 to the department prior to offering the vehicle for sale, and
15 the department shall stamp the certificate or duplicate as
16 required herein. When a vehicle has been repurchased by a
17 manufacturer pursuant to a settlement, determination, or
18 decision under chapter 681, the title shall be stamped
19 "Manufacturer's Buy Back" to reflect that the vehicle is a
20 nonconforming vehicle.

21 (b) No person shall knowingly offer for sale, sell, or
22 exchange a rebuilt vehicle until the department has stamped in
23 a conspicuous place on the certificate of title for the
24 vehicle words stating that the vehicle has been rebuilt or,
25 assembled from parts, ~~or combined~~, or is a kit car, glider
26 kit, replica, or flood vehicle unless proper application for a
27 certificate of title for a vehicle that is rebuilt or,
28 assembled from parts, ~~or combined~~, or is a kit car, glider
29 kit, replica, or flood vehicle has been made to the department
30 in accordance with this chapter and the department has
31 conducted the physical examination of the vehicle to assure

1 the identity of the vehicle and all major component parts, as
2 defined in s. 319.30(1)(e), which have been repaired or
3 replaced. Thereafter, the department shall affix a decal to
4 the vehicle, in the manner prescribed by the department,
5 showing the vehicle to be rebuilt.

6 (c) As used in this section:

7 1. "Police vehicle" means a motor vehicle owned or
8 leased by the state or a county or municipality and used in
9 law enforcement.

10 2.a. "Short-term-lease vehicle" means a motor vehicle
11 leased without a driver and under a written agreement to one
12 or more persons from time to time for a period of less than 12
13 months.

14 b. "Long-term-lease vehicle" means a motor vehicle
15 leased without a driver and under a written agreement to one
16 person for a period of 12 months or longer.

17 c. "Lease vehicle" includes both short-term-lease
18 vehicles and long-term-lease vehicles.

19 3. "Rebuilt vehicle" means a motor vehicle or mobile
20 home built from salvage or junk, as defined in s. 319.30(1).

21 4. "Assembled from parts" means a motor vehicle or
22 mobile home assembled from parts or combined from parts of
23 motor vehicles or mobile homes, new or used. "Assembled from
24 parts" does not mean a motor vehicle defined as a "rebuilt
25 vehicle" in subparagraph 3., which has been declared a total
26 loss pursuant to s. 319.30.

27 ~~5. "Combined" means assembled by combining two motor~~
28 ~~vehicles neither of which has been titled and branded as~~
29 ~~"Salvage Unrebuildable."~~

1 ~~5.6.~~ "Kit car" means a motor vehicle assembled with a
2 kit supplied by a manufacturer to rebuild a wrecked or
3 outdated motor vehicle with a new body kit.

4 ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit
5 supplied by a manufacturer to rebuild a wrecked or outdated
6 truck or truck tractor.

7 ~~7.8.~~ "Replica" means a complete new motor vehicle
8 manufactured to look like an old vehicle.

9 ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile
10 home that has been declared to be a total loss pursuant to s.
11 319.30(3)(a) resulting from damage caused by water.

12 ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle
13 which has been purchased by a manufacturer pursuant to a
14 settlement, determination, or decision under chapter 681.

15 ~~10.11.~~ "Settlement" means an agreement entered into
16 between a manufacturer and a consumer that occurs after a
17 dispute is submitted to a program, or an informal dispute
18 settlement procedure established by a manufacturer or is
19 approved for arbitration before the New Motor Vehicle
20 Arbitration Board as defined in s. 681.102.

21 (2) No person shall knowingly sell, exchange, or
22 transfer a vehicle referred to in subsection (1) without,
23 prior to consummating the sale, exchange, or transfer,
24 disclosing in writing to the purchaser, customer, or
25 transferee the fact that the vehicle has previously been
26 titled, registered, or used as a taxicab, police vehicle, or
27 short-term-lease vehicle or is a vehicle that is rebuilt or
28 assembled from parts, ~~or combined~~, or is a kit car, glider
29 kit, replica, or flood vehicle, or is a nonconforming vehicle,
30 as the case may be.

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1 (3) Any person who, with intent to offer for sale or
2 exchange any vehicle referred to in subsection (1), knowingly
3 or intentionally advertises, publishes, disseminates,
4 circulates, or places before the public in any communications
5 medium, whether directly or indirectly, any offer to sell or
6 exchange the vehicle shall clearly and precisely state in each
7 such offer that the vehicle has previously been titled,
8 registered, or used as a taxicab, police vehicle, or
9 short-term-lease vehicle or that the vehicle or mobile home is
10 a vehicle that is rebuilt or assembled from parts, ~~or~~
11 ~~combined~~, or is a kit car, glider kit, replica, or flood
12 vehicle, or a nonconforming vehicle, as the case may be. Any
13 person who violates this subsection commits ~~is guilty of~~ a
14 misdemeanor of the second degree, punishable as provided in s.
15 775.082 or s. 775.083.

16 (4) When a certificate of title, including a foreign
17 certificate, is branded to reflect a condition or prior use of
18 the titled vehicle, the brand must be noted on the
19 registration certificate of the vehicle and such brand shall
20 be carried forward on all subsequent certificates of title and
21 registration certificates issued for the life of the vehicle.

22 (5) Any person who knowingly sells, exchanges, or
23 offers to sell or exchange a motor vehicle or mobile home
24 contrary to the provisions of this section or any officer,
25 agent, or employee of a person who knowingly authorizes,
26 directs, aids in, or consents to the sale, exchange, or offer
27 to sell or exchange a motor vehicle or mobile home contrary to
28 the provisions of this section commits ~~is guilty of~~ a
29 misdemeanor of the second degree, punishable as provided in s.
30 775.082 or s. 775.083.

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1 (6) Any person who removes a rebuilt decal from a
2 rebuilt vehicle with the intent to conceal the rebuilt status
3 of the vehicle commits a felony of the third degree,
4 punishable as provided in s. 775.082, s. 775.083, or s.
5 775.084.

6 ~~(7)(6)~~ This section applies to a mobile home, travel
7 trailer, camping trailer, truck camper, or fifth-wheel
8 recreation trailer only when such mobile home or vehicle is a
9 rebuilt vehicle or is assembled from parts.

10 ~~(8)(7)~~ No person shall be liable or accountable in any
11 civil action arising out of a violation of this section if the
12 designation of the previous use or condition of the motor
13 vehicle is not noted on the certificate of title and
14 registration certificate of the vehicle which was received by,
15 or delivered to, such person, unless such person has actively
16 concealed the prior use or condition of the vehicle from the
17 purchaser.

18 ~~(9)(8)~~ Subsections (1), (2), and (3) do not apply to
19 the transfer of ownership of a motor vehicle after the motor
20 vehicle has ceased to be used as a lease vehicle and the
21 ownership has been transferred to an owner for private use or
22 to the transfer of ownership of a nonconforming vehicle with
23 36,000 or more miles on its odometer, or 34 months whichever
24 is later and the ownership has been transferred to an owner
25 for private use. Such owner, as shown on the title
26 certificate, may request the department to issue a corrected
27 certificate of title that does not contain the statement of
28 the previous use of the vehicle as a lease vehicle or
29 condition as a nonconforming vehicle.

30 Section 6. Subsection (5) is added to section 319.22,
31 Florida Statutes, to read:

1 319.22 Transfer of title.--
2 (5) It is illegal to transfer title to a motor vehicle
3 when the purchaser's name does not appear on the title. Any
4 buyer or seller who knowingly and willfully violates this
5 subsection with intent to commit fraud commits a misdemeanor
6 of the first degree, punishable as provided in s. 775.082 or
7 s. 775.083.

8 Section 7. Section 319.30, Florida Statutes, is
9 amended to read:

10 319.30 Definitions; dismantling, destruction, change
11 of identity of motor vehicle or mobile home; salvage.--

12 (1) As used in this section, the term:

13 (a) "Certificate of destruction" means the certificate
14 issued pursuant to s. 713.78(11).

15 (b) "Certificate of registration number" means the
16 certificate of registration number issued by the Department of
17 Revenue of the State of Florida pursuant to s. 538.25.

18 (c) "Derelict" means any material which is or may have
19 been a motor vehicle or mobile home, with or without all
20 component parts, which is inoperable and which material is in
21 such condition that its highest or primary value is either in
22 its sale or transfer as scrap metal or for its component
23 parts, or a combination of the two.

24 (d) "Junk" means any material which is or may have
25 been a motor vehicle or mobile home, with or without all
26 component parts, which is inoperable and which material is in
27 such condition that its highest or primary value is either in
28 its sale or transfer as scrap metal or for its component
29 parts, or a combination of the two, except when sold or
30 delivered to or when purchased, possessed, or received by a
31 secondary metals recycler or salvage motor vehicle dealer.

- 1 (e) "Major component parts" means:
- 2 1. For motor vehicles other than motorcycles, the
3 front-end assembly (fenders, hood, grill, and bumper), cowl
4 assembly, rear body section (both quarter panels, trunk lid,
5 door, decklid, and bumper), floor pan, door assemblies,
6 engine, frame, transmission, and airbag.
- 7 2. For trucks, in addition to those parts listed in
8 subparagraph 1., any truck bed, including dump, wrecker,
9 crane, mixer, cargo box, or any bed which mounts to a truck
10 frame.
- 11 3. For motorcycles, the body assembly, frame, fenders,
12 gas tanks, engine, cylinder block, heads, engine case, crank
13 case, transmission, drive train, front fork assembly, and
14 wheels.
- 15 4. For mobile homes, the frame.~~the front-end assembly~~
16 ~~(fenders, hood, grill, and bumper); cowl assembly; rear body~~
17 ~~section (both quarter panels, decklid, bumper, and floor pan);~~
18 ~~door assemblies; engine; frame; or transmission.~~
- 19 (f) "Major part" means the front-end assembly,
20 ~~(fenders, hood, grill, and bumper); cowl assembly, or rear~~
21 ~~body section (both quarter panels, decklid, bumper, and floor~~
22 ~~pan).~~
- 23 (g) "Materials" means motor vehicles, derelicts, and
24 major parts that are not prepared materials.
- 25 (h) "Mobile home" means mobile home as defined in s.
26 320.01(2).
- 27 (i) "Motor vehicle" means motor vehicle as defined in
28 s. 320.01(1).
- 29 (j) "Parts" means parts of motor vehicles or
30 combinations thereof that do not constitute materials or
31 prepared materials.

1 (k) "Personal identification card" means personal
2 identification card as defined in s. 538.18(5).

3 (l) "Prepared materials" means motor vehicles, mobile
4 homes, derelicts, major parts, or parts that have been
5 processed by mechanically flattening or crushing, or otherwise
6 processed such that they are not the motor vehicle or mobile
7 home described in the certificate of title, or their only
8 value is as scrap metal.

9 (m) "Processing" means the business of performing the
10 manufacturing process by which ferrous metals or nonferrous
11 metals are converted into raw material products consisting of
12 prepared grades and having an existing or potential economic
13 value, or the purchase of materials, prepared materials, or
14 parts therefor.

15 (n) "Salvage" means a motor vehicle or mobile home
16 which is a total loss as defined in paragraph (3)(a).

17 (o) "Salvage motor vehicle dealer" means salvage motor
18 vehicle dealer as defined in s. 320.27(1)(c)5.

19 (p) "Secondary metals recycler" means secondary metals
20 recycler as defined in s. 538.18(8).

21 (2)(a) Each person mentioned as owner in the last
22 issued certificate of title, when such motor vehicle or mobile
23 home is dismantled, destroyed, or changed in such manner that
24 it is not the motor vehicle or mobile home described in the
25 certificate of title, shall surrender his or her certificate
26 of title to the department, and thereupon the department
27 shall, with the consent of any lienholders noted thereon,
28 enter a cancellation upon its records. Upon cancellation of a
29 certificate of title in the manner prescribed by this section,
30 the department may cancel and destroy all certificates in that
31 chain of title. Any person who willfully and deliberately

1 violates this paragraph commits a misdemeanor of the second
2 degree, punishable as provided in s. 775.082 or s. 775.083.

3 (b) When a motor vehicle is sold, transported, or
4 delivered to a salvage motor vehicle dealer, it shall be
5 accompanied by:

6 1. A properly endorsed certificate of title, salvage
7 certificate of title, or vehicle certificate of destruction
8 issued by the department; or

9 2. If the certificate of title has been surrendered to
10 the department, a notarized affidavit signed by the owner
11 stating that the title has been returned to the State of
12 Florida pursuant to paragraph (a), the date on which such
13 return was made, the year, make, and vehicle identification
14 number of the motor vehicle, and the name, address, and
15 personal identification card number of the owner. Any person
16 who willfully and deliberately violates this subparagraph by
17 falsifying a required affidavit commits a felony of the third
18 degree, punishable as provided in s. 775.082, s. 775.083, or
19 s. 775.084.

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21 Any salvage motor vehicle dealer who has a person falsely sign
22 an affidavit that the vehicle title has been surrendered to
23 the department commits a felony of the third degree,
24 punishable as provided in s. 775.082 or s. 775.083.

25 (3)(a) As used in this section, a motor vehicle or
26 mobile home is a "total loss":

27 1. When an insurance company pays the vehicle owner to
28 replace the wrecked or damaged vehicle with one of like kind
29 and quality or when an insurance company pays the owner upon
30 the theft of the motor vehicle or mobile home; a motor vehicle
31 or mobile home shall not be considered a "total loss" if the

1 insurance company and the owner agree to repair, rather than
2 to replace, the motor vehicle or mobile home; or

3 2. When an uninsured motor vehicle or mobile home is
4 wrecked or damaged and the cost, at the time of loss, of
5 repairing or rebuilding the vehicle is 80 percent or more of
6 the cost to the owner of replacing the wrecked or damaged
7 motor vehicle or mobile home with one of like kind and
8 quality.

9 (b) The owner of any motor vehicle or mobile home
10 which is considered to be salvage, including persons who are
11 self-insured, shall, within 72 hours after the motor vehicle
12 or mobile home becomes salvage, forward the title to the motor
13 vehicle or mobile home to the department for processing.
14 However, an insurance company which pays money as compensation
15 for total loss of a motor vehicle or mobile home shall obtain
16 the certificate of title for the motor vehicle or mobile home
17 and, within 72 hours after receiving such certificate of
18 title, shall forward such title to the department for
19 processing. The owner or insurance company, as the case may
20 be, may not dispose of a vehicle or mobile home that is a
21 total loss before it has obtained a salvage certificate of
22 title or certificate of destruction from the department. When
23 applying for a salvage certificate of title or certificate of
24 destruction, the owner or insurance company must provide the
25 department with an estimate of the costs of repairing the
26 physical and mechanical damage suffered by the vehicle for
27 which a salvage certificate of title or certificate of
28 destruction is sought. If the estimated costs of repairing the
29 physical and mechanical damage to the vehicle are equal to 80
30 percent or more of the current retail cost of the vehicle, as
31 established in any official used car or used mobile home

1 | guide, the department shall declare the vehicle unrebuildable
2 | and print a certificate of destruction, which authorizes the
3 | dismantling or destruction of the motor vehicle or mobile home
4 | described therein. This certificate of destruction shall be
5 | reassignable a maximum of two times before dismantling or
6 | destruction of the vehicle shall be required, and shall
7 | accompany the motor vehicle or mobile home for which it is
8 | issued, when such motor vehicle or mobile home is sold for
9 | such purposes, in lieu of a certificate of title, and,
10 | thereafter, the department shall refuse issuance of any
11 | certificate of title for that vehicle. Nothing in this
12 | subsection shall be applicable when a vehicle is worth less
13 | than \$1,500 retail in undamaged condition in any official used
14 | motor vehicle guide or used mobile home guide or when a stolen
15 | motor vehicle or mobile home is recovered in substantially
16 | intact condition and is readily resalable without extensive
17 | repairs to or replacement of the frame or engine. Any person
18 | who willfully and deliberately violates this paragraph or
19 | falsifies any document to avoid the requirements of this
20 | paragraph commits a misdemeanor of the first degree,
21 | punishable as provided in s. 775.082 or s. 775.083.

22 | (4) It is unlawful for any person to have in his or
23 | her possession any motor vehicle or mobile home when the
24 | manufacturer's or state-assigned identification number plate
25 | or serial plate has been removed therefrom.

26 | (a) ~~However,~~ Nothing in this subsection shall be
27 | applicable when a vehicle defined in this section as a
28 | derelict or salvage was purchased or acquired from a foreign
29 | state requiring such vehicle's identification number plate to
30 | be surrendered to such state, provided the person shall have
31 | an affidavit from the seller describing the vehicle by

1 manufacturer's serial number and the state to which such
2 vehicle's identification number plate was surrendered.

3 (b) Nothing in this subsection shall be applicable if
4 a certificate of destruction has been obtained for the
5 vehicle.

6 (5)(a) It is unlawful for any person to knowingly
7 possess, sell, or exchange, offer to sell or exchange, or give
8 away any certificate of title or manufacturer's or
9 state-assigned identification number plate or serial plate of
10 any motor vehicle, mobile home, or derelict that has been sold
11 as salvage contrary to the provisions of this section, and it
12 is unlawful for any person to authorize, direct, aid in, or
13 consent to the possession, sale, or exchange or to offer to
14 sell, exchange, or give away such certificate of title or
15 manufacturer's or state-assigned identification number plate
16 or serial plate.

17 (b) It is unlawful for any person to knowingly
18 possess, sell, or exchange, offer to sell or exchange, or give
19 away any manufacturer's or state-assigned identification
20 number plate or serial plate of any motor vehicle or mobile
21 home that has been removed from the motor vehicle or mobile
22 home for which it was manufactured, and it is unlawful for any
23 person to authorize, direct, aid in, or consent to the
24 possession, sale, or exchange or to offer to sell, exchange,
25 or give away such manufacturer's or state-assigned
26 identification number plate or serial plate.

27 (c) This chapter does not apply to anyone who removes,
28 possesses, or replaces a manufacturer's or state-assigned
29 identification number plate, in the course of performing
30 repairs on a vehicle, that require such removal or
31 replacement. If the repair requires replacement of a vehicle

1 part that contains the manufacturer's or state-assigned
2 identification number plate, the manufacturer's or
3 state-assigned identification number plate that is assigned to
4 the vehicle being repaired will be installed on the
5 replacement part. The manufacturer's or state-assigned
6 identification number plate that was removed from this
7 replacement part will be installed on the part that was
8 removed from the vehicle being repaired.

9 (6) In the event of a purchase by a salvage motor
10 vehicle dealer of materials or major component parts for any
11 reason, the purchaser shall:

12 (a) For each item of materials or major component
13 parts purchased, the salvage motor vehicle dealer shall record
14 the date of purchase, name and address of the seller, and the
15 personal identification card number of the person delivering
16 such items, as well as the vehicle identification number, if
17 available.

18 (b) With respect to each item of materials or major
19 component parts purchased, obtain such documentation as may be
20 required by subsection (2).

21
22 Any person who violates this subsection commits a misdemeanor
23 of the first degree, punishable as provided in s. 775.082 or
24 s. 775.083.

25 (7) In the event of a purchase by a secondary metals
26 recycler, that has been issued a certificate of registration
27 number, of:

28 (a) Materials, prepared materials, or parts from any
29 seller for purposes other than the processing of such
30 materials, prepared materials, or parts, the purchaser shall
31 obtain such documentation as may be required by this section,

1 and shall record the seller's name and address, date of
2 purchase, and the personal identification card number of the
3 person delivering such items.

4 (b) Parts or prepared materials from any seller for
5 purposes of the processing of such parts or prepared
6 materials, the purchaser shall record the seller's name and
7 address and date of purchase; and, in the event of a purchase
8 transaction consisting primarily of parts or prepared
9 materials, the personal identification card number of the
10 person delivering such items.

11 (c) Materials from another secondary metals recycler
12 for purposes of the processing of such materials, the
13 purchaser shall record the seller's name, address, and date of
14 purchase.

15 (d) Motor vehicles, mobile homes, or derelicts from
16 other than a secondary metals recycler for purposes of the
17 processing of such motor vehicles, mobile homes, or derelicts,
18 the purchaser shall record the seller's name, address, date of
19 purchase, and the personal identification card number of the
20 person delivering such items, and shall obtain the following
21 documentation from the seller with respect to each item
22 purchased:

23 1. A valid certificate of title issued in the name of
24 the seller or properly endorsed over to the seller;

25 2. A valid certificate of destruction issued in the
26 name of the seller or properly endorsed over to the seller; or

27 3. If a valid certificate of title or a valid
28 certificate of destruction is not available, an affidavit
29 signed by the seller stating that the seller returned the
30 certificate of title to the State of Florida pursuant to
31 subsection (2) and the date on which such return was made, and

1 setting forth the vehicle identification number of such motor
2 vehicle, mobile home, or derelict.

3 (e) Major parts from other than a secondary metals
4 recycler for purposes of the processing of such major parts,
5 the purchaser shall record the seller's name, address, date of
6 purchase, and the personal identification card number of the
7 person delivering such items, as well as the vehicle
8 identification number, if available, of each major part
9 purchased.

10

11 Any person who violates this subsection commits a felony of
12 the third degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084.

14 (8)(a) Secondary metals recyclers and salvage motor
15 vehicle dealers shall return to the department on a monthly
16 basis all certificates of title required by this section to be
17 obtained.

18 (b) Secondary metals recyclers and salvage motor
19 vehicle dealers shall keep all certificates of destruction,
20 seller's affidavits, and all other information required by
21 this section to be recorded or obtained, on file in the
22 offices of such secondary metals recyclers or salvage motor
23 vehicle dealers for a period of 3 years from the date of
24 purchase of the items reflected in such certificates of
25 destruction or seller's affidavits. These records shall be
26 maintained in chronological order.

27 (c) For the purpose of enforcement of this section,
28 the department or its agents and employees have the same right
29 of inspection as law enforcement officers as provided in s.
30 812.055.

31

1 (9) Except as otherwise provided in this section, any
2 person who violates this section commits a felony of the third
3 degree, punishable as provided in s. 775.082, s. 775.083, or
4 s. 775.084.

5 Section 8. Subsection (6) is added to section 319.32,
6 Florida Statutes, to read:

7 319.32 Fees; service charges; disposition.--

8 (6) Notwithstanding chapter 116, every county officer
9 within this state authorized to collect funds provided for in
10 this chapter shall pay all sums officially received by the
11 officer into the State Treasury no later than 5 working days
12 after the close of the business day in which the officer
13 received the funds. Payment by county officers to the state
14 shall be made by means of electronic funds transfer.

15 Section 9. Subsection (5) of section 319.33, Florida
16 Statutes, is amended to read:

17 319.33 Offenses involving vehicle identification
18 numbers, applications, certificates, papers; penalty.--

19 (5) It is unlawful for any person, firm, or
20 corporation to knowingly possess, manufacture, sell or
21 exchange, offer to sell or exchange, supply in blank, or give
22 away any counterfeit manufacturer's or state-assigned
23 identification number plates or serial plates or any decal
24 used for the purpose of identification of any motor vehicle;
25 or for any officer, agent, or employee of any person, firm, or
26 corporation, or any person who shall authorize, direct, aid in
27 exchange, or give away such counterfeit manufacturer's or
28 state-assigned identification number plates or serial plates
29 or any decal; or conspire to do any of the foregoing.
30 However, nothing in this subsection shall be applicable to any
31 approved replacement manufacturer's or state-assigned

1 identification number plates or serial plates or any decal
2 issued by the department or any state.

3 Section 10. Subsection (3) of section 320.03, Florida
4 Statutes, is amended to read:

5 320.03 Registration; duties of tax collectors;
6 International Registration Plan.--

7 (3) Each tax collector shall keep a full and complete
8 record and account of all validation stickers, mobile home
9 stickers, or other properties received by him or her from the
10 department, or from any other source, ~~and shall make prompt~~
11 ~~remittance of moneys collected by him or her at such times and~~
12 ~~in such manner as prescribed by law.~~ Notwithstanding chapter
13 116, every county officer within this state authorized to
14 collect funds provided for in this chapter shall pay all sums
15 officially received by the officer into the State Treasury no
16 later than 5 working days after the close of the business day
17 in which the officer received the funds. Payment by county
18 officers to the state shall be made by means of electronic
19 funds transfer.

20 Section 11. Subsection (9) of section 320.27, Florida
21 Statutes, is amended to read:

22 320.27 Motor vehicle dealers.--

23 (9) DENIAL, SUSPENSION, OR REVOCATION.--The department
24 may deny, suspend, or revoke any license issued hereunder or
25 under the provisions of s. 320.77 or s. 320.771, upon proof
26 that a licensee has failed to comply with any of the following
27 provisions ~~with sufficient frequency so as to establish a~~
28 ~~pattern of wrongdoing on the part of the licensee:~~

29 (a) Willful violation of any other law of this state,
30 including chapter 319, this chapter, or ss. 559.901-559.9221,
31 which has to do with dealing in or repairing motor vehicles or

1 mobile homes or willful failure to comply with any
2 administrative rule promulgated by the department.
3 Additionally, in the case of used motor vehicles, the willful
4 violation of the federal law and rule in 15 U.S.C. s. 2304, 16
5 C.F.R. part 455, pertaining to the consumer sales window form.
6 (b) Commission of fraud or willful misrepresentation
7 in application for or in obtaining a license.
8 (c) Perpetration of a fraud upon any person as a
9 result of dealing in motor vehicles, including, without
10 limitation, the misrepresentation to any person by the
11 licensee of the licensee's relationship to any manufacturer,
12 importer, or distributor.
13 (d) Representation that a demonstrator is a new motor
14 vehicle, or the attempt to sell or the sale of a demonstrator
15 as a new motor vehicle without written notice to the purchaser
16 that the vehicle is a demonstrator. For the purposes of this
17 section, a "demonstrator," a "new motor vehicle," and a "used
18 motor vehicle" shall be defined as under s. 320.60.
19 (e) Unjustifiable refusal to comply with a licensee's
20 responsibility under the terms of the new motor vehicle
21 warranty issued by its respective manufacturer, distributor,
22 or importer. However, if such refusal is at the direction of
23 the manufacturer, distributor, or importer, such refusal shall
24 not be a ground under this section.
25 (f) Misrepresentation or false, deceptive, or
26 misleading statements with regard to the sale or financing of
27 motor vehicles which any motor vehicle dealer has, or causes
28 to have, advertised, printed, displayed, published,
29 distributed, broadcast, televised, or made in any manner with
30 regard to the sale or financing of motor vehicles.
31

1 (g) Requirement by any motor vehicle dealer that a
2 customer or purchaser accept equipment on his or her motor
3 vehicle which was not ordered by the customer or purchaser.

4 (h) Requirement by any motor vehicle dealer that any
5 customer or purchaser finance a motor vehicle with a specific
6 financial institution or company.

7 (i) Failure by any motor vehicle dealer to provide a
8 customer or purchaser with an odometer disclosure statement
9 and a copy of any bona fide written, executed sales contract
10 or agreement of purchase connected with the purchase of the
11 motor vehicle purchased by the customer or purchaser.

12 (j) Failure of any motor vehicle dealer to comply with
13 the terms of any bona fide written, executed agreement,
14 pursuant to the sale of a motor vehicle.

15 (k) Requirement by the motor vehicle dealer that the
16 purchaser of a motor vehicle contract with the dealer for
17 physical damage insurance.

18 (l) Violation of any of the provisions of s. 319.35 by
19 any motor vehicle dealer.

20 (m) Either a history of bad credit or an unfavorable
21 credit rating as revealed by the applicant's official credit
22 report or by investigation by the department.

23 (n) Failure to apply for transfer of a title as
24 prescribed in s. 319.23(6).

25 (o) Use of the dealer license identification number by
26 any person other than the licensed dealer or his or her
27 designee.

28 (p) Conviction of a felony.

29 (q) Failure to continually meet the requirements of
30 the licensure law.

31

1 (r) When a motor vehicle dealer is convicted of a
2 crime which results in his or her being prohibited from
3 continuing in that capacity, the dealer may not continue in
4 any capacity within the industry. The offender shall have no
5 financial interest, management, sales, or other role in the
6 operation of a dealership. Further, the offender may not
7 derive income from the dealership beyond reasonable
8 compensation for the sale of his or her ownership interest in
9 the business.

10 (s) Representation to a customer or any advertisement
11 to the general public representing or suggesting that a motor
12 vehicle is a new motor vehicle if such vehicle lawfully cannot
13 be titled in the name of the customer or other member of the
14 general public by the seller using a manufacturer's statement
15 of origin as permitted in s. 319.23(1).

16 (t) Failure to honor a bank draft or check given to a
17 motor vehicle dealer for the purchase of a motor vehicle by
18 another motor vehicle dealer within 10 days after notification
19 that the bank draft or check has been dishonored. A single
20 violation of this paragraph is sufficient for revocation or
21 suspension. If the transaction is disputed, the maker of the
22 bank draft or check shall post a bond in accordance with the
23 provisions of s. 559.917, and no proceeding for revocation or
24 suspension shall be commenced until the dispute is resolved.

25 (u) Sale by a motor vehicle dealer of a vehicle
26 offered in trade by a customer prior to consummation of the
27 sale, exchange, or transfer of a newly acquired vehicle to the
28 customer, unless the customer provides written authorization
29 for the sale of the trade-in vehicle prior to delivery of the
30 newly acquired vehicle.

31

1 Section 12. Subsection (10) of section 320.60, Florida
2 Statutes, is amended to read:

3 320.60 Definitions for ss. 320.61-320.70.--Whenever
4 used in ss. 320.61-320.70, unless the context otherwise
5 requires, the following words and terms have the following
6 meanings:

7 (10) "Motor vehicle" means any new automobile,
8 motorcycle, ~~or~~ truck, heavy truck, or bus the equitable or
9 legal title to which has never been transferred by a
10 manufacturer, distributor, importer, or dealer to an ultimate
11 purchaser; however, when legal title is not transferred but
12 possession of a motor vehicle is transferred pursuant to a
13 conditional sales contract or lease and the conditions are not
14 satisfied and the vehicle is returned to the motor vehicle
15 dealer, the motor vehicle may be resold by the motor vehicle
16 dealer as a new motor vehicle, provided the selling motor
17 vehicle dealer gives the following written notice to the
18 purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS
19 PURCHASER." The purchaser shall sign an acknowledgment, a copy
20 of which is kept in the selling dealer's file.

21 Section 13. Subsection (4) is added to section 328.73,
22 Florida Statutes, to read:

23 328.73 Registration; duties of tax collectors.--

24 (4) Notwithstanding chapter 116, every county officer
25 within this state authorized to collect funds provided for in
26 this chapter shall pay all sums officially received by the
27 officer into the State Treasury no later than 5 working days
28 after the close of the business day in which the officer
29 received the funds. Payment by county officers to the state
30 shall be made by means of electronic funds transfer.

31

1 Section 14. Subsections (11) and (12) of section
2 713.78, Florida Statutes, are amended to read:

3 713.78 Liens for recovering, towing, or storing
4 vehicles and vessels.--

5 (11)(a) Any person regularly engaged in the business
6 of recovering, towing, or storing vehicles or vessels who
7 comes into possession of a vehicle or vessel pursuant to
8 subsection (2) and who has complied with the provisions of
9 subsections (3) and (6), when such vehicle or vessel is to be
10 sold for purposes of being dismantled, destroyed, or changed
11 in such manner that it is not the motor vehicle, vessel, or
12 mobile home described in the certificate of title, shall apply
13 to the county tax collector for a certificate of destruction.
14 A certificate of destruction, which authorizes the dismantling
15 or destruction of the vehicle or vessel described therein,
16 shall be reassignable a maximum of two times before
17 dismantling or destruction of the vehicle shall be required,
18 and shall accompany the vehicle or vessel for which it is
19 issued, when such vehicle or vessel is sold for such purposes,
20 in lieu of a certificate of title. The application for a
21 certificate of destruction must include an affidavit from the
22 applicant that it has complied with all applicable
23 requirements of this section and, if the vehicle or vessel is
24 not registered in this state, by a statement from a law
25 enforcement officer that the vehicle or vessel is not reported
26 stolen, and shall be accompanied by such documentation as may
27 be required by the department.

28 (b) The Department of Highway Safety and Motor
29 Vehicles shall charge a fee of \$3 for each certificate of
30 destruction. A service charge of \$4.25 shall be collected and
31 retained by the tax collector who processes the application.

1 (c) The Department of Highway Safety and Motor
2 Vehicles may adopt such rules as it deems necessary or proper
3 for the administration of this subsection.

4 (12)(a) Any person who violates any provision of
5 subsection (1), subsection (2), subsection (4), subsection
6 (5), subsection (6), or subsection (7) is guilty of a
7 misdemeanor of the first degree, punishable as provided in s.
8 775.082 or s. 775.083.

9 (b) Any person who violates the provisions of
10 subsections (8) through (11) is guilty of a felony of the
11 third degree, punishable as provided in s. 775.082, s.
12 775.083, or s. 775.084.

13 (c) Any person who uses a false or fictitious name,
14 gives a false or fictitious address, or makes any false
15 statement in any application or affidavit required under the
16 provisions of this section is guilty of a felony of the third
17 degree, punishable as provided in s. 775.082, s. 775.083, or
18 s. 775.084.

19 (d) Employees of the Department of Highway Safety and
20 Motor Vehicles and law enforcement officers are authorized to
21 inspect the records of any person regularly engaged in the
22 business of recovering, towing, or storing vehicles or vessels
23 or transporting vehicles or vessels by wrecker, tow truck, or
24 car carrier, to ensure compliance with the requirements of
25 this section. Any person who fails to maintain records, or
26 fails to produce records when required in a reasonable manner
27 and at a reasonable time, commits a misdemeanor of the first
28 degree, punishable as provided in s. 775.082 or s. 775.083.

29 Section 15. Subsection (2) of section 316.251, Florida
30 Statutes, is amended to read:

31 316.251 Maximum bumper heights.--

1 (2) "New motor vehicles" as defined in s.
2 319.001(8)~~(4)~~, "antique automobiles" as defined in s. 320.08,
3 "horseless carriages" as defined in s. 320.086, and "street
4 rods" as defined in s. 320.0863 shall be excluded from the
5 requirements of this section.

6 Section 16. Subsection (20) of section 501.976,
7 Florida Statutes, is amended to read:

8 501.976 Actionable, unfair, or deceptive acts or
9 practices.--It is an unfair or deceptive act or practice,
10 actionable under the Florida Deceptive and Unfair Trade
11 Practices Act, for a dealer to:

12 (20) Fail to disclose damage to a new motor vehicle,
13 as defined in s. 319.001(8)~~(4)~~, of which the dealer had actual
14 knowledge, if the dealer's actual cost of repairs exceeds the
15 threshold amount, excluding replacement items.

16
17 In any civil litigation resulting from a violation of this
18 section, when evaluating the reasonableness of an award of
19 attorney's fees to a private person, the trial court shall
20 consider the amount of actual damages in relation to the time
21 spent.

22 Section 17. This act shall take effect upon becoming a
23 law.

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HOUSE SUMMARY

Revises provisions of law with respect to transportation issues to:

1. Revise the jurisdiction of a county over described roads and rights-of-way dedicated to a residential subdivision under described circumstances.
2. Authorize the governing body of a county to abandon the roads and rights-of-way in a recorded subdivision plat under described circumstances.
3. Revise language with respect to the sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles and nonconforming vehicles.
4. Provide reference to state-assigned identification plates and provide that any salvage motor vehicle dealer who has a person falsely sign an affidavit that a vehicle title has been surrendered to the department commits a felony of the third degree.
5. Provide a time period for the payment of described funds by county officers to the State Treasury by electronic funds transfer.
6. Authorize employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers to inspect the records of persons regularly engaged in the business of recovering, towing, or storing vehicles or vessels and provide a penalty for failure to maintain required records or failure to produce such records when required.

See bill for details.