

By the Council for Ready Infrastructure and 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. 316.061, F.S.;
13 authorizing specified entities to remove
14 crashed motor vehicles in certain
15 circumstances; limiting liability; amending s.
16 316.520, F.S.; revising language with respect
17 to penalties relating to loads on vehicles;
18 amending s. 318.18, F.S.; providing for
19 assessment of doubled fines for speeding in
20 toll collection zones; requiring warning signs;
21 amending s. 319.001, F.S.; providing
22 definitions with respect to provisions of law
23 relating to title certificates; correcting a
24 cross reference, to conform; amending s.
25 319.14, F.S.; revising language with respect to
26 the sale of motor vehicles registered or used
27 as taxicabs, police vehicles, lease vehicles,
28 or rebuilt vehicles and nonconforming vehicles;
29 amending s. 319.22, F.S.; providing that it is
30 illegal to transfer title to a motor vehicle
31 under certain circumstances; providing a

1 penalty; amending s. 319.30, F.S., relating to
2 salvage; revising definitions; providing a
3 penalty with respect to certain violations;
4 providing reference to state-assigned
5 identification number plates; amending s.
6 319.32, F.S.; providing a time period for the
7 payment of certain funds by county officers to
8 the State Treasury by electronic funds
9 transfer; amending s. 319.33, F.S.; including
10 reference to state-assigned identification
11 number plates; amending s. 320.03, F.S.;
12 providing a time period for county officers to
13 pay certain funds to the State Treasury by
14 electronic funds transfer; amending s. 320.27,
15 F.S.; revising language with respect to the
16 denial, suspension, or revocation of a license
17 by the department with respect to motor vehicle
18 dealers; amending s. 328.73, F.S.; providing a
19 time period for county officers to pay certain
20 funds to the State Treasury by electronic funds
21 transfer; amending s. 713.78, F.S.; authorizing
22 employees of the department and law enforcement
23 officers to inspect the records of persons
24 regularly engaged in the business of
25 recovering, towing, or storing vehicles or
26 vessels; providing a penalty for failure to
27 maintain required records or failure to produce
28 records when required; amending ss. 316.251 and
29 501.976, F.S.; correcting a cross reference, to
30 conform; providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

2

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

5 316.006 Jurisdiction.--Jurisdiction to control traffic
6 is vested as follows:

7 (3) COUNTIES.--

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

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

24 Section 2. Section 316.00825, Florida Statutes, is
25 created to read:

26 316.00825 Closing and abandonment of roads; optional
27 conveyance to homeowners' association; traffic control
28 jurisdiction.--

29 (1)(a) In addition to the authority provided in s.
30 336.12, the governing body of the county may abandon the roads
31 and rights-of-way dedicated in a recorded residential

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

1 markings, striping, guardrails, and other traffic control
2 devices necessary or useful for the private roads unless an
3 agreement has been entered into between the county and the
4 homeowners' association, as authorized under s. 316.006(3)(b),
5 expressly providing that the county has traffic control
6 jurisdiction.

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

23 Section 3. Subsection (3) is added to section 316.061,
24 Florida Statutes, to read:

25 316.061 Crashes involving damage to vehicle or
26 property.--

27 (3) Employees or authorized agents of the Department
28 of Transportation, law enforcement with proper jurisdiction,
29 or an expressway authority created pursuant to chapter 348, in
30 the exercise, management, control, and maintenance of its
31 highway system, may undertake the removal from the main

1 traveled way of roads on its highway system of all vehicles
2 incapacitated as a result of a motor vehicle crash and of
3 debris caused thereby. Such removal is applicable when such a
4 motor vehicle crash results only in damage to a vehicle or
5 other property, and when such removal can be accomplished
6 safely and will result in the improved safety or convenience
7 of travel upon the road. The driver or any other person who
8 has removed a motor vehicle from the main traveled way of the
9 road as provided in this section shall not be considered
10 liable or at fault regarding the cause of the accident solely
11 by reason of moving the vehicle.

12 Section 4. Subsection (3) of section 316.520, Florida
13 Statutes, is amended to read:

14 316.520 Loads on vehicles.--

15 (1) A vehicle may not be driven or moved on any
16 highway unless the vehicle is so constructed or loaded as to
17 prevent any of its load from dropping, shifting, leaking,
18 blowing, or otherwise escaping therefrom, except that sand may
19 be dropped only for the purpose of securing traction or water
20 or other substance may be sprinkled on a roadway in cleaning
21 or maintaining the roadway.

22 (2) It is the duty of every owner and driver,
23 severally, of any vehicle hauling, upon any public road or
24 highway open to the public, dirt, sand, lime rock, gravel,
25 silica, or other similar aggregate or trash, garbage, or any
26 similar material that could fall or blow from such vehicle, to
27 prevent such materials from falling, blowing, or in any way
28 escaping from such vehicle. Covering and securing the load
29 with a close-fitting tarpaulin or other appropriate cover is
30 required.

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

4 Section 5. Paragraph (f) is added to subsection (3) of
5 section 318.18, Florida Statutes, to read:

6 318.18 Amount of civil penalties.--The penalties
7 required for a noncriminal disposition pursuant to s. 318.14
8 are as follows:

9 (3)

10 (b) For moving violations involving unlawful speed,
11 the fines are as follows:

12

For speed exceeding the limit by:	Fine:
13 1-5 m.p.h.....	Warning
14 6-9 m.p.h.....	\$ 25
15 10-14 m.p.h.....	\$100
16 15-19 m.p.h.....	\$125
17 20-29 m.p.h.....	\$150
18 30 m.p.h. and above.....	\$250

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21 (f) A person cited for exceeding the speed limit
22 within a zone posted for any electronic or manual toll
23 collection facility shall be assessed a fine double the amount
24 listed in paragraph (b). However, no person cited for
25 exceeding the speed limit in any toll collection zone shall be
26 subject to a doubled fine unless the government entity or
27 authority controlling the toll collection zone first installs
28 a traffic control device providing warning that speeding fines
29 are doubled. Any such traffic control device must meet the
30 requirements of the uniform system of traffic control devices.
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1 Section 6. Section 319.001, Florida Statutes, is
2 amended to read:
3 319.001 Definitions.--As used in this chapter, the
4 term:
5 (1) "Department" means the Department of Highway
6 Safety and Motor Vehicles.
7 (2) "Front-end assembly" means fenders, hood, grill,
8 and bumper.
9 (3)~~(2)~~ "Licensed dealer," unless otherwise
10 specifically provided, means a motor vehicle dealer licensed
11 under s. 320.27, a mobile home dealer licensed under s.
12 320.77, or a recreational vehicle dealer licensed under s.
13 320.771.
14 (4) "Motorcycle body assembly" means frame, fenders,
15 and gas tanks.
16 (5) "Motorcycle engine" means cylinder block, heads,
17 engine case, and crank case.
18 (6) "Motorcycle transmission" means drive train.
19 (7)~~(3)~~ "New mobile home" means a mobile home the
20 equitable or legal title to which has never been transferred
21 by a manufacturer, distributor, importer, or dealer to an
22 ultimate purchaser.
23 (8)~~(4)~~ "New motor vehicle" means a motor vehicle the
24 equitable or legal title to which has never been transferred
25 by a manufacturer, distributor, importer, or dealer to an
26 ultimate purchaser; however, when legal title is not
27 transferred but possession of a motor vehicle is transferred
28 pursuant to a conditional sales contract or lease and the
29 conditions are not satisfied and the vehicle is returned to
30 the motor vehicle dealer, the motor vehicle may be resold by
31 the motor vehicle dealer as a new motor vehicle, provided the

1 selling motor vehicle dealer gives the following written
2 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A
3 PREVIOUS PURCHASER." The purchaser shall sign an
4 acknowledgment, a copy of which is kept in the selling
5 dealer's file.

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

8 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
9 debt or release of a debtor from a lien by the lienholder.

10 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
11 that is not a "new motor vehicle" as defined in subsection(8)
12 ~~(4)~~.

13 Section 7. Section 319.14, Florida Statutes, is
14 amended to read:

15 319.14 Sale of motor vehicles registered or used as
16 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
17 and nonconforming vehicles.--

18 (1)(a) No person shall knowingly offer for sale, sell,
19 or exchange any vehicle that has been licensed, registered, or
20 used as a taxicab, police vehicle, or short-term-lease
21 vehicle, or a vehicle that has been repurchased by a
22 manufacturer pursuant to a settlement, determination, or
23 decision under chapter 681, until the department has stamped
24 in a conspicuous place on the certificate of title of the
25 vehicle, or its duplicate, words stating the nature of the
26 previous use of the vehicle or the title has been stamped
27 "Manufacturer's Buy Back" to reflect that the vehicle is a
28 nonconforming vehicle. If the certificate of title or
29 duplicate was not so stamped upon initial issuance thereof or
30 if, subsequent to initial issuance of the title, the use of
31 the vehicle is changed to a use requiring the notation

1 provided for in this section, the owner or lienholder of the
2 vehicle shall surrender the certificate of title or duplicate
3 to the department prior to offering the vehicle for sale, and
4 the department shall stamp the certificate or duplicate as
5 required herein. When a vehicle has been repurchased by a
6 manufacturer pursuant to a settlement, determination, or
7 decision under chapter 681, the title shall be stamped
8 "Manufacturer's Buy Back" to reflect that the vehicle is a
9 nonconforming vehicle.

10 (b) No person shall knowingly offer for sale, sell, or
11 exchange a rebuilt vehicle until the department has stamped in
12 a conspicuous place on the certificate of title for the
13 vehicle words stating that the vehicle has been rebuilt or
14 ~~assembled from parts, or combined~~, or is a kit car, glider
15 kit, replica, or flood vehicle unless proper application for a
16 certificate of title for a vehicle that is rebuilt or
17 ~~assembled from parts, or combined~~, or is a kit car, glider
18 kit, replica, or flood vehicle has been made to the department
19 in accordance with this chapter and the department has
20 conducted the physical examination of the vehicle to assure
21 the identity of the vehicle and all major component parts, as
22 defined in s. 319.30(1)(e), which have been repaired or
23 replaced. Thereafter, the department shall affix a decal to
24 the vehicle, in the manner prescribed by the department,
25 showing the vehicle to be rebuilt.

26 (c) As used in this section:

27 1. "Police vehicle" means a motor vehicle owned or
28 leased by the state or a county or municipality and used in
29 law enforcement.

30 2.a. "Short-term-lease vehicle" means a motor vehicle
31 leased without a driver and under a written agreement to one

1 or more persons from time to time for a period of less than 12
2 months.

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

6 c. "Lease vehicle" includes both short-term-lease
7 vehicles and long-term-lease vehicles.

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

10 4. "Assembled from parts" means a motor vehicle or
11 mobile home assembled from parts or combined from parts of
12 motor vehicles or mobile homes, new or used. "Assembled from
13 parts" does not mean a motor vehicle defined as a "rebuilt
14 vehicle" in subparagraph 3., which has been declared a total
15 loss pursuant to s. 319.30.

16 ~~5. "Combined" means assembled by combining two motor~~
17 ~~vehicles neither of which has been titled and branded as~~
18 ~~"Salvage Unrebuildable."~~

19 5.6. "Kit car" means a motor vehicle assembled with a
20 kit supplied by a manufacturer to rebuild a wrecked or
21 outdated motor vehicle with a new body kit.

22 6.7. "Glider kit" means a vehicle assembled with a kit
23 supplied by a manufacturer to rebuild a wrecked or outdated
24 truck or truck tractor.

25 7.8. "Replica" means a complete new motor vehicle
26 manufactured to look like an old vehicle.

27 8.9. "Flood vehicle" means a motor vehicle or mobile
28 home that has been declared to be a total loss pursuant to s.
29 319.30(3)(a) resulting from damage caused by water.

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1 9.10. "Nonconforming vehicle" means a motor vehicle
2 which has been purchased by a manufacturer pursuant to a
3 settlement, determination, or decision under chapter 681.

4 10.11. "Settlement" means an agreement entered into
5 between a manufacturer and a consumer that occurs after a
6 dispute is submitted to a program, or an informal dispute
7 settlement procedure established by a manufacturer or is
8 approved for arbitration before the New Motor Vehicle
9 Arbitration Board as defined in s. 681.102.

10 (2) No person shall knowingly sell, exchange, or
11 transfer a vehicle referred to in subsection (1) without,
12 prior to consummating the sale, exchange, or transfer,
13 disclosing in writing to the purchaser, customer, or
14 transferee the fact that the vehicle has previously been
15 titled, registered, or used as a taxicab, police vehicle, or
16 short-term-lease vehicle or is a vehicle that is rebuilt or,
17 assembled from parts, ~~or combined~~, or is a kit car, glider
18 kit, replica, or flood vehicle, or is a nonconforming vehicle,
19 as the case may be.

20 (3) Any person who, with intent to offer for sale or
21 exchange any vehicle referred to in subsection (1), knowingly
22 or intentionally advertises, publishes, disseminates,
23 circulates, or places before the public in any communications
24 medium, whether directly or indirectly, any offer to sell or
25 exchange the vehicle shall clearly and precisely state in each
26 such offer that the vehicle has previously been titled,
27 registered, or used as a taxicab, police vehicle, or
28 short-term-lease vehicle or that the vehicle or mobile home is
29 a vehicle that is rebuilt or assembled from parts, ~~or~~
30 ~~combined~~, or is a kit car, glider kit, replica, or flood
31 vehicle, or a nonconforming vehicle, as the case may be. Any

1 person who violates this subsection commits ~~is guilty of~~ a
2 misdemeanor of the second degree, punishable as provided in s.
3 775.082 or s. 775.083.

4 (4) When a certificate of title, including a foreign
5 certificate, is branded to reflect a condition or prior use of
6 the titled vehicle, the brand must be noted on the
7 registration certificate of the vehicle and such brand shall
8 be carried forward on all subsequent certificates of title and
9 registration certificates issued for the life of the vehicle.

10 (5) Any person who knowingly sells, exchanges, or
11 offers to sell or exchange a motor vehicle or mobile home
12 contrary to the provisions of this section or any officer,
13 agent, or employee of a person who knowingly authorizes,
14 directs, aids in, or consents to the sale, exchange, or offer
15 to sell or exchange a motor vehicle or mobile home contrary to
16 the provisions of this section commits ~~is guilty of~~ a
17 misdemeanor of the second degree, punishable as provided in s.
18 775.082 or s. 775.083.

19 (6) Any person who removes a rebuilt decal from a
20 rebuilt vehicle with the intent to conceal the rebuilt status
21 of the vehicle commits a felony of the third degree,
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084.

24 (7)~~(6)~~ This section applies to a mobile home, travel
25 trailer, camping trailer, truck camper, or fifth-wheel
26 recreation trailer only when such mobile home or vehicle is a
27 rebuilt vehicle or is assembled from parts.

28 (8)~~(7)~~ No person shall be liable or accountable in any
29 civil action arising out of a violation of this section if the
30 designation of the previous use or condition of the motor
31 vehicle is not noted on the certificate of title and

1 registration certificate of the vehicle which was received by,
2 or delivered to, such person, unless such person has actively
3 concealed the prior use or condition of the vehicle from the
4 purchaser.

5 ~~(9)~~(8) Subsections (1), (2), and (3) do not apply to
6 the transfer of ownership of a motor vehicle after the motor
7 vehicle has ceased to be used as a lease vehicle and the
8 ownership has been transferred to an owner for private use or
9 to the transfer of ownership of a nonconforming vehicle with
10 36,000 or more miles on its odometer, or 34 months whichever
11 is later and the ownership has been transferred to an owner
12 for private use. Such owner, as shown on the title
13 certificate, may request the department to issue a corrected
14 certificate of title that does not contain the statement of
15 the previous use of the vehicle as a lease vehicle or
16 condition as a nonconforming vehicle.

17 Section 8. Subsection (5) is added to section 319.22,
18 Florida Statutes, to read:

19 319.22 Transfer of title.--

20 (5) It is illegal to transfer title to a motor vehicle
21 when the purchaser's name does not appear on the title. Any
22 buyer or seller who knowingly and willfully violates this
23 subsection with intent to commit fraud commits a misdemeanor
24 of the first degree, punishable as provided in s. 775.082 or
25 s. 775.083.

26 Section 9. Section 319.30, Florida Statutes, is
27 amended to read:

28 319.30 Definitions; dismantling, destruction, change
29 of identity of motor vehicle or mobile home; salvage.--

30 (1) As used in this section, the term:
31

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

3 (b) "Certificate of registration number" means the
4 certificate of registration number issued by the Department of
5 Revenue of the State of Florida pursuant to s. 538.25.

6 (c) "Derelict" means any material which is or may have
7 been a motor vehicle or mobile home, with or without all
8 component parts, which is inoperable and which material is in
9 such condition that its highest or primary value is either in
10 its sale or transfer as scrap metal or for its component
11 parts, or a combination of the two.

12 (d) "Junk" means any material which is or may have
13 been a motor vehicle or mobile home, with or without all
14 component parts, which is inoperable and which material is in
15 such condition that its highest or primary value is either in
16 its sale or transfer as scrap metal or for its component
17 parts, or a combination of the two, except when sold or
18 delivered to or when purchased, possessed, or received by a
19 secondary metals recycler or salvage motor vehicle dealer.

20 (e) "Major component parts" means:

21 1. For motor vehicles other than motorcycles, the
22 front-end assembly (fenders, hood, grill, and bumper), cowl
23 assembly, rear body section (both quarter panels, trunk lid,
24 door, decklid, and bumper), floor pan, door assemblies,
25 engine, frame, transmission, and airbag.

26 2. For trucks, in addition to those parts listed in
27 subparagraph 1., any truck bed, including dump, wrecker,
28 crane, mixer, cargo box, or any bed which mounts to a truck
29 frame.

30 3. For motorcycles, the body assembly, frame, fenders,
31 gas tanks, engine, cylinder block, heads, engine case, crank

1 case, transmission, drive train, front fork assembly, and
2 wheels.

3 4. For mobile homes, the frame.~~the front-end assembly~~
4 ~~(fenders, hood, grill, and bumper); cowl assembly; rear body~~
5 ~~section (both quarter panels, decklid, bumper, and floor pan);~~
6 ~~door assemblies; engine; frame; or transmission.~~

7 (f) "Major part" means the front-end assembly,
8 ~~(fenders, hood, grill, and bumper);~~cowl assembly,
9 body section~~(both quarter panels, decklid, bumper, and floor~~
10 ~~pan).~~

11 (g) "Materials" means motor vehicles, derelicts, and
12 major parts that are not prepared materials.

13 (h) "Mobile home" means mobile home as defined in s.
14 320.01(2).

15 (i) "Motor vehicle" means motor vehicle as defined in
16 s. 320.01(1).

17 (j) "Parts" means parts of motor vehicles or
18 combinations thereof that do not constitute materials or
19 prepared materials.

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

22 (l) "Prepared materials" means motor vehicles, mobile
23 homes, derelicts, major parts, or parts that have been
24 processed by mechanically flattening or crushing, or otherwise
25 processed such that they are not the motor vehicle or mobile
26 home described in the certificate of title, or their only
27 value is as scrap metal.

28 (m) "Processing" means the business of performing the
29 manufacturing process by which ferrous metals or nonferrous
30 metals are converted into raw material products consisting of
31 prepared grades and having an existing or potential economic

1 value, or the purchase of materials, prepared materials, or
2 parts therefor.

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

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

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

9 (2)(a) Each person mentioned as owner in the last
10 issued certificate of title, when such motor vehicle or mobile
11 home is dismantled, destroyed, or changed in such manner that
12 it is not the motor vehicle or mobile home described in the
13 certificate of title, shall surrender his or her certificate
14 of title to the department, and thereupon the department
15 shall, with the consent of any lienholders noted thereon,
16 enter a cancellation upon its records. Upon cancellation of a
17 certificate of title in the manner prescribed by this section,
18 the department may cancel and destroy all certificates in that
19 chain of title. Any person who willfully and deliberately
20 violates this paragraph commits a misdemeanor of the second
21 degree, punishable as provided in s. 775.082 or s. 775.083.

22 (b) When a motor vehicle is sold, transported, or
23 delivered to a salvage motor vehicle dealer, it shall be
24 accompanied by:

25 1. A properly endorsed certificate of title, salvage
26 certificate of title, or vehicle certificate of destruction
27 issued by the department; or

28 2. If the certificate of title has been surrendered to
29 the department, a notarized affidavit signed by the owner
30 stating that the title has been returned to the State of
31 Florida pursuant to paragraph (a), the date on which such

1 return was made, the year, make, and vehicle identification
2 number of the motor vehicle, and the name, address, and
3 personal identification card number of the owner. Any person
4 who willfully and deliberately violates this subparagraph by
5 falsifying a required affidavit commits a felony of the third
6 degree, punishable as provided in s. 775.082, s. 775.083, or
7 s. 775.084.

8 (c) Anyone who willfully and knowingly induces a
9 person to sign an affidavit that falsely asserts that the
10 vehicle title has been surrendered to the department commits a
11 felony of the third degree, punishable as provided in s.
12 775.082 or s. 775.083.

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

15 1. When an insurance company pays the vehicle owner to
16 replace the wrecked or damaged vehicle with one of like kind
17 and quality or when an insurance company pays the owner upon
18 the theft of the motor vehicle or mobile home; a motor vehicle
19 or mobile home shall not be considered a "total loss" if the
20 insurance company and the owner agree to repair, rather than
21 to replace, the motor vehicle or mobile home; or

22 2. When an uninsured motor vehicle or mobile home is
23 wrecked or damaged and the cost, at the time of loss, of
24 repairing or rebuilding the vehicle is 80 percent or more of
25 the cost to the owner of replacing the wrecked or damaged
26 motor vehicle or mobile home with one of like kind and
27 quality.

28 (b) The owner of any motor vehicle or mobile home
29 which is considered to be salvage, including persons who are
30 self-insured, shall, within 72 hours after the motor vehicle
31 or mobile home becomes salvage, forward the title to the motor

1 vehicle or mobile home to the department for processing.
2 However, an insurance company which pays money as compensation
3 for total loss of a motor vehicle or mobile home shall obtain
4 the certificate of title for the motor vehicle or mobile home
5 and, within 72 hours after receiving such certificate of
6 title, shall forward such title to the department for
7 processing. The owner or insurance company, as the case may
8 be, may not dispose of a vehicle or mobile home that is a
9 total loss before it has obtained a salvage certificate of
10 title or certificate of destruction from the department. When
11 applying for a salvage certificate of title or certificate of
12 destruction, the owner or insurance company must provide the
13 department with an estimate of the costs of repairing the
14 physical and mechanical damage suffered by the vehicle for
15 which a salvage certificate of title or certificate of
16 destruction is sought. If the estimated costs of repairing the
17 physical and mechanical damage to the vehicle are equal to 80
18 percent or more of the current retail cost of the vehicle, as
19 established in any official used car or used mobile home
20 guide, the department shall declare the vehicle unrebuildable
21 and print a certificate of destruction, which authorizes the
22 dismantling or destruction of the motor vehicle or mobile home
23 described therein. This certificate of destruction shall be
24 reassignable a maximum of two times before dismantling or
25 destruction of the vehicle shall be required, and shall
26 accompany the motor vehicle or mobile home for which it is
27 issued, when such motor vehicle or mobile home is sold for
28 such purposes, in lieu of a certificate of title, and,
29 thereafter, the department shall refuse issuance of any
30 certificate of title for that vehicle. Nothing in this
31 subsection shall be applicable when a vehicle is worth less

1 than \$1,500 retail in undamaged condition in any official used
2 motor vehicle guide or used mobile home guide or when a stolen
3 motor vehicle or mobile home is recovered in substantially
4 intact condition and is readily resalable without extensive
5 repairs to or replacement of the frame or engine. Any person
6 who willfully and deliberately violates this paragraph or
7 falsifies any document to avoid the requirements of this
8 paragraph commits a misdemeanor of the first degree,
9 punishable as provided in s. 775.082 or s. 775.083.

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

14 (a) ~~However,~~ Nothing in this subsection shall be
15 applicable when a vehicle defined in this section as a
16 derelict or salvage was purchased or acquired from a foreign
17 state requiring such vehicle's identification number plate to
18 be surrendered to such state, provided the person shall have
19 an affidavit from the seller describing the vehicle by
20 manufacturer's serial number and the state to which such
21 vehicle's identification number plate was surrendered.

22 (b) Nothing in this subsection shall be applicable if
23 a certificate of destruction has been obtained for the
24 vehicle.

25 (5)(a) It is unlawful for any person to knowingly
26 possess, sell, or exchange, offer to sell or exchange, or give
27 away any certificate of title or manufacturer's or
28 state-assigned identification number plate or serial plate of
29 any motor vehicle, mobile home, or derelict that has been sold
30 as salvage contrary to the provisions of this section, and it
31 is unlawful for any person to authorize, direct, aid in, or

1 consent to the possession, sale, or exchange or to offer to
2 sell, exchange, or give away such certificate of title or
3 manufacturer's or state-assigned identification number plate
4 or serial plate.

5 (b) It is unlawful for any person to knowingly
6 possess, sell, or exchange, offer to sell or exchange, or give
7 away any manufacturer's or state-assigned identification
8 number plate or serial plate of any motor vehicle or mobile
9 home that has been removed from the motor vehicle or mobile
10 home for which it was manufactured, and it is unlawful for any
11 person to authorize, direct, aid in, or consent to the
12 possession, sale, or exchange or to offer to sell, exchange,
13 or give away such manufacturer's or state-assigned
14 identification number plate or serial plate.

15 (c) This chapter does not apply to anyone who removes,
16 possesses, or replaces a manufacturer's or state-assigned
17 identification number plate, in the course of performing
18 repairs on a vehicle, that require such removal or
19 replacement. If the repair requires replacement of a vehicle
20 part that contains the manufacturer's or state-assigned
21 identification number plate, the manufacturer's or
22 state-assigned identification number plate that is assigned to
23 the vehicle being repaired will be installed on the
24 replacement part. The manufacturer's or state-assigned
25 identification number plate that was removed from this
26 replacement part will be installed on the part that was
27 removed from the vehicle being repaired.

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

31

1 (a) For each item of materials or major component
2 parts purchased, the salvage motor vehicle dealer shall record
3 the date of purchase, name and address of the seller, and the
4 personal identification card number of the person delivering
5 such items, as well as the vehicle identification number, if
6 available.

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

10

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

14 (7) In the event of a purchase by a secondary metals
15 recycler, that has been issued a certificate of registration
16 number, of:

17 (a) Materials, prepared materials, or parts from any
18 seller for purposes other than the processing of such
19 materials, prepared materials, or parts, the purchaser shall
20 obtain such documentation as may be required by this section,
21 and shall record the seller's name and address, date of
22 purchase, and the personal identification card number of the
23 person delivering such items.

24 (b) Parts or prepared materials from any seller for
25 purposes of the processing of such parts or prepared
26 materials, the purchaser shall record the seller's name and
27 address and date of purchase; and, in the event of a purchase
28 transaction consisting primarily of parts or prepared
29 materials, the personal identification card number of the
30 person delivering such items.

31

1 (c) Materials from another secondary metals recycler
2 for purposes of the processing of such materials, the
3 purchaser shall record the seller's name, address, and date of
4 purchase.

5 (d) Motor vehicles, mobile homes, or derelicts from
6 other than a secondary metals recycler for purposes of the
7 processing of such motor vehicles, mobile homes, or derelicts,
8 the purchaser shall record the seller's name, address, date of
9 purchase, and the personal identification card number of the
10 person delivering such items, and shall obtain the following
11 documentation from the seller with respect to each item
12 purchased:

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

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

17 3. If a valid certificate of title or a valid
18 certificate of destruction is not available, an affidavit
19 signed by the seller stating that the seller returned the
20 certificate of title to the State of Florida pursuant to
21 subsection (2) and the date on which such return was made, and
22 setting forth the vehicle identification number of such motor
23 vehicle, mobile home, or derelict.

24 (e) Major parts from other than a secondary metals
25 recycler for purposes of the processing of such major parts,
26 the purchaser shall record the seller's name, address, date of
27 purchase, and the personal identification card number of the
28 person delivering such items, as well as the vehicle
29 identification number, if available, of each major part
30 purchased.

31

1 Any person who violates this subsection commits a felony of
2 the third degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084.

4 (8)(a) Secondary metals recyclers and salvage motor
5 vehicle dealers shall return to the department on a monthly
6 basis all certificates of title required by this section to be
7 obtained.

8 (b) Secondary metals recyclers and salvage motor
9 vehicle dealers shall keep all certificates of destruction,
10 seller's affidavits, and all other information required by
11 this section to be recorded or obtained, on file in the
12 offices of such secondary metals recyclers or salvage motor
13 vehicle dealers for a period of 3 years from the date of
14 purchase of the items reflected in such certificates of
15 destruction or seller's affidavits. These records shall be
16 maintained in chronological order.

17 (c) For the purpose of enforcement of this section,
18 the department or its agents and employees have the same right
19 of inspection as law enforcement officers as provided in s.
20 812.055.

21 (9) Except as otherwise provided in this section, any
22 person who violates this section commits a felony of the third
23 degree, punishable as provided in s. 775.082, s. 775.083, or
24 s. 775.084.

25 Section 10. Subsection (6) is added to section 319.32,
26 Florida Statutes, to read:

27 319.32 Fees; service charges; disposition.--

28 (6) Notwithstanding chapter 116, every county officer
29 within this state authorized to collect funds provided for in
30 this chapter shall pay all sums officially received by the
31 officer into the State Treasury no later than 5 working days

1 after the close of the business day in which the officer
2 received the funds. Payment by county officers to the state
3 shall be made by means of electronic funds transfer.

4 Section 11. Subsection (5) of section 319.33, Florida
5 Statutes, is amended to read:

6 319.33 Offenses involving vehicle identification
7 numbers, applications, certificates, papers; penalty.--

8 (5) It is unlawful for any person, firm, or
9 corporation to knowingly possess, manufacture, sell or
10 exchange, offer to sell or exchange, supply in blank, or give
11 away any counterfeit manufacturer's or state-assigned
12 identification number plates or serial plates or any decal
13 used for the purpose of identification of any motor vehicle;
14 or for any officer, agent, or employee of any person, firm, or
15 corporation, or any person who shall authorize, direct, aid in
16 exchange, or give away such counterfeit manufacturer's or
17 state-assigned identification number plates or serial plates
18 or any decal; or conspire to do any of the foregoing.
19 However, nothing in this subsection shall be applicable to any
20 approved replacement manufacturer's or state-assigned
21 identification number plates or serial plates or any decal
22 issued by the department or any state.

23 Section 12. Subsection (3) of section 320.03, Florida
24 Statutes, is amended to read:

25 320.03 Registration; duties of tax collectors;
26 International Registration Plan.--

27 (3) Each tax collector shall keep a full and complete
28 record and account of all validation stickers, mobile home
29 stickers, or other properties received by him or her from the
30 department, or from any other source, ~~and shall make prompt~~
31 ~~remittance of moneys collected by him or her at such times and~~

1 ~~in such manner as prescribed by law. Notwithstanding chapter~~
2 ~~116, every county officer within this state authorized to~~
3 ~~collect funds provided for in this chapter shall pay all sums~~
4 ~~officially received by the officer into the State Treasury no~~
5 ~~later than 5 working days after the close of the business day~~
6 ~~in which the officer received the funds. Payment by county~~
7 ~~officers to the state shall be made by means of electronic~~
8 ~~funds transfer.~~

9 Section 13. Subsection (9) of section 320.27, Florida
10 Statutes, is amended to read:

11 320.27 Motor vehicle dealers.--

12 (9) DENIAL, SUSPENSION, OR REVOCATION.--

13 (a) The department may deny, suspend, or revoke any
14 license issued hereunder or under the provisions of s. 320.77
15 or s. 320.771, upon proof that a licensee has committed any of
16 the following activities ~~failed to comply with any of the~~
17 ~~following provisions with sufficient frequency so as to~~
18 ~~establish a pattern of wrongdoing on the part of the licensee:~~

19 1.(a) ~~Willful violation of any other law of this~~
20 ~~state, including chapter 319, this chapter, or ss.~~
21 ~~559.901-559.9221, which has to do with dealing in or repairing~~
22 ~~motor vehicles or mobile homes or willful failure to comply~~
23 ~~with any administrative rule promulgated by the department.~~
24 Additionally, in the case of used motor vehicles, the willful
25 violation of the federal law and rule in 15 U.S.C. s. 2304, 16
26 C.F.R. part 455, pertaining to the consumer sales window form.

27 2.(b) ~~Commission of fraud or willful misrepresentation~~
28 ~~in application for or in obtaining a license.~~

29 3. ~~Conviction of a felony.~~

30 4. ~~Failure to honor a bank draft or check given to a~~
31 ~~motor vehicle dealer for the purchase of a motor vehicle by~~

1 another motor vehicle dealer within 10 days after notification
2 that the bank draft or check has been dishonored. If the
3 transaction is disputed, the maker of the bank draft or check
4 shall post a bond in accordance with the provisions of s.
5 559.917, and no proceeding for revocation or suspension shall
6 be commenced until the dispute is resolved.

7 (b) The department may deny, suspend, or revoke any
8 license issued hereunder or under the provisions of s. 320.77
9 or s. 320.771 upon proof that a licensee has committed, with
10 sufficient frequency so as to establish a pattern of
11 wrongdoing on the part of a licensee, violations of one or
12 more of the following activities:

13 ~~(c) Perpetration of a fraud upon any person as a~~
14 ~~result of dealing in motor vehicles, including, without~~
15 ~~limitation, the misrepresentation to any person by the~~
16 ~~licensee of the licensee's relationship to any manufacturer,~~
17 ~~importer, or distributor.~~

18 1.(d) Representation that a demonstrator is a new
19 motor vehicle, or the attempt to sell or the sale of a
20 demonstrator as a new motor vehicle without written notice to
21 the purchaser that the vehicle is a demonstrator. For the
22 purposes of this section, a "demonstrator," a "new motor
23 vehicle," and a "used motor vehicle" shall be defined as under
24 s. 320.60.

25 2.(e) Unjustifiable refusal to comply with a
26 licensee's responsibility under the terms of the new motor
27 vehicle warranty issued by its respective manufacturer,
28 distributor, or importer. However, if such refusal is at the
29 direction of the manufacturer, distributor, or importer, such
30 refusal shall not be a ground under this section.

31

- 1 ~~3.(f)~~ Misrepresentation or false, deceptive, or
2 misleading statements with regard to the sale or financing of
3 motor vehicles which any motor vehicle dealer has, or causes
4 to have, advertised, printed, displayed, published,
5 distributed, broadcast, televised, or made in any manner with
6 regard to the sale or financing of motor vehicles.
- 7 4. 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 5. 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 6. Failure to apply for transfer of a title as
16 prescribed in s. 319.23(6).
- 17 7. Use of the dealer license identification number by
18 any person other than the licensed dealer or his or her
19 designee.
- 20 8. Failure to continually meet the requirements of the
21 licensure law.
- 22 9. Representation to a customer or any advertisement
23 to the public representing or suggesting that a motor vehicle
24 is a new motor vehicle if such vehicle lawfully cannot be
25 titled in the name of the customer or other member of the
26 public by the seller using a manufacturer's statement of
27 origin as permitted in s. 319.23(1).
- 28 ~~10.(g)~~ Requirement by any motor vehicle dealer that a
29 customer or purchaser accept equipment on his or her motor
30 vehicle which was not ordered by the customer or purchaser.
31

1 ~~11.(h)~~ Requirement by any motor vehicle dealer that
2 any customer or purchaser finance a motor vehicle with a
3 specific financial institution or company.

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

9 ~~(j) Failure of any motor vehicle dealer to comply with~~
10 ~~the terms of any bona fide written, executed agreement,~~
11 ~~pursuant to the sale of a motor vehicle.~~

12 12.(k) Requirement by any ~~the~~ motor vehicle dealer
13 that the purchaser of a motor vehicle contract with the dealer
14 for physical damage insurance.

15 13. Perpetration of a fraud upon any person as a
16 result of dealing in motor vehicles, including, without
17 limitation, the misrepresentation to any person by the
18 licensee of the licensee's relationship to any manufacturer,
19 importer, or distributor.

20 14.(l) Violation of any of the provisions of s. 319.35
21 by any motor vehicle dealer.

22 15. Sale by a motor vehicle dealer of a vehicle
23 offered in trade by a customer prior to consummation of the
24 sale, exchange, or transfer of a newly acquired vehicle to the
25 customer, unless the customer provides written authorization
26 for the sale of the trade-in vehicle prior to delivery of the
27 newly acquired vehicle.

28 16. Willful failure to comply with any administrative
29 rule adopted by the department.

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31

1 ~~(m) Either a history of bad credit or an unfavorable~~
2 ~~credit rating as revealed by the applicant's official credit~~
3 ~~report or by investigation by the department.~~

4 ~~(n) Failure to apply for transfer of a title as~~
5 ~~prescribed in s. 319.23(6).~~

6 ~~(o) Use of the dealer license identification number by~~
7 ~~any person other than the licensed dealer or his or her~~
8 ~~designee.~~

9 ~~(p) Conviction of a felony.~~

10 ~~(q) Failure to continually meet the requirements of~~
11 ~~the licensure law.~~

12 (c)(r) When a motor vehicle dealer is convicted of a
13 crime which results in his or her being prohibited from
14 continuing in that capacity, the dealer may not continue in
15 any capacity within the industry. The offender shall have no
16 financial interest, management, sales, or other role in the
17 operation of a dealership. Further, the offender may not
18 derive income from the dealership beyond reasonable
19 compensation for the sale of his or her ownership interest in
20 the business.

21 ~~(s) Representation to a customer or any advertisement~~
22 ~~to the general public representing or suggesting that a motor~~
23 ~~vehicle is a new motor vehicle if such vehicle lawfully cannot~~
24 ~~be titled in the name of the customer or other member of the~~
25 ~~general public by the seller using a manufacturer's statement~~
26 ~~of origin as permitted in s. 319.23(1).~~

27 ~~(t) Failure to honor a bank draft or check given to a~~
28 ~~motor vehicle dealer for the purchase of a motor vehicle by~~
29 ~~another motor vehicle dealer within 10 days after notification~~
30 ~~that the bank draft or check has been dishonored. A single~~
31 ~~violation of this paragraph is sufficient for revocation or~~

1 ~~suspension. If the transaction is disputed, the maker of the~~
2 ~~bank draft or check shall post a bond in accordance with the~~
3 ~~provisions of s. 559.917, and no proceeding for revocation or~~
4 ~~suspension shall be commenced until the dispute is resolved.~~

5 ~~(u) Sale by a motor vehicle dealer of a vehicle~~
6 ~~offered in trade by a customer prior to consummation of the~~
7 ~~sale, exchange, or transfer of a newly acquired vehicle to the~~
8 ~~customer, unless the customer provides written authorization~~
9 ~~for the sale of the trade-in vehicle prior to delivery of the~~
10 ~~newly acquired vehicle.~~

11 Section 14. Subsection (4) is added to section 328.73,
12 Florida Statutes, to read:

13 328.73 Registration; duties of tax collectors.--

14 (4) Notwithstanding chapter 116, every county officer
15 within this state authorized to collect funds provided for in
16 this chapter shall pay all sums officially received by the
17 officer into the State Treasury no later than 5 working days
18 after the close of the business day in which the officer
19 received the funds. Payment by county officers to the state
20 shall be made by means of electronic funds transfer.

21 Section 15. Subsections (11) and (12) of section
22 713.78, Florida Statutes, are amended to read:

23 713.78 Liens for recovering, towing, or storing
24 vehicles and vessels.--

25 (11)(a) Any person regularly engaged in the business
26 of recovering, towing, or storing vehicles or vessels who
27 comes into possession of a vehicle or vessel pursuant to
28 subsection (2) and who has complied with the provisions of
29 subsections (3) and (6), when such vehicle or vessel is to be
30 sold for purposes of being dismantled, destroyed, or changed
31 in such manner that it is not the motor vehicle, vessel, or

1 mobile home described in the certificate of title, shall apply
2 to the county tax collector for a certificate of destruction.
3 A certificate of destruction, which authorizes the dismantling
4 or destruction of the vehicle or vessel described therein,
5 shall be reassignable a maximum of two times before
6 dismantling or destruction of the vehicle shall be required,
7 and shall accompany the vehicle or vessel for which it is
8 issued, when such vehicle or vessel is sold for such purposes,
9 in lieu of a certificate of title. The application for a
10 certificate of destruction must include an affidavit from the
11 applicant that it has complied with all applicable
12 requirements of this section and, if the vehicle or vessel is
13 not registered in this state, by a statement from a law
14 enforcement officer that the vehicle or vessel is not reported
15 stolen, and shall be accompanied by such documentation as may
16 be required by the department.

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

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

24 (12)(a) Any person who violates any provision of
25 subsection (1), subsection (2), subsection (4), subsection
26 (5), subsection (6), or subsection (7) is guilty of a
27 misdemeanor of the first degree, punishable as provided in s.
28 775.082 or s. 775.083.

29 (b) Any person who violates the provisions of
30 subsections (8) through (11) is guilty of a felony of the
31

1 third degree, punishable as provided in s. 775.082, s.
2 775.083, or s. 775.084.

3 (c) Any person who uses a false or fictitious name,
4 gives a false or fictitious address, or makes any false
5 statement in any application or affidavit required under the
6 provisions of this section is guilty of a felony of the third
7 degree, punishable as provided in s. 775.082, s. 775.083, or
8 s. 775.084.

9 (d) Employees of the Department of Highway Safety and
10 Motor Vehicles and law enforcement officers are authorized to
11 inspect the records of any person regularly engaged in the
12 business of recovering, towing, or storing vehicles or vessels
13 or transporting vehicles or vessels by wrecker, tow truck, or
14 car carrier, to ensure compliance with the requirements of
15 this section. Any person who fails to maintain records, or
16 fails to produce records when required in a reasonable manner
17 and at a reasonable time, commits a misdemeanor of the first
18 degree, punishable as provided in s. 775.082 or s. 775.083.

19 Section 16. Subsection (2) of section 316.251, Florida
20 Statutes, is amended to read:

21 316.251 Maximum bumper heights.--

22 (2) "New motor vehicles" as defined in s.
23 319.001~~(8)(4)~~, "antique automobiles" as defined in s. 320.08,
24 "horseless carriages" as defined in s. 320.086, and "street
25 rods" as defined in s. 320.0863 shall be excluded from the
26 requirements of this section.

27 Section 17. Subsection (20) of section 501.976,
28 Florida Statutes, is amended to read:

29 501.976 Actionable, unfair, or deceptive acts or
30 practices.--It is an unfair or deceptive act or practice,
31

1 actionable under the Florida Deceptive and Unfair Trade
2 Practices Act, for a dealer to:
3 (20) Fail to disclose damage to a new motor vehicle,
4 as defined in s. 319.001(8)~~(4)~~, of which the dealer had actual
5 knowledge, if the dealer's actual cost of repairs exceeds the
6 threshold amount, excluding replacement items.
7
8 In any civil litigation resulting from a violation of this
9 section, when evaluating the reasonableness of an award of
10 attorney's fees to a private person, the trial court shall
11 consider the amount of actual damages in relation to the time
12 spent.
13 Section 18. This act shall take effect upon becoming a
14 law.
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