

Amendment No. 01f (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Gardiner offered the following:

13 **Amendment (with title amendment)**

14 Remove everything after the enacting clause

16 and insert:

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

19 316.006 Jurisdiction.--Jurisdiction to control traffic
20 is vested as follows:

21 (3) COUNTIES.--

22 (c) If the governing body of a county abandons the
23 roads and rights-of-way dedicated in a recorded residential
24 subdivision, and simultaneously conveys the county's interest
25 therein to a homeowners' association for the subdivision in
26 the manner prescribed in s. 316.00825, that county's traffic
27 control jurisdiction over the abandoned and conveyed roads
28 ceases unless the requirements of paragraph (b) are met.

30 Notwithstanding the provisions of subsection (2), each county
31 shall have original jurisdiction to regulate parking, by

1 resolution of the board of county commissioners and the
2 erection of signs conforming to the manual and specifications
3 of the Department of Transportation, in parking areas located
4 on property owned or leased by the county, whether or not such
5 areas are located within the boundaries of chartered
6 municipalities.

7 Section 2. Section 316.00825, Florida Statutes, is
8 created to read:

9 316.00825 Closing and abandonment of roads; optional
10 conveyance to homeowners' association; traffic control
11 jurisdiction.--

12 (1)(a) In addition to the authority provided in s.
13 336.12, the governing body of the county may abandon the roads
14 and rights-of-way dedicated in a recorded residential
15 subdivision plat and simultaneously convey the county's
16 interest in such roads, rights-of-way, and appurtenant
17 drainage facilities to a homeowners' association for the
18 subdivision, if the following conditions have been met:

19 1. The homeowners' association has requested the
20 abandonment and conveyance in writing for the purpose of
21 converting the subdivision to a gated neighborhood with
22 restricted public access.

23 2. No fewer than four-fifths of the owners of record
24 of property located in the subdivision have consented in
25 writing to the abandonment and simultaneous conveyance to the
26 homeowners' association.

27 3. The homeowners' association is both a corporation
28 not for profit organized and in good standing under chapter
29 617, and a "homeowners' association" as defined in s.
30 720.301(7) with the power to levy and collect assessments for
31 routine and periodic major maintenance and operation of street

1 lighting, drainage, sidewalks, and pavement in the
2 subdivision.
3 4. The homeowners' association has entered into and
4 executed such agreements, covenants, warranties, and other
5 instruments; has provided, or has provided assurance of, such
6 funds, reserve funds, and funding sources; and has satisfied
7 such other requirements and conditions as may be established
8 or imposed by the county with respect to the ongoing
9 operation, maintenance, and repair and the periodic
10 reconstruction or replacement of the roads, drainage, street
11 lighting, and sidewalks in the subdivision after the
12 abandonment by the county.
13 (b) The homeowners' association shall install,
14 operate, maintain, repair, and replace all signs, signals,
15 markings, striping, guardrails, and other traffic control
16 devices necessary or useful for the private roads unless an
17 agreement has been entered into between the county and the
18 homeowners' association, as authorized under s. 316.006(3)(b),
19 expressly providing that the county has traffic control
20 jurisdiction.
21 (2) Upon abandonment of the roads and rights-of-way
22 and the conveyance thereof to the homeowners' association, the
23 homeowners' association shall have all the rights, title, and
24 interest in the roads and rights-of-way, including all
25 appurtenant drainage facilities, as were previously vested in
26 the county. Thereafter, the homeowners' association shall
27 hold the roads and rights-of-way in trust for the benefit of
28 the owners of the property in the subdivision, and shall
29 operate, maintain, repair, and, from time to time, replace and
30 reconstruct the roads, street lighting, sidewalks, and
31 drainage facilities as necessary to ensure their use and

1 enjoyment by the property owners, tenants, and residents of
2 the subdivision and their guests and invitees. The provisions
3 of this section shall be regarded as supplemental and
4 additional to the provisions of s. 336.12, and shall not be
5 regarded as in derogation of that section.

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

8 316.061 Crashes involving damage to vehicle or
9 property.--

10 (3) Employees or authorized agents of the Department
11 of Transportation, law enforcement with proper jurisdiction,
12 or an expressway authority created pursuant to chapter 348, in
13 the exercise, management, control, and maintenance of its
14 highway system, may undertake the removal from the main
15 traveled way of roads on its highway system of all vehicles
16 incapacitated as a result of a motor vehicle crash and of
17 debris caused thereby. Such removal is applicable when such a
18 motor vehicle crash results only in damage to a vehicle or
19 other property, and when such removal can be accomplished
20 safely and will result in the improved safety or convenience
21 of travel upon the road. The driver or any other person who
22 has removed a motor vehicle from the main traveled way of the
23 road as provided in this section shall not be considered
24 liable or at fault regarding the cause of the accident solely
25 by reason of moving the vehicle.

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

28 316.520 Loads on vehicles.--

29 (1) A vehicle may not be driven or moved on any
30 highway unless the vehicle is so constructed or loaded as to
31 prevent any of its load from dropping, shifting, leaking,

1 blowing, or otherwise escaping therefrom, except that sand may
2 be dropped only for the purpose of securing traction or water
3 or other substance may be sprinkled on a roadway in cleaning
4 or maintaining the roadway.

5 (2) It is the duty of every owner and driver,
6 severally, of any vehicle hauling, upon any public road or
7 highway open to the public, dirt, sand, lime rock, gravel,
8 silica, or other similar aggregate or trash, garbage, or any
9 similar material that could fall or blow from such vehicle, to
10 prevent such materials from falling, blowing, or in any way
11 escaping from such vehicle. Covering and securing the load
12 with a close-fitting tarpaulin or other appropriate cover is
13 required.

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

17 Section 5. Subsection (5) of section 318.1451, Florida
18 Statutes, is amended to read:

19 318.1451 Driver improvement schools.--

20 (5)(a) ~~No governmental entity or court shall provide,~~
21 ~~issue, or maintain any information or orders regarding driver~~
22 ~~improvement schools or course providers, with the exception of~~
23 ~~directing inquiries or requests to the local telephone~~
24 ~~directory heading of driving instruction or the traffic school~~
25 ~~reference guide. However,~~The department is authorized to
26 maintain the information and records necessary to administer
27 its duties and responsibilities for driver improvement
28 courses. Where such information is a public record as defined
29 in chapter 119, it shall be made available to the public upon
30 request pursuant to s. 119.07(1).

31 (b) The department or court may ~~shall~~ prepare for any

1 ~~governmental entity to distribute a traffic school reference~~
 2 ~~guide which lists shall list the benefits of attending a~~
 3 ~~driver improvement school and contains the names of the fully~~
 4 ~~approved course providers with a single telephone number for~~
 5 ~~each provider as furnished by the provider, but under no~~
 6 ~~circumstance may any list of course providers or schools be~~
 7 ~~included, and shall refer further inquiries to the telephone~~
 8 ~~directory under driving instruction.~~

9 Section 6. Paragraphs (f) and (g) are added to
 10 subsection (3) of section 318.18, Florida Statutes, to read:

11 318.18 Amount of civil penalties.--The penalties
 12 required for a noncriminal disposition pursuant to s. 318.14
 13 are as follows:

14 (3)
 15 (b) For moving violations involving unlawful speed,
 16 the fines are as follows:

17	18 For speed exceeding the limit by:	18 Fine:
19	1-5 m.p.h.....	Warning
20	6-9 m.p.h.....	\$ 25
21	10-14 m.p.h.....	\$100
22	15-19 m.p.h.....	\$125
23	20-29 m.p.h.....	\$150
24	30 m.p.h. and above.....	\$250

25
 26 (f) A person cited for exceeding the speed limit
 27 within a zone posted for any electronic or manual toll
 28 collection facility shall be assessed a fine double the amount
 29 listed in paragraph (b). However, no person cited for
 30 exceeding the speed limit in any toll collection zone shall be
 31 subject to a doubled fine unless the government entity or

1 authority controlling the toll collection zone first installs
2 a traffic control device providing warning that speeding fines
3 are doubled. Any such traffic control device must meet the
4 requirements of the uniform system of traffic control devices.

5 (g) If any municipality receives more than twenty-five
6 percent of its total actual annual revenue for the prior
7 fiscal year, excluding grant revenue, from civil penalties
8 collected from traffic violations, any amount in excess of
9 twenty-five percent shall be sent to the department. The
10 department shall distribute fifty percent to the Highway
11 Safety Operating Trust Fund, and fifty percent to the Brain
12 and Spinal Cord Injury Rehabilitation Trust Fund.

13 Section 7. Section 319.001, Florida Statutes, is
14 amended to read:

15 319.001 Definitions.--As used in this chapter, the
16 term:

17 (1) "Department" means the Department of Highway
18 Safety and Motor Vehicles.

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

21 (3)~~(2)~~ "Licensed dealer," unless otherwise
22 specifically provided, means a motor vehicle dealer licensed
23 under s. 320.27, a mobile home dealer licensed under s.
24 320.77, or a recreational vehicle dealer licensed under s.
25 320.771.

26 (4) "Motorcycle body assembly" means frame, fenders,
27 and gas tanks.

28 (5) "Motorcycle engine" means cylinder block, heads,
29 engine case, and crank case.

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

31 (7)~~(3)~~ "New mobile home" means a mobile home the

1 equitable or legal title to which has never been transferred
2 by a manufacturer, distributor, importer, or dealer to an
3 ultimate purchaser.

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

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

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

22 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
23 that is not a "new motor vehicle" as defined in subsection(8)
24 ~~(4)~~.

25 Section 8. Section 319.14, Florida Statutes, is
26 amended to read:

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

30 (1)(a) No person shall knowingly offer for sale, sell,
31 or exchange any vehicle that has been licensed, registered, or

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

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

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

7 (c) As used in this section:

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

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

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

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

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

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

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

31 ~~5.6.~~ "Kit car" means a motor vehicle assembled with a

1 kit supplied by a manufacturer to rebuild a wrecked or
2 outdated motor vehicle with a new body kit.

3 ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit
4 supplied by a manufacturer to rebuild a wrecked or outdated
5 truck or truck tractor.

6 ~~7.8.~~ "Replica" means a complete new motor vehicle
7 manufactured to look like an old vehicle.

8 ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile
9 home that has been declared to be a total loss pursuant to s.
10 319.30(3)(a) resulting from damage caused by water.

11 ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle
12 which has been purchased by a manufacturer pursuant to a
13 settlement, determination, or decision under chapter 681.

14 ~~10.11.~~ "Settlement" means an agreement entered into
15 between a manufacturer and a consumer that occurs after a
16 dispute is submitted to a program, or an informal dispute
17 settlement procedure established by a manufacturer or is
18 approved for arbitration before the New Motor Vehicle
19 Arbitration Board as defined in s. 681.102.

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

30 (3) Any person who, with intent to offer for sale or
31 exchange any vehicle referred to in subsection (1), knowingly

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

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

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

29 (6) Any person who removes a rebuilt decal from a
30 rebuilt vehicle with the intent to conceal the rebuilt status
31 of the vehicle commits a felony of the third degree,

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

3 (7)~~(6)~~ This section applies to a mobile home, travel
4 trailer, camping trailer, truck camper, or fifth-wheel
5 recreation trailer only when such mobile home or vehicle is a
6 rebuilt vehicle or is assembled from parts.

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

15 (9)~~(8)~~ Subsections (1), (2), and (3) do not apply to
16 the transfer of ownership of a motor vehicle after the motor
17 vehicle has ceased to be used as a lease vehicle and the
18 ownership has been transferred to an owner for private use or
19 to the transfer of ownership of a nonconforming vehicle with
20 36,000 or more miles on its odometer, or 34 months whichever
21 is later and the ownership has been transferred to an owner
22 for private use. Such owner, as shown on the title
23 certificate, may request the department to issue a corrected
24 certificate of title that does not contain the statement of
25 the previous use of the vehicle as a lease vehicle or
26 condition as a nonconforming vehicle.

27 Section 9. Subsection (5) is added to section 319.22,
28 Florida Statutes, to read:

29 319.22 Transfer of title.--

30 (5) It is illegal to transfer title to a motor vehicle
31 when the purchaser's name does not appear on the title. Any

1 buyer or seller who knowingly and willfully violates this
2 subsection with intent to commit fraud commits a misdemeanor
3 of the first degree, punishable as provided in s. 775.082 or
4 s. 775.083.

5 Section 10. Section 319.30, Florida Statutes, is
6 amended to read:

7 319.30 Definitions; dismantling, destruction, change
8 of identity of motor vehicle or mobile home; salvage.--

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

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

12 (b) "Certificate of registration number" means the
13 certificate of registration number issued by the Department of
14 Revenue of the State of Florida pursuant to s. 538.25.

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

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

29 (e) "Major component parts" means:

30 1. For motor vehicles other than motorcycles, the
31 front-end assembly (fenders, hood, grill, and bumper), cowl

1 assembly, rear body section (both quarter panels, trunk lid,
2 door, decklid, and bumper), floor pan, door assemblies,
3 engine, frame, transmission, and airbag.

4 2. For trucks, in addition to those parts listed in
5 subparagraph 1., any truck bed, including dump, wrecker,
6 crane, mixer, cargo box, or any bed which mounts to a truck
7 frame.

8 3. For motorcycles, the body assembly, frame, fenders,
9 gas tanks, engine, cylinder block, heads, engine case, crank
10 case, transmission, drive train, front fork assembly, and
11 wheels.

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

16 (f) "Major part" means the front-end assembly,
17 ~~(fenders, hood, grill, and bumper);~~cowl assembly,~~or rear~~
18 ~~body section (both quarter panels, decklid, bumper, and floor~~
19 ~~pan).~~

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

22 (h) "Mobile home" means mobile home as defined in s.
23 320.01(2).

24 (i) "Motor vehicle" means motor vehicle as defined in
25 s. 320.01(1).

26 (j) "Parts" means parts of motor vehicles or
27 combinations thereof that do not constitute materials or
28 prepared materials.

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

31 (l) "Prepared materials" means motor vehicles, mobile

1 homes, derelicts, major parts, or parts that have been
2 processed by mechanically flattening or crushing, or otherwise
3 processed such that they are not the motor vehicle or mobile
4 home described in the certificate of title, or their only
5 value is as scrap metal.

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

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

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

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

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

31 (b) When a motor vehicle is sold, transported, or

1 delivered to a salvage motor vehicle dealer, it shall be
2 accompanied by:

3 1. A properly endorsed certificate of title, salvage
4 certificate of title, or vehicle certificate of destruction
5 issued by the department; or

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

17 (c) Anyone who willfully and knowingly induces a
18 person to sign an affidavit that falsely asserts that the
19 vehicle title has been surrendered to the department commits a
20 felony of the third degree, punishable as provided in s.
21 775.082 or s. 775.083.

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

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

31 2. When an uninsured motor vehicle or mobile home is

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

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

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

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

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

31 (b) Nothing in this subsection shall be applicable if

1 a certificate of destruction has been obtained for the
2 vehicle.

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

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

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

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

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

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

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

18
19 Any person who violates this subsection commits a misdemeanor
20 of the first degree, punishable as provided in s. 775.082 or
21 s. 775.083.

22 (7) In the event of a purchase by a secondary metals
23 recycler, that has been issued a certificate of registration
24 number, of:

25 (a) Materials, prepared materials, or parts from any
26 seller for purposes other than the processing of such
27 materials, prepared materials, or parts, the purchaser shall
28 obtain such documentation as may be required by this section,
29 and shall record the seller's name and address, date of
30 purchase, and the personal identification card number of the
31 person delivering such items.

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

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

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

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

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

24 3. If a valid certificate of title or a valid
25 certificate of destruction is not available, an affidavit
26 signed by the seller stating that the seller returned the
27 certificate of title to the State of Florida pursuant to
28 subsection (2) and the date on which such return was made, and
29 setting forth the vehicle identification number of such motor
30 vehicle, mobile home, or derelict.

31 (e) Major parts from other than a secondary metals

1 recycler for purposes of the processing of such major parts,
2 the purchaser shall record the seller's name, address, date of
3 purchase, and the personal identification card number of the
4 person delivering such items, as well as the vehicle
5 identification number, if available, of each major part
6 purchased.

7
8 Any person who violates this subsection commits a felony of
9 the third degree, punishable as provided in s. 775.082, s.
10 775.083, or s. 775.084.

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

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

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

28 (9) Except as otherwise provided in this section, any
29 person who violates this section commits a felony of the third
30 degree, punishable as provided in s. 775.082, s. 775.083, or
31 s. 775.084.

1 Section 11. Subsection (6) is added to section 319.32,
2 Florida Statutes, to read:

3 319.32 Fees; service charges; disposition.--

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

11 Section 12. Subsection (5) of section 319.33, Florida
12 Statutes, is amended to read:

13 319.33 Offenses involving vehicle identification
14 numbers, applications, certificates, papers; penalty.--

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

30 Section 13. Subsection (3) of section 320.03, Florida
31 Statutes, is amended to read:

1 320.03 Registration; duties of tax collectors;
2 International Registration Plan.--

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

16 Section 14. Subsection (9) of section 320.27, Florida
17 Statutes, is amended to read:

18 320.27 Motor vehicle dealers.--

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

20 (a) The department may deny, suspend, or revoke any
21 license issued hereunder or under the provisions of s. 320.77
22 or s. 320.771, upon proof that a licensee has committed any of
23 the following activities failed to comply with any of the
24 following provisions with sufficient frequency so as to
25 establish a pattern of wrongdoing on the part of the licensee:

26 (a) ~~Willful violation of any other law of this state,~~
27 ~~including chapter 319, this chapter, or ss. 559.901-559.9221,~~
28 ~~which has to do with dealing in or repairing motor vehicles or~~
29 ~~mobile homes or willful failure to comply with any~~
30 ~~administrative rule promulgated by the department.~~

31 ~~Additionally, in the case of used motor vehicles, the willful~~

1 ~~violation of the federal law and rule in 15 U.S.C. s. 2304, 16~~
2 ~~C.F.R. part 455, pertaining to the consumer sales window form.~~

3 1.(b) Commission of fraud or willful misrepresentation
4 in application for or in obtaining a license.

5 2. Conviction of a felony.

6 3. Failure to honor a bank draft or check given to a
7 motor vehicle dealer for the purchase of a motor vehicle by
8 another motor vehicle dealer within 10 days after notification
9 that the bank draft or check has been dishonored. If the
10 transaction is disputed, the maker of the bank draft or check
11 shall post a bond in accordance with the provisions of s.
12 559.917, and no proceeding for revocation or suspension shall
13 be commenced until the dispute is resolved.

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

20 ~~(c) Perpetration of a fraud upon any person as a~~
21 ~~result of dealing in motor vehicles, including, without~~
22 ~~limitation, the misrepresentation to any person by the~~
23 ~~licensee of the licensee's relationship to any manufacturer,~~
24 ~~importer, or distributor.~~

25 1.(d) Representation that a demonstrator is a new
26 motor vehicle, or the attempt to sell or the sale of a
27 demonstrator as a new motor vehicle without written notice to
28 the purchaser that the vehicle is a demonstrator. For the
29 purposes of this section, a "demonstrator," a "new motor
30 vehicle," and a "used motor vehicle" shall be defined as under
31 s. 320.60.

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

7 3.(f) Misrepresentation or false, deceptive, or
8 misleading statements with regard to the sale or financing of
9 motor vehicles which any motor vehicle dealer has, or causes
10 to have, advertised, printed, displayed, published,
11 distributed, broadcast, televised, or made in any manner with
12 regard to the sale or financing of motor vehicles.

13 4. Failure by any motor vehicle dealer to provide a
14 customer or purchaser with an odometer disclosure statement
15 and a copy of any bona fide written, executed sales contract
16 or agreement of purchase connected with the purchase of the
17 motor vehicle purchased by the customer or purchaser.

18 5. Failure of any motor vehicle dealer to comply with
19 the terms of any bona fide written, executed agreement,
20 pursuant to the sale of a motor vehicle.

21 6. Failure to apply for transfer of a title as
22 prescribed in s. 319.23(6).

23 7. Use of the dealer license identification number by
24 any person other than the licensed dealer or his or her
25 designee.

26 8. Failure to continually meet the requirements of the
27 licensure law.

28 9. Representation to a customer or any advertisement
29 to the public representing or suggesting that a motor vehicle
30 is a new motor vehicle if such vehicle lawfully cannot be
31 titled in the name of the customer or other member of the

1 public by the seller using a manufacturer's statement of
2 origin as permitted in s. 319.23(1).

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

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

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

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

17 12.(k) Requirement by any the motor vehicle dealer
18 that the purchaser of a motor vehicle contract with the dealer
19 for physical damage insurance.

20 13. Perpetration of a fraud upon any person as a
21 result of dealing in motor vehicles, including, without
22 limitation, the misrepresentation to any person by the
23 licensee of the licensee's relationship to any manufacturer,
24 importer, or distributor.

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

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

1 newly acquired vehicle.

2 16. Willful failure to comply with any administrative
3 rule adopted by the department.

4 17. Violation of chapter 319, this chapter, or ss.
5 559.901-559.9221, which has to do with dealing in or repairing
6 motor vehicles or mobile homes. Additionally, in the case of
7 used motor vehicles, the willful violation of the federal law
8 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
9 to the consumer sales window form.

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

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

15 ~~(o) Use of the dealer license identification number by~~
16 ~~any person other than the licensed dealer or his or her~~
17 ~~designee.~~

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

19 ~~(q) Failure to continually meet the requirements of~~
20 ~~the licensure law.~~

21 (c)(r) When a motor vehicle dealer is convicted of a
22 crime which results in his or her being prohibited from
23 continuing in that capacity, the dealer may not continue in
24 any capacity within the industry. The offender shall have no
25 financial interest, management, sales, or other role in the
26 operation of a dealership. Further, the offender may not
27 derive income from the dealership beyond reasonable
28 compensation for the sale of his or her ownership interest in
29 the business.

30 ~~(s) Representation to a customer or any advertisement~~
31 ~~to the general public representing or suggesting that a motor~~

1 ~~vehicle is a new motor vehicle if such vehicle lawfully cannot~~
2 ~~be titled in the name of the customer or other member of the~~
3 ~~general public by the seller using a manufacturer's statement~~
4 ~~of origin as permitted in s. 319.23(1).~~

5 ~~(t) Failure to honor a bank draft or check given to a~~
6 ~~motor vehicle dealer for the purchase of a motor vehicle by~~
7 ~~another motor vehicle dealer within 10 days after notification~~
8 ~~that the bank draft or check has been dishonored. A single~~
9 ~~violation of this paragraph is sufficient for revocation or~~
10 ~~suspension. If the transaction is disputed, the maker of the~~
11 ~~bank draft or check shall post a bond in accordance with the~~
12 ~~provisions of s. 559.917, and no proceeding for revocation or~~
13 ~~suspension shall be commenced until the dispute is resolved.~~

14 ~~(u) Sale by a motor vehicle dealer of a vehicle~~
15 ~~offered in trade by a customer prior to consummation of the~~
16 ~~sale, exchange, or transfer of a newly acquired vehicle to the~~
17 ~~customer, unless the customer provides written authorization~~
18 ~~for the sale of the trade-in vehicle prior to delivery of the~~
19 ~~newly acquired vehicle.~~

20 Section 15. Subsection (7) of section 322.095, Florida
21 Statutes, is amended to read:

22 322.095 Traffic law and substance abuse education
23 program for driver's license applicants.--

24 ~~(7)(a) No governmental entity or court shall provide,~~
25 ~~issue, or maintain any information or orders regarding traffic~~
26 ~~law and substance abuse education program schools or course~~
27 ~~providers, with the exception of directing inquiries or~~
28 ~~requests to the local telephone directory heading of driving~~
29 ~~instruction or the driver's license applicant reference guide.~~
30 However, The department is authorized to maintain the
31 information and records necessary to administer its duties and

1 responsibilities for the program. Where such information is a
2 public record as defined in chapter 119, it shall be made
3 available to the public upon request pursuant to s. 119.07(1).
4 The department shall approve and regulate courses that use
5 technology as the delivery method of all traffic law and
6 substance abuse education courses as the courses relate to
7 this section.

8 ~~(b) The department shall prepare for any governmental~~
9 ~~entity to distribute a driver's license applicant reference~~
10 ~~guide which shall list the benefits of attending a traffic law~~
11 ~~and substance abuse education school, but under no~~
12 ~~circumstance may include any list of course providers or~~
13 ~~schools. The department shall refer further inquiries to the~~
14 ~~telephone directory heading of driving instruction.~~

15 Section 16. Subsection (4) is added to section 328.73,
16 Florida Statutes, to read:

17 328.73 Registration; duties of tax collectors.--

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

25 Section 17. Subsections (11) and (12) of section
26 713.78, Florida Statutes, are amended to read:

27 713.78 Liens for recovering, towing, or storing
28 vehicles and vessels.--

29 (11)(a) Any person regularly engaged in the business
30 of recovering, towing, or storing vehicles or vessels who
31 comes into possession of a vehicle or vessel pursuant to

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

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

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

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

1 775.082 or s. 775.083.

2 (b) Any person who violates the provisions of
3 subsections (8) through (11) is guilty of a felony of the
4 third degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084.

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

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

22 Section 18. Subsection (2) of section 316.251, Florida
23 Statutes, is amended to read:

24 316.251 Maximum bumper heights.--

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

30 Section 19. Subsection (20) of section 501.976,
31 Florida Statutes, is amended to read:

1 501.976 Actionable, unfair, or deceptive acts or
2 practices.--It is an unfair or deceptive act or practice,
3 actionable under the Florida Deceptive and Unfair Trade
4 Practices Act, for a dealer to:

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

9
10 In any civil litigation resulting from a violation of this
11 section, when evaluating the reasonableness of an award of
12 attorney's fees to a private person, the trial court shall
13 consider the amount of actual damages in relation to the time
14 spent.

15 Section 20. Subsection (3) of section 681.103, Florida
16 Statutes, is amended to read:

17 681.103 Duty of manufacturer to conform a motor
18 vehicle to the warranty.--

19 (3) At the time of acquisition, the manufacturer shall
20 inform the consumer clearly and conspicuously in writing how
21 and where to file a claim with a certified procedure if such
22 procedure has been established by the manufacturer pursuant to
23 s. 681.108. The nameplate manufacturer of a recreational
24 vehicle shall, at the time of vehicle acquisition, inform the
25 consumer clearly and conspicuously in writing how and where to
26 file a claim with a program pursuant to s. 681.1096.The
27 manufacturer shall provide to the dealer and, at the time of
28 acquisition, the dealer shall provide to the consumer a
29 written statement that explains the consumer's rights under
30 this chapter. The written statement shall be prepared by the
31 Department of Legal Affairs and shall contain a toll-free

1 number for the division that the consumer can contact to
2 obtain information regarding the consumer's rights and
3 obligations under this chapter or to commence arbitration. If
4 the manufacturer obtains a signed receipt for timely delivery
5 of sufficient quantities of this written statement to meet the
6 dealer's vehicle sales requirements, it shall constitute prima
7 facie evidence of compliance with this subsection by the
8 manufacturer. The consumer's signed acknowledgment of receipt
9 of materials required under this subsection shall constitute
10 prima facie evidence of compliance by the manufacturer and
11 dealer. The form of the acknowledgments shall be approved by
12 the Department of Legal Affairs, and the dealer shall maintain
13 the consumer's signed acknowledgment for 3 years.

14 Section 21. Subsection (1) of section 681.1096,
15 Florida Statutes, is amended to read:

16 681.1096 Pilot RV Mediation and Arbitration Program;
17 creation and qualifications.--

18 (1) This section and s. 681.1097 shall apply to
19 disputes determined eligible under this chapter involving
20 recreational vehicles acquired on or after October 1, 1997,
21 and shall remain in effect until September 30, 2006 ~~2002~~, at
22 which time recreational vehicle disputes shall be subject to
23 the provisions of ss. 681.109 and 681.1095. The Attorney
24 General shall report to the President of the Senate, the
25 Speaker of the House of Representatives, the Minority Leader
26 of each house of the Legislature, and appropriate legislative
27 committees regarding the effectiveness of the pilot program.

28 Section 22. Paragraph (e) is added to subsection (3)
29 of section 681.1097, Florida Statutes, and paragraph (a) of
30 subsection (4) of said section is amended, to read:

31 681.1097 Pilot RV Mediation and Arbitration Program;

1 dispute eligibility and program function.--

2 (3) The consumer's application for participation in
3 the program must be on a form prescribed or approved by the
4 department. The department shall screen all applications to
5 participate in the program to determine eligibility. The
6 department shall forward to the program administrator all
7 applications the department determines are potentially
8 entitled to relief under this chapter.

9 (e) The department may delegate responsibility for the
10 screening of claims to the program, in which event claims
11 filed with the department shall be forwarded to the program
12 administrator and the provisions of this section shall apply
13 to claims screened by the program.

14 (4) Mediation shall be mandatory for both the consumer
15 and manufacturer, unless the dispute is settled prior to the
16 scheduled mediation conference. The mediation conference shall
17 be confidential and inadmissible in any subsequent adversarial
18 proceedings. Participation shall be limited to the parties
19 directly involved in the dispute and their attorneys, if any.
20 All manufacturers shall be represented by persons with
21 settlement authority.

22 (a) Upon receipt of an eligible application ~~from the~~
23 ~~department~~, the program administrator shall notify the
24 consumer and all involved manufacturers in writing that an
25 eligible application has been received. Such notification
26 shall include a statement that a mediation conference will be
27 scheduled, shall identify the assigned mediator, and provide
28 information regarding the program's procedures. The program
29 administrator shall provide all involved manufacturers with a
30 copy of the completed application.

31 Section 23. This act shall take effect upon becoming a

1 law.

2

3

4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1 and 2 of the bill,

7 remove: all of said lines,

8

9 and insert:

10 An act relating to transportation; amending s.
11 316.006, F.S.; revising the traffic control
12 jurisdiction of a county over certain roads and
13 rights-of-way dedicated in a residential
14 subdivision under certain circumstances;
15 creating s. 316.00825, F.S.; authorizing the
16 governing body of a county to abandon the roads
17 and rights-of-way dedicated in a recorded
18 subdivision plat under certain circumstances;
19 providing for traffic control jurisdiction of
20 such roads; amending s. 316.061, F.S.;
21 authorizing specified entities to remove
22 crashed motor vehicles in certain
23 circumstances; limiting liability; amending s.
24 316.520, F.S.; revising language with respect
25 to penalties relating to loads on vehicles;
26 amending s. 318.1451, F.S.; revising provisions
27 governing driver improvement schools; amending
28 s. 318.18, F.S.; providing for assessment of
29 doubled fines for speeding in toll collection
30 zones; requiring warning signs; requiring any
31 municipality that receives more than a

1 specified percentage of its total annual
2 revenue from traffic penalties to pay such
3 excess revenue to the Department of Highway
4 Safety and Motor Vehicles; providing for
5 distribution of the funds by the department;
6 amending s. 319.001, F.S.; providing
7 definitions with respect to provisions of law
8 relating to title certificates; correcting a
9 cross reference, to conform; amending s.
10 319.14, F.S.; revising language with respect to
11 the sale of motor vehicles registered or used
12 as taxicabs, police vehicles, lease vehicles,
13 or rebuilt vehicles and nonconforming vehicles;
14 amending s. 319.22, F.S.; providing that it is
15 illegal to transfer title to a motor vehicle
16 under certain circumstances; providing a
17 penalty; amending s. 319.30, F.S., relating to
18 salvage; revising definitions; providing a
19 penalty with respect to certain violations;
20 providing reference to state-assigned
21 identification number plates; amending s.
22 319.32, F.S.; providing a time period for the
23 payment of certain funds by county officers to
24 the State Treasury by electronic funds
25 transfer; amending s. 319.33, F.S.; including
26 reference to state-assigned identification
27 number plates; amending s. 320.03, F.S.;
28 providing a time period for county officers to
29 pay certain funds to the State Treasury by
30 electronic funds transfer; amending s. 320.27,
31 F.S.; revising language with respect to the

1 denial, suspension, or revocation of a license
2 by the department with respect to motor vehicle
3 dealers; amending s. 322.095, F.S.; revising
4 provisions governing traffic law and substance
5 abuse education courses; amending s. 328.73,
6 F.S.; providing a time period for county
7 officers to pay certain funds to the State
8 Treasury by electronic funds transfer; amending
9 s. 713.78, F.S.; authorizing employees of the
10 department and law enforcement officers to
11 inspect the records of persons regularly
12 engaged in the business of recovering, towing,
13 or storing vehicles or vessels; providing a
14 penalty for failure to maintain required
15 records or failure to produce records when
16 required; amending ss. 316.251 and 501.976,
17 F.S.; correcting a cross reference, to conform;
18 amending s. 681.103, F.S.; requiring that
19 certain information relating to filing a claim
20 with a mediation and arbitration program be
21 provided by the name plate manufacturer to the
22 consumer; amending s. 681.1096, F.S.;
23 postponing termination of the mediation and
24 arbitration pilot program; amending s.
25 681.1097, F.S.; providing for screening of
26 claims by the program; providing an effective
27 date.

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