

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

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Representative(s) Gardiner offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

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

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

(3) COUNTIES.--

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

Notwithstanding the provisions of subsection (2), each county 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:

| 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 Section 7. Section 319.001, Florida Statutes, is
 27 amended to read:

28 319.001 Definitions.--As used in this chapter, the
 29 term:

30 (1) "Department" means the Department of Highway
 31 Safety and Motor Vehicles.

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

3 ~~(3)(2)~~ "Licensed dealer," unless otherwise
4 specifically provided, means a motor vehicle dealer licensed
5 under s. 320.27, a mobile home dealer licensed under s.
6 320.77, or a recreational vehicle dealer licensed under s.
7 320.771.

8 (4) "Motorcycle body assembly" means frame, fenders,
9 and gas tanks.

10 (5) "Motorcycle engine" means cylinder block, heads,
11 engine case, and crank case.

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

13 ~~(7)(3)~~ "New mobile home" means a mobile home the
14 equitable or legal title to which has never been transferred
15 by a manufacturer, distributor, importer, or dealer to an
16 ultimate purchaser.

17 ~~(8)(4)~~ "New motor vehicle" means a motor vehicle the
18 equitable or legal title to which has never been transferred
19 by a manufacturer, distributor, importer, or dealer to an
20 ultimate purchaser; however, when legal title is not
21 transferred but possession of a motor vehicle is transferred
22 pursuant to a conditional sales contract or lease and the
23 conditions are not satisfied and the vehicle is returned to
24 the motor vehicle dealer, the motor vehicle may be resold by
25 the motor vehicle dealer as a new motor vehicle, provided the
26 selling motor vehicle dealer gives the following written
27 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A
28 PREVIOUS PURCHASER." The purchaser shall sign an
29 acknowledgment, a copy of which is kept in the selling
30 dealer's file.

31 (9) "Rear body section" means both quarter panels,

1 decklid, bumper, and floor pan.

2 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
3 debt or release of a debtor from a lien by the lienholder.

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

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

9 319.14 Sale of motor vehicles registered or used as
10 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
11 and nonconforming vehicles.--

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

1 decision under chapter 681, the title shall be stamped
2 "Manufacturer's Buy Back" to reflect that the vehicle is a
3 nonconforming vehicle.

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

20 (c) As used in this section:

21 1. "Police vehicle" means a motor vehicle owned or
22 leased by the state or a county or municipality and used in
23 law enforcement.

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

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

31 c. "Lease vehicle" includes both short-term-lease

1 vehicles and long-term-lease vehicles.

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

4 4. "Assembled from parts" means a motor vehicle or
5 mobile home assembled from parts or combined from parts of
6 motor vehicles or mobile homes, new or used. "Assembled from
7 parts" does not mean a motor vehicle defined as a "rebuilt
8 vehicle" in subparagraph 3., which has been declared a total
9 loss pursuant to s. 319.30.

10 ~~5. "Combined" means assembled by combining two motor~~
11 ~~vehicles neither of which has been titled and branded as~~
12 ~~"Salvage Unrebuildable."~~

13 ~~5.6.~~ "Kit car" means a motor vehicle assembled with a
14 kit supplied by a manufacturer to rebuild a wrecked or
15 outdated motor vehicle with a new body kit.

16 ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit
17 supplied by a manufacturer to rebuild a wrecked or outdated
18 truck or truck tractor.

19 ~~7.8.~~ "Replica" means a complete new motor vehicle
20 manufactured to look like an old vehicle.

21 ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile
22 home that has been declared to be a total loss pursuant to s.
23 319.30(3)(a) resulting from damage caused by water.

24 ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle
25 which has been purchased by a manufacturer pursuant to a
26 settlement, determination, or decision under chapter 681.

27 ~~10.11.~~ "Settlement" means an agreement entered into
28 between a manufacturer and a consumer that occurs after a
29 dispute is submitted to a program, or an informal dispute
30 settlement procedure established by a manufacturer or is
31 approved for arbitration before the New Motor Vehicle

1 Arbitration Board as defined in s. 681.102.

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

12 (3) Any person who, with intent to offer for sale or
13 exchange any vehicle referred to in subsection (1), knowingly
14 or intentionally advertises, publishes, disseminates,
15 circulates, or places before the public in any communications
16 medium, whether directly or indirectly, any offer to sell or
17 exchange the vehicle shall clearly and precisely state in each
18 such offer that the vehicle has previously been titled,
19 registered, or used as a taxicab, police vehicle, or
20 short-term-lease vehicle or that the vehicle or mobile home is
21 a vehicle that is rebuilt or assembled from parts, ~~or~~
22 ~~combined~~, or is a kit car, glider kit, replica, or flood
23 vehicle, or a nonconforming vehicle, as the case may be. Any
24 person who violates this subsection commits ~~is guilty of~~ a
25 misdemeanor of the second degree, punishable as provided in s.
26 775.082 or s. 775.083.

27 (4) When a certificate of title, including a foreign
28 certificate, is branded to reflect a condition or prior use of
29 the titled vehicle, the brand must be noted on the
30 registration certificate of the vehicle and such brand shall
31 be carried forward on all subsequent certificates of title and

1 registration certificates issued for the life of the vehicle.

2 (5) Any person who knowingly sells, exchanges, or
3 offers to sell or exchange a motor vehicle or mobile home
4 contrary to the provisions of this section or any officer,
5 agent, or employee of a person who knowingly authorizes,
6 directs, aids in, or consents to the sale, exchange, or offer
7 to sell or exchange a motor vehicle or mobile home contrary to
8 the provisions of this section commits ~~is guilty of~~ a
9 misdemeanor of the second degree, punishable as provided in s.
10 775.082 or s. 775.083.

11 (6) Any person who removes a rebuilt decal from a
12 rebuilt vehicle with the intent to conceal the rebuilt status
13 of the vehicle commits a felony of the third degree,
14 punishable as provided in s. 775.082, s. 775.083, or s.
15 775.084.

16 ~~(7)~~(6) This section applies to a mobile home, travel
17 trailer, camping trailer, truck camper, or fifth-wheel
18 recreation trailer only when such mobile home or vehicle is a
19 rebuilt vehicle or is assembled from parts.

20 ~~(8)~~(7) No person shall be liable or accountable in any
21 civil action arising out of a violation of this section if the
22 designation of the previous use or condition of the motor
23 vehicle is not noted on the certificate of title and
24 registration certificate of the vehicle which was received by,
25 or delivered to, such person, unless such person has actively
26 concealed the prior use or condition of the vehicle from the
27 purchaser.

28 ~~(9)~~(8) Subsections (1), (2), and (3) do not apply to
29 the transfer of ownership of a motor vehicle after the motor
30 vehicle has ceased to be used as a lease vehicle and the
31 ownership has been transferred to an owner for private use or

1 to the transfer of ownership of a nonconforming vehicle with
2 36,000 or more miles on its odometer, or 34 months whichever
3 is later and the ownership has been transferred to an owner
4 for private use. Such owner, as shown on the title
5 certificate, may request the department to issue a corrected
6 certificate of title that does not contain the statement of
7 the previous use of the vehicle as a lease vehicle or
8 condition as a nonconforming vehicle.

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

11 319.22 Transfer of title.--

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

18 Section 10. Section 319.30, Florida Statutes, is
19 amended to read:

20 319.30 Definitions; dismantling, destruction, change
21 of identity of motor vehicle or mobile home; salvage.--

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

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

25 (b) "Certificate of registration number" means the
26 certificate of registration number issued by the Department of
27 Revenue of the State of Florida pursuant to s. 538.25.

28 (c) "Derelict" means any material which is or may have
29 been a motor vehicle or mobile home, with or without all
30 component parts, which is inoperable and which material is in
31 such condition that its highest or primary value is either in

1 its sale or transfer as scrap metal or for its component
2 parts, or a combination of the two.

3 (d) "Junk" means any material which is or may have
4 been a motor vehicle or mobile home, with or without all
5 component parts, which is inoperable and which material is in
6 such condition that its highest or primary value is either in
7 its sale or transfer as scrap metal or for its component
8 parts, or a combination of the two, except when sold or
9 delivered to or when purchased, possessed, or received by a
10 secondary metals recycler or salvage motor vehicle dealer.

11 (e) "Major component parts" means:

12 1. For motor vehicles other than motorcycles, the
13 front-end assembly (fenders, hood, grill, and bumper), cowl
14 assembly, rear body section (both quarter panels, trunk lid,
15 door, decklid, and bumper), floor pan, door assemblies,
16 engine, frame, transmission, and airbag.

17 2. For trucks, in addition to those parts listed in
18 subparagraph 1., any truck bed, including dump, wrecker,
19 crane, mixer, cargo box, or any bed which mounts to a truck
20 frame.

21 3. For motorcycles, the body assembly, frame, fenders,
22 gas tanks, engine, cylinder block, heads, engine case, crank
23 case, transmission, drive train, front fork assembly, and
24 wheels.

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

29 (f) "Major part" means the front-end assembly,
30 ~~(fenders, hood, grill, and bumper); cowl assembly,~~ or rear
31 ~~body section (both quarter panels, decklid, bumper, and floor~~

1 pan).

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

4 (h) "Mobile home" means mobile home as defined in s.
5 320.01(2).

6 (i) "Motor vehicle" means motor vehicle as defined in
7 s. 320.01(1).

8 (j) "Parts" means parts of motor vehicles or
9 combinations thereof that do not constitute materials or
10 prepared materials.

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

13 (l) "Prepared materials" means motor vehicles, mobile
14 homes, derelicts, major parts, or parts that have been
15 processed by mechanically flattening or crushing, or otherwise
16 processed such that they are not the motor vehicle or mobile
17 home described in the certificate of title, or their only
18 value is as scrap metal.

19 (m) "Processing" means the business of performing the
20 manufacturing process by which ferrous metals or nonferrous
21 metals are converted into raw material products consisting of
22 prepared grades and having an existing or potential economic
23 value, or the purchase of materials, prepared materials, or
24 parts therefor.

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

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

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

31 (2)(a) Each person mentioned as owner in the last

1 issued certificate of title, when such motor vehicle or mobile
2 home is dismantled, destroyed, or changed in such manner that
3 it is not the motor vehicle or mobile home described in the
4 certificate of title, shall surrender his or her certificate
5 of title to the department, and thereupon the department
6 shall, with the consent of any lienholders noted thereon,
7 enter a cancellation upon its records. Upon cancellation of a
8 certificate of title in the manner prescribed by this section,
9 the department may cancel and destroy all certificates in that
10 chain of title. Any person who willfully and deliberately
11 violates this paragraph commits a misdemeanor of the second
12 degree, punishable as provided in s. 775.082 or s. 775.083.

13 (b) When a motor vehicle is sold, transported, or
14 delivered to a salvage motor vehicle dealer, it shall be
15 accompanied by:

16 1. A properly endorsed certificate of title, salvage
17 certificate of title, or vehicle certificate of destruction
18 issued by the department; or

19 2. If the certificate of title has been surrendered to
20 the department, a notarized affidavit signed by the owner
21 stating that the title has been returned to the State of
22 Florida pursuant to paragraph (a), the date on which such
23 return was made, the year, make, and vehicle identification
24 number of the motor vehicle, and the name, address, and
25 personal identification card number of the owner. Any person
26 who willfully and deliberately violates this subparagraph by
27 falsifying a required affidavit commits a felony of the third
28 degree, punishable as provided in s. 775.082, s. 775.083, or
29 s. 775.084.

30 (c) Anyone who willfully and knowingly induces a
31 person to sign an affidavit that falsely asserts that the

1 vehicle title has been surrendered to the department commits a
2 felony of the third degree, punishable as provided in s.
3 775.082 or s. 775.083.

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

6 1. When an insurance company pays the vehicle owner to
7 replace the wrecked or damaged vehicle with one of like kind
8 and quality or when an insurance company pays the owner upon
9 the theft of the motor vehicle or mobile home; a motor vehicle
10 or mobile home shall not be considered a "total loss" if the
11 insurance company and the owner agree to repair, rather than
12 to replace, the motor vehicle or mobile home; or

13 2. When an uninsured motor vehicle or mobile home is
14 wrecked or damaged and the cost, at the time of loss, of
15 repairing or rebuilding the vehicle is 80 percent or more of
16 the cost to the owner of replacing the wrecked or damaged
17 motor vehicle or mobile home with one of like kind and
18 quality.

19 (b) The owner of any motor vehicle or mobile home
20 which is considered to be salvage, including persons who are
21 self-insured, shall, within 72 hours after the motor vehicle
22 or mobile home becomes salvage, forward the title to the motor
23 vehicle or mobile home to the department for processing.
24 However, an insurance company which pays money as compensation
25 for total loss of a motor vehicle or mobile home shall obtain
26 the certificate of title for the motor vehicle or mobile home
27 and, within 72 hours after receiving such certificate of
28 title, shall forward such title to the department for
29 processing. The owner or insurance company, as the case may
30 be, may not dispose of a vehicle or mobile home that is a
31 total loss before it has obtained a salvage certificate of

1 title or certificate of destruction from the department. When
2 applying for a salvage certificate of title or certificate of
3 destruction, the owner or insurance company must provide the
4 department with an estimate of the costs of repairing the
5 physical and mechanical damage suffered by the vehicle for
6 which a salvage certificate of title or certificate of
7 destruction is sought. If the estimated costs of repairing the
8 physical and mechanical damage to the vehicle are equal to 80
9 percent or more of the current retail cost of the vehicle, as
10 established in any official used car or used mobile home
11 guide, the department shall declare the vehicle unrebuildable
12 and print a certificate of destruction, which authorizes the
13 dismantling or destruction of the motor vehicle or mobile home
14 described therein. This certificate of destruction shall be
15 reassignable a maximum of two times before dismantling or
16 destruction of the vehicle shall be required, and shall
17 accompany the motor vehicle or mobile home for which it is
18 issued, when such motor vehicle or mobile home is sold for
19 such purposes, in lieu of a certificate of title, and,
20 thereafter, the department shall refuse issuance of any
21 certificate of title for that vehicle. Nothing in this
22 subsection shall be applicable when a vehicle is worth less
23 than \$1,500 retail in undamaged condition in any official used
24 motor vehicle guide or used mobile home guide or when a stolen
25 motor vehicle or mobile home is recovered in substantially
26 intact condition and is readily resalable without extensive
27 repairs to or replacement of the frame or engine. Any person
28 who willfully and deliberately violates this paragraph or
29 falsifies any document to avoid the requirements of this
30 paragraph commits a misdemeanor of the first degree,
31 punishable as provided in s. 775.082 or s. 775.083.

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

5 (a) ~~However,~~ Nothing in this subsection shall be
6 applicable when a vehicle defined in this section as a
7 derelict or salvage was purchased or acquired from a foreign
8 state requiring such vehicle's identification number plate to
9 be surrendered to such state, provided the person shall have
10 an affidavit from the seller describing the vehicle by
11 manufacturer's serial number and the state to which such
12 vehicle's identification number plate was surrendered.

13 (b) Nothing in this subsection shall be applicable if
14 a certificate of destruction has been obtained for the
15 vehicle.

16 (5)(a) It is unlawful for any person to knowingly
17 possess, sell, or exchange, offer to sell or exchange, or give
18 away any certificate of title or manufacturer's or
19 state-assigned identification number plate or serial plate of
20 any motor vehicle, mobile home, or derelict that has been sold
21 as salvage contrary to the provisions of this section, and it
22 is unlawful for any person to authorize, direct, aid in, or
23 consent to the possession, sale, or exchange or to offer to
24 sell, exchange, or give away such certificate of title or
25 manufacturer's or state-assigned identification number plate
26 or serial plate.

27 (b) It is unlawful for any person to knowingly
28 possess, sell, or exchange, offer to sell or exchange, or give
29 away any manufacturer's or state-assigned identification
30 number plate or serial plate of any motor vehicle or mobile
31 home that has been removed from the motor vehicle or mobile

1 home for which it was manufactured, and it is unlawful for any
2 person to authorize, direct, aid in, or consent to the
3 possession, sale, or exchange or to offer to sell, exchange,
4 or give away such manufacturer's or state-assigned
5 identification number plate or serial plate.

6 (c) This chapter does not apply to anyone who removes,
7 possesses, or replaces a manufacturer's or state-assigned
8 identification number plate, in the course of performing
9 repairs on a vehicle, that require such removal or
10 replacement. If the repair requires replacement of a vehicle
11 part that contains the manufacturer's or state-assigned
12 identification number plate, the manufacturer's or
13 state-assigned identification number plate that is assigned to
14 the vehicle being repaired will be installed on the
15 replacement part. The manufacturer's or state-assigned
16 identification number plate that was removed from this
17 replacement part will be installed on the part that was
18 removed from the vehicle being repaired.

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

22 (a) For each item of materials or major component
23 parts purchased, the salvage motor vehicle dealer shall record
24 the date of purchase, name and address of the seller, and the
25 personal identification card number of the person delivering
26 such items, as well as the vehicle identification number, if
27 available.

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

31

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

4 (7) In the event of a purchase by a secondary metals
5 recycler, that has been issued a certificate of registration
6 number, of:

7 (a) Materials, prepared materials, or parts from any
8 seller for purposes other than the processing of such
9 materials, prepared materials, or parts, the purchaser shall
10 obtain such documentation as may be required by this section,
11 and shall record the seller's name and address, date of
12 purchase, and the personal identification card number of the
13 person delivering such items.

14 (b) Parts or prepared materials from any seller for
15 purposes of the processing of such parts or prepared
16 materials, the purchaser shall record the seller's name and
17 address and date of purchase; and, in the event of a purchase
18 transaction consisting primarily of parts or prepared
19 materials, the personal identification card number of the
20 person delivering such items.

21 (c) Materials from another secondary metals recycler
22 for purposes of the processing of such materials, the
23 purchaser shall record the seller's name, address, and date of
24 purchase.

25 (d) Motor vehicles, mobile homes, or derelicts from
26 other than a secondary metals recycler for purposes of the
27 processing of such motor vehicles, mobile homes, or derelicts,
28 the purchaser shall record the seller's name, address, date of
29 purchase, and the personal identification card number of the
30 person delivering such items, and shall obtain the following
31 documentation from the seller with respect to each item

1 purchased:

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

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

6 3. If a valid certificate of title or a valid
7 certificate of destruction is not available, an affidavit
8 signed by the seller stating that the seller returned the
9 certificate of title to the State of Florida pursuant to
10 subsection (2) and the date on which such return was made, and
11 setting forth the vehicle identification number of such motor
12 vehicle, mobile home, or derelict.

13 (e) Major parts from other than a secondary metals
14 recycler for purposes of the processing of such major parts,
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, as well as the vehicle
18 identification number, if available, of each major part
19 purchased.

20
21 Any person who violates this subsection commits a felony of
22 the third degree, punishable as provided in s. 775.082, s.
23 775.083, or s. 775.084.

24 (8)(a) Secondary metals recyclers and salvage motor
25 vehicle dealers shall return to the department on a monthly
26 basis all certificates of title required by this section to be
27 obtained.

28 (b) Secondary metals recyclers and salvage motor
29 vehicle dealers shall keep all certificates of destruction,
30 seller's affidavits, and all other information required by
31 this section to be recorded or obtained, on file in the

1 offices of such secondary metals recyclers or salvage motor
2 vehicle dealers for a period of 3 years from the date of
3 purchase of the items reflected in such certificates of
4 destruction or seller's affidavits. These records shall be
5 maintained in chronological order.

6 (c) For the purpose of enforcement of this section,
7 the department or its agents and employees have the same right
8 of inspection as law enforcement officers as provided in s.
9 812.055.

10 (9) Except as otherwise provided in this section, any
11 person who violates this section commits a felony of the third
12 degree, punishable as provided in s. 775.082, s. 775.083, or
13 s. 775.084.

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

16 319.32 Fees; service charges; disposition.--

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

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

26 319.33 Offenses involving vehicle identification
27 numbers, applications, certificates, papers; penalty.--

28 (5) It is unlawful for any person, firm, or
29 corporation to knowingly possess, manufacture, sell or
30 exchange, offer to sell or exchange, supply in blank, or give
31 away any counterfeit manufacturer's or state-assigned

1 identification number plates or serial plates or any decal
2 used for the purpose of identification of any motor vehicle;
3 or for any officer, agent, or employee of any person, firm, or
4 corporation, or any person who shall authorize, direct, aid in
5 exchange, or give away such counterfeit manufacturer's or
6 state-assigned identification number plates or serial plates
7 or any decal; or conspire to do any of the foregoing.
8 However, nothing in this subsection shall be applicable to any
9 approved replacement manufacturer's or state-assigned
10 identification number plates or serial plates or any decal
11 issued by the department or any state.

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

14 320.03 Registration; duties of tax collectors;
15 International Registration Plan.--

16 (3) Each tax collector shall keep a full and complete
17 record and account of all validation stickers, mobile home
18 stickers, or other properties received by him or her from the
19 department, or from any other source, ~~and shall make prompt~~
20 ~~remittance of moneys collected by him or her at such times and~~
21 ~~in such manner as prescribed by law. Notwithstanding chapter~~
22 116, every county officer within this state authorized to
23 collect funds provided for in this chapter shall pay all sums
24 officially received by the officer into the State Treasury no
25 later than 5 working days after the close of the business day
26 in which the officer received the funds. Payment by county
27 officers to the state shall be made by means of electronic
28 funds transfer.

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

31 320.27 Motor vehicle dealers.--

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

2 (a) The department may deny, suspend, or revoke any
3 license issued hereunder or under the provisions of s. 320.77
4 or s. 320.771, upon proof that a licensee has committed any of
5 the following activities failed to comply with any of the
6 following provisions with sufficient frequency so as to
7 establish a pattern of wrongdoing on the part of the licensee:

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

13 ~~Additionally, in the case of used motor vehicles, the willful~~
14 ~~violation of the federal law and rule in 15 U.S.C. s. 2304, 16~~
15 ~~C.F.R. part 455, pertaining to the consumer sales window form.~~

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

18 2. Conviction of a felony.

19 3. Failure to honor a bank draft or check given to a
20 motor vehicle dealer for the purchase of a motor vehicle by
21 another motor vehicle dealer within 10 days after notification
22 that the bank draft or check has been dishonored. If the
23 transaction is disputed, the maker of the bank draft or check
24 shall post a bond in accordance with the provisions of s.
25 559.917, and no proceeding for revocation or suspension shall
26 be commenced until the dispute is resolved.

27 (b) The department may deny, suspend, or revoke any
28 license issued hereunder or under the provisions of s. 320.77
29 or s. 320.771 upon proof that a licensee has committed, with
30 sufficient frequency so as to establish a pattern of
31 wrongdoing on the part of a licensee, violations of one or

1 more of the following activities:

2 ~~(c) Perpetration of a fraud upon any person as a~~
3 ~~result of dealing in motor vehicles, including, without~~
4 ~~limitation, the misrepresentation to any person by the~~
5 ~~licensee of the licensee's relationship to any manufacturer,~~
6 ~~importer, or distributor.~~

7 1.(d) Representation that a demonstrator is a new
8 motor vehicle, or the attempt to sell or the sale of a
9 demonstrator as a new motor vehicle without written notice to
10 the purchaser that the vehicle is a demonstrator. For the
11 purposes of this section, a "demonstrator," a "new motor
12 vehicle," and a "used motor vehicle" shall be defined as under
13 s. 320.60.

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

20 3.(f) Misrepresentation or false, deceptive, or
21 misleading statements with regard to the sale or financing of
22 motor vehicles which any motor vehicle dealer has, or causes
23 to have, advertised, printed, displayed, published,
24 distributed, broadcast, televised, or made in any manner with
25 regard to the sale or financing of motor vehicles.

26 4. Failure by any motor vehicle dealer to provide a
27 customer or purchaser with an odometer disclosure statement
28 and a copy of any bona fide written, executed sales contract
29 or agreement of purchase connected with the purchase of the
30 motor vehicle purchased by the customer or purchaser.

31 5. Failure of any motor vehicle dealer to comply with

1 the terms of any bona fide written, executed agreement,
2 pursuant to the sale of a motor vehicle.

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

5 7. Use of the dealer license identification number by
6 any person other than the licensed dealer or his or her
7 designee.

8 8. Failure to continually meet the requirements of the
9 licensure law.

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

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

19 11.(h) Requirement by any motor vehicle dealer that
20 any customer or purchaser finance a motor vehicle with a
21 specific financial institution or company.

22 ~~(i) Failure by any motor vehicle dealer to provide a~~
23 ~~customer or purchaser with an odometer disclosure statement~~
24 ~~and a copy of any bona fide written, executed sales contract~~
25 ~~or agreement of purchase connected with the purchase of the~~
26 ~~motor vehicle purchased by the customer or purchaser.~~

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

30 12.(k) Requirement by any the motor vehicle dealer
31 that the purchaser of a motor vehicle contract with the dealer

1 for physical damage insurance.

2 13. Perpetration of a fraud upon any person as a
3 result of dealing in motor vehicles, including, without
4 limitation, the misrepresentation to any person by the
5 licensee of the licensee's relationship to any manufacturer,
6 importer, or distributor.

7 14. ~~(1)~~ Violation of any of the provisions of s. 319.35
8 by any motor vehicle dealer.

9 15. Sale by a motor vehicle dealer of a vehicle
10 offered in trade by a customer prior to consummation of the
11 sale, exchange, or transfer of a newly acquired vehicle to the
12 customer, unless the customer provides written authorization
13 for the sale of the trade-in vehicle prior to delivery of the
14 newly acquired vehicle.

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

17 17. Violation of chapter 319, this chapter, or ss.
18 559.901-559.9221, which has to do with dealing in or repairing
19 motor vehicles or mobile homes. Additionally, in the case of
20 used motor vehicles, the willful violation of the federal law
21 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
22 to the consumer sales window form.

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

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

28 ~~(o) Use of the dealer license identification number by~~
29 ~~any person other than the licensed dealer or his or her~~
30 ~~designee.~~

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

1 ~~(q) Failure to continually meet the requirements of~~
2 ~~the licensure law.~~

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

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

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

27 ~~(u) 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 Section 15. Subsection (7) of section 322.095, Florida
3 Statutes, is amended to read:

4 322.095 Traffic law and substance abuse education
5 program for driver's license applicants.--

6 ~~(7)(a) No governmental entity or court shall provide,~~
7 ~~issue, or maintain any information or orders regarding traffic~~
8 ~~law and substance abuse education program schools or course~~
9 ~~providers, with the exception of directing inquiries or~~
10 ~~requests to the local telephone directory heading of driving~~
11 ~~instruction or the driver's license applicant reference guide.~~

12 However, The department is authorized to maintain the
13 information and records necessary to administer its duties and
14 responsibilities for the program. Where such information is a
15 public record as defined in chapter 119, it shall be made
16 available to the public upon request pursuant to s. 119.07(1).
17 The department shall approve and regulate courses that use
18 technology as the delivery method of all traffic law and
19 substance abuse education courses as the courses relate to
20 this section.

21 ~~(b) The department shall prepare for any governmental~~
22 ~~entity to distribute a driver's license applicant reference~~
23 ~~guide which shall list the benefits of attending a traffic law~~
24 ~~and substance abuse education school, but under no~~
25 ~~circumstance may include any list of course providers or~~
26 ~~schools. The department shall refer further inquiries to the~~
27 ~~telephone directory heading of driving instruction.~~

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

30 328.73 Registration; duties of tax collectors.--

31 (4) Notwithstanding chapter 116, every county officer

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

7 Section 17. Subsections (11) and (12) of section
8 713.78, Florida Statutes, are amended to read:

9 713.78 Liens for recovering, towing, or storing
10 vehicles and vessels.--

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

1 stolen, and shall be accompanied by such documentation as may
2 be required by the department.

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

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

10 (12)(a) Any person who violates any provision of
11 subsection (1), subsection (2), subsection (4), subsection
12 (5), subsection (6), or subsection (7) is guilty of a
13 misdemeanor of the first degree, punishable as provided in s.
14 775.082 or s. 775.083.

15 (b) Any person who violates the provisions of
16 subsections (8) through (11) is guilty of a felony of the
17 third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 (c) Any person who uses a false or fictitious name,
20 gives a false or fictitious address, or makes any false
21 statement in any application or affidavit required under the
22 provisions of this section is guilty of a felony of the third
23 degree, punishable as provided in s. 775.082, s. 775.083, or
24 s. 775.084.

25 (d) Employees of the Department of Highway Safety and
26 Motor Vehicles and law enforcement officers are authorized to
27 inspect the records of any person regularly engaged in the
28 business of recovering, towing, or storing vehicles or vessels
29 or transporting vehicles or vessels by wrecker, tow truck, or
30 car carrier, to ensure compliance with the requirements of
31 this section. Any person who fails to maintain records, or

1 fails to produce records when required in a reasonable manner
2 and at a reasonable time, commits a misdemeanor of the first
3 degree, punishable as provided in s. 775.082 or s. 775.083.

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

6 316.251 Maximum bumper heights.--

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

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

14 501.976 Actionable, unfair, or deceptive acts or
15 practices.--It is an unfair or deceptive act or practice,
16 actionable under the Florida Deceptive and Unfair Trade
17 Practices Act, for a dealer to:

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

22
23 In any civil litigation resulting from a violation of this
24 section, when evaluating the reasonableness of an award of
25 attorney's fees to a private person, the trial court shall
26 consider the amount of actual damages in relation to the time
27 spent.

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

30 681.103 Duty of manufacturer to conform a motor
31 vehicle to the warranty.--

1 (3) At the time of acquisition, the manufacturer shall
2 inform the consumer clearly and conspicuously in writing how
3 and where to file a claim with a certified procedure if such
4 procedure has been established by the manufacturer pursuant to
5 s. 681.108. The nameplate manufacturer of a recreational
6 vehicle shall, at the time of vehicle acquisition, inform the
7 consumer clearly and conspicuously in writing how and where to
8 file a claim with a program pursuant to s. 681.1096.The
9 manufacturer shall provide to the dealer and, at the time of
10 acquisition, the dealer shall provide to the consumer a
11 written statement that explains the consumer's rights under
12 this chapter. The written statement shall be prepared by the
13 Department of Legal Affairs and shall contain a toll-free
14 number for the division that the consumer can contact to
15 obtain information regarding the consumer's rights and
16 obligations under this chapter or to commence arbitration. If
17 the manufacturer obtains a signed receipt for timely delivery
18 of sufficient quantities of this written statement to meet the
19 dealer's vehicle sales requirements, it shall constitute prima
20 facie evidence of compliance with this subsection by the
21 manufacturer. The consumer's signed acknowledgment of receipt
22 of materials required under this subsection shall constitute
23 prima facie evidence of compliance by the manufacturer and
24 dealer. The form of the acknowledgments shall be approved by
25 the Department of Legal Affairs, and the dealer shall maintain
26 the consumer's signed acknowledgment for 3 years.

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

29 681.1096 Pilot RV Mediation and Arbitration Program;
30 creation and qualifications.--

31 (1) This section and s. 681.1097 shall apply to

1 disputes determined eligible under this chapter involving
2 recreational vehicles acquired on or after October 1, 1997,
3 and shall remain in effect until September 30, 2006 ~~2002~~, at
4 which time recreational vehicle disputes shall be subject to
5 the provisions of ss. 681.109 and 681.1095. The Attorney
6 General shall report to the President of the Senate, the
7 Speaker of the House of Representatives, the Minority Leader
8 of each house of the Legislature, and appropriate legislative
9 committees regarding the effectiveness of the pilot program.

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

13 681.1097 Pilot RV Mediation and Arbitration Program;
14 dispute eligibility and program function.--

15 (3) The consumer's application for participation in
16 the program must be on a form prescribed or approved by the
17 department. The department shall screen all applications to
18 participate in the program to determine eligibility. The
19 department shall forward to the program administrator all
20 applications the department determines are potentially
21 entitled to relief under this chapter.

22 (e) The department may delegate responsibility for the
23 screening of claims to the program, in which event claims
24 filed with the department shall be forwarded to the program
25 administrator and the provisions of this section shall apply
26 to claims screened by the program.

27 (4) Mediation shall be mandatory for both the consumer
28 and manufacturer, unless the dispute is settled prior to the
29 scheduled mediation conference. The mediation conference shall
30 be confidential and inadmissible in any subsequent adversarial
31 proceedings. Participation shall be limited to the parties

1 directly involved in the dispute and their attorneys, if any.
2 All manufacturers shall be represented by persons with
3 settlement authority.

4 (a) Upon receipt of an eligible application ~~from the~~
5 ~~department~~, the program administrator shall notify the
6 consumer and all involved manufacturers in writing that an
7 eligible application has been received. Such notification
8 shall include a statement that a mediation conference will be
9 scheduled, shall identify the assigned mediator, and provide
10 information regarding the program's procedures. The program
11 administrator shall provide all involved manufacturers with a
12 copy of the completed application.

13 Section 23. This act shall take effect upon becoming a
14 law.

15
16

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

18 And the title is amended as follows:

19 On page 1 and 2 of the bill,
20 remove: all of said lines,

21

22 and insert:

23 An act relating to transportation; amending s.
24 316.006, F.S.; revising the traffic control
25 jurisdiction of a county over certain roads and
26 rights-of-way dedicated in a residential
27 subdivision under certain circumstances;
28 creating s. 316.00825, F.S.; authorizing the
29 governing body of a county to abandon the roads
30 and rights-of-way dedicated in a recorded
31 subdivision plat under certain circumstances;

1 providing for traffic control jurisdiction of
2 such roads; amending s. 316.061, F.S.;
3 authorizing specified entities to remove
4 crashed motor vehicles in certain
5 circumstances; limiting liability; amending s.
6 316.520, F.S.; revising language with respect
7 to penalties relating to loads on vehicles;
8 amending s. 318.1451, F.S.; revising provisions
9 governing driver improvement schools; amending
10 s. 318.18, F.S.; amending s. 319.001, F.S.;
11 providing definitions with respect to
12 provisions of law relating to title
13 certificates; correcting a cross reference, to
14 conform; amending s. 319.14, F.S.; revising
15 language with respect to the sale of motor
16 vehicles registered or used as taxicabs, police
17 vehicles, lease vehicles, or rebuilt vehicles
18 and nonconforming vehicles; amending s. 319.22,
19 F.S.; providing that it is illegal to transfer
20 title to a motor vehicle under certain
21 circumstances; providing a penalty; amending s.
22 319.30, F.S., relating to salvage; revising
23 definitions; providing a penalty with respect
24 to certain violations; providing reference to
25 state-assigned identification number plates;
26 amending s. 319.32, F.S.; providing a time
27 period for the payment of certain funds by
28 county officers to the State Treasury by
29 electronic funds transfer; amending s. 319.33,
30 F.S.; including reference to state-assigned
31 identification number plates; amending s.

1 320.03, F.S.; providing a time period for
2 county officers to pay certain funds to the
3 State Treasury by electronic funds transfer;
4 amending s. 320.27, F.S.; revising language
5 with respect to the denial, suspension, or
6 revocation of a license by the department with
7 respect to motor vehicle dealers; amending s.
8 322.095, F.S.; revising provisions governing
9 traffic law and substance abuse education
10 courses; amending s. 328.73, F.S.; providing a
11 time period for county officers to pay certain
12 funds to the State Treasury by electronic funds
13 transfer; amending s. 713.78, F.S.; authorizing
14 employees of the department and law enforcement
15 officers to inspect the records of persons
16 regularly engaged in the business of
17 recovering, towing, or storing vehicles or
18 vessels; providing a penalty for failure to
19 maintain required records or failure to produce
20 records when required; amending ss. 316.251 and
21 501.976, F.S.; correcting a cross reference, to
22 conform; amending s. 681.103, F.S.; requiring
23 that certain information relating to filing a
24 claim with a mediation and arbitration program
25 be provided by the name plate manufacturer to
26 the consumer; amending s. 681.1096, F.S.;
27 postponing termination of the mediation and
28 arbitration pilot program; amending s.
29 681.1097, F.S.; providing for screening of
30 claims by the program; providing an effective
31 date.