

By Senator Sebesta

20-435A-02

1 A bill to be entitled
2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; amending s. 316.003,
4 F.S.; providing that certain vehicles of the
5 Department of Health are authorized emergency
6 vehicles; amending s. 316.2397, F.S.;
7 authorizing the emergency-response vehicles of
8 the Department of Health to use red flashing
9 lights; amending s. 316.520, F.S.; revising
10 penalties for violation of load limits on
11 vehicles; amending s. 319.001, F.S.; revising
12 definitions with respect to component parts of
13 motor vehicles; amending s. 319.14, F.S.;
14 authorizing the Department of Highway Safety
15 and Motor Vehicles to affix a decal on rebuilt
16 motor vehicles; redefining the term "assembled
17 from parts" and eliminating the definition of
18 the term "combined"; providing a penalty for
19 the removal of rebuilt decals; amending s.
20 319.22, F.S.; prohibiting the transfer of title
21 without a purchaser's name; providing a
22 penalty; amending s. 319.30, F.S.; redefining
23 the term "major component part"; providing a
24 penalty for falsely reporting certain
25 information to the Department of Highway Safety
26 and Motor Vehicles; amending s. 319.22, F.S.;
27 prohibiting the transfer of title without a
28 purchaser's name; providing a penalty; amending
29 s. 319.32, F.S.; revising provisions relating
30 to the electronic transfer of funds; amending
31 s. 319.33, F.S.; revising provisions relating

1 to state-assigned vehicle identification
2 numbers; amending s. 320.03, F.S.; revising
3 provisions relating to the electronic transfer
4 of funds; amending s. 320.27, F.S.; revising
5 provisions relating to the denial, suspension,
6 or revocation of motor vehicle dealer licenses;
7 amending s. 320.60, F.S.; redefining the term
8 "motor vehicle"; amending s. 328.73, F.S.;
9 revising provisions relating to the electronic
10 transfer of funds; amending s. 713.78, F.S.;
11 limiting the number of times a certificate of
12 destruction may be reassigned; authorizing
13 employees of the Department of Highway Safety
14 and Motor Vehicles and law enforcement officers
15 to inspect certain records; providing penalties
16 for failure to maintain or produce certain
17 records; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Subsection (1) of section 316.003, Florida
22 Statutes, is amended to read:

23 316.003 Definitions.--The following words and phrases,
24 when used in this chapter, shall have the meanings
25 respectively ascribed to them in this section, except where
26 the context otherwise requires:

27 (1) AUTHORIZED EMERGENCY VEHICLES.--Vehicles of the
28 fire department (fire patrol), police vehicles, and such
29 ambulances and emergency vehicles of municipal departments,
30 public service corporations operated by private corporations,
31 the Department of Environmental Protection, the Department of

1 Health, and the Department of Transportation as are designated
2 or authorized by their respective department or the chief of
3 police of an incorporated city or any sheriff of any of the
4 various counties.

5 Section 2. Subsection (9) of section 316.2397, Florida
6 Statutes, is amended to read:

7 316.2397 Certain lights prohibited; exceptions.--
8 (9) Flashing red lights may be used by
9 emergency-response ~~emergency response~~ vehicles of the
10 Department of Environmental Protection and the Department of
11 Health when responding to an emergency in the line of duty.

12 Section 3. Section 316.520, Florida Statutes, is
13 amended to read:

14 316.520 Loads on vehicles.--

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

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

31

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

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

6 319.001 Definitions.--As used in this chapter, the
7 term:

8 (1) "Department" means the Department of Highway
9 Safety and Motor Vehicles.

10 (2) "Front-end assembly" refers to the fenders, hood,
11 grill, and bumper.

12 (3)~~(2)~~ "Licensed dealer," unless otherwise
13 specifically provided, means a motor vehicle dealer licensed
14 under s. 320.27, a mobile home dealer licensed under s.
15 320.77, or a recreational vehicle dealer licensed under s.
16 320.771.

17 (4) "Motorcycle body assembly" refers to the frame,
18 fenders, and gas tanks.

19 (5) "Motorcycle engine" refers to the cylinder block,
20 heads, engine case, and crank case.

21 (6) "Motorcycle transmission" refers to the drive
22 train.

23 (7)~~(3)~~ "New mobile home" means a mobile home the
24 equitable or legal title to which has never been transferred
25 by a manufacturer, distributor, importer, or dealer to an
26 ultimate purchaser.

27 (8)~~(4)~~ "New motor vehicle" means a motor vehicle the
28 equitable or legal title to which has never been transferred
29 by a manufacturer, distributor, importer, or dealer to an
30 ultimate purchaser; however, when legal title is not
31 transferred but possession of a motor vehicle is transferred

1 pursuant to a conditional sales contract or lease and the
2 conditions are not satisfied and the vehicle is returned to
3 the motor vehicle dealer, the motor vehicle may be resold by
4 the motor vehicle dealer as a new motor vehicle, provided the
5 selling motor vehicle dealer gives the following written
6 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A
7 PREVIOUS PURCHASER." The purchaser shall sign an
8 acknowledgment, a copy of which is kept in the selling
9 dealer's file.

10 (9) "Rear body section" refers to both quarter panels
11 and the decklid, bumper, and floor pan.

12 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
13 debt or release of a debtor from a lien by the lienholder.

14 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
15 that is not a "new motor vehicle" as defined in subsection
16 (8)~~(4)~~.

17 Section 5. Paragraphs (b) and (c) of subsection (1)
18 and subsections (2) and (3) of section 319.14, Florida
19 Statutes, are amended, present subsections (6), (7), and (8)
20 of that section are redesignated as subsections (7), (8), and
21 (9), respectively, and a new subsection (6) is added to that
22 section to read:

23 319.14 Sale of motor vehicles registered or used as
24 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
25 and nonconforming vehicles.--

26 (1)

27 (b) No person shall knowingly offer for sale, sell, or
28 exchange a rebuilt vehicle until the department has stamped in
29 a conspicuous place on the certificate of title for the
30 vehicle words stating that the vehicle has been rebuilt or,
31 assembled from parts, ~~or combined~~, or is a kit car, glider

1 kit, replica, or flood vehicle, unless proper application for
2 a certificate of title for a vehicle that is rebuilt or,
3 assembled from parts, ~~or combined,~~ or is a kit car, glider
4 kit, replica, or flood vehicle has been made to the department
5 in accordance with this chapter and the department has
6 conducted the physical examination of the vehicle to assure
7 the identification ~~identity~~ of the vehicle and all major
8 component parts, as defined in s. 319.30(1)(e), which have
9 been repaired or replaced. Thereafter, the department shall
10 affix a decal to the vehicle, in the manner prescribed by the
11 department, showing that the vehicle has been rebuilt.

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

13 1. "Police vehicle" means a motor vehicle owned or
14 leased by the state or a county or municipality and used in
15 law enforcement.

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

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

23 c. "Lease vehicle" includes both short-term-lease
24 vehicles and long-term-lease vehicles.

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

27 4. "Assembled from parts" means a motor vehicle or
28 mobile home assembled from parts or combined from parts of
29 motor vehicles or mobile homes, new or used. "Assembled from
30 parts" does not mean a motor vehicle defined as a "rebuilt
31

1 vehicle" in subparagraph 3., which has been declared a total
2 loss pursuant to s. 319.30.

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

6 5.6. "Kit car" means a motor vehicle assembled with a
7 kit supplied by a manufacturer to rebuild a wrecked or
8 outdated motor vehicle with a new body kit.

9 6.7. "Glider kit" means a vehicle assembled with a kit
10 supplied by a manufacturer to rebuild a wrecked or outdated
11 truck or truck tractor.

12 7.8. "Replica" means a complete new motor vehicle
13 manufactured to look like an old vehicle.

14 8.9. "Flood vehicle" means a motor vehicle or mobile
15 home that has been declared to be a total loss pursuant to s.
16 319.30(3)(a) resulting from damage caused by water.

17 9.10. "Nonconforming vehicle" means a motor vehicle
18 which has been purchased by a manufacturer pursuant to a
19 settlement, determination, or decision under chapter 681.

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

26 (2) No person shall knowingly sell, exchange, or
27 transfer a vehicle referred to in subsection (1) without,
28 prior to consummating the sale, exchange, or transfer,
29 disclosing in writing to the purchaser, customer, or
30 transferee the fact that the vehicle has previously been
31 titled, registered, or used as a taxicab, police vehicle, or

1 short-term-lease vehicle or is a vehicle that is rebuilt or
2 assembled from parts, ~~or combined, or~~ is a kit car, glider
3 kit, replica, or flood vehicle, or is a nonconforming vehicle,
4 as the case may be.

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

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

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

26 319.22 Transfer of title.--

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

1 Section 7. Paragraphs (e) and (f) of subsection (1)
2 and paragraph (b) of subsection (2) and subsections (3), (4),
3 and (5) of section 319.30, Florida Statutes, are amended to
4 read:

5 319.30 Definitions; dismantling, destruction, change
6 of identity of motor vehicle or mobile home; salvage.--

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

8 (e) "Major component parts" means:

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

14 2. For trucks: in addition to those parts listed in
15 subparagraph 1., any truck bed, including, dump, wrecker,
16 crane, mixer, cargo box, or any bed that mounts to a truck
17 frame.

18 3. For motorcycles: the body assembly, frame, fenders,
19 gas tanks, engine, cylinder block, heads, engine case, crank
20 case, transmission, drive train, front fork assembly, and
21 wheels.

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

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

30 (2)

31

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

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

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

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

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

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

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

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

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

20 (4) It is unlawful for any person to have in his or
21 her possession any motor vehicle or mobile home when the
22 manufacturer's or state-assigned identification number plate
23 or serial plate has been removed therefrom. However, ~~nothing~~
24 ~~in this subsection does not apply shall be applicable~~ when a
25 vehicle defined in this section as a derelict or salvage was
26 purchased or acquired from a foreign state requiring such
27 vehicle's identification number plate to be surrendered to
28 such state, provided that the person has ~~shall have~~ an
29 affidavit from the seller describing the vehicle by
30 manufacturer's serial number and the state to which such
31 vehicle's identification number plate was surrendered. This

1 subsection does not apply if a certificate of destruction has
2 been obtained for the 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 Section 8. Subsection (6) is added to section 319.32,
7 Florida Statutes, to read:

8 319.32 Fees; service charges; disposition.--

9 (6) Notwithstanding chapter 116, every county officer
10 within this state who is authorized to collect funds provided
11 for in this chapter shall pay all sums he or she officially
12 receives into the State Treasury within 5 working days from
13 the close of the business day in which the officer received
14 the funds. Payment by county officers to the State of Florida
15 shall be made by means of electronic funds transfer.

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

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

20 (5) It is unlawful for any person, firm, or
21 corporation to knowingly possess, manufacture, sell or
22 exchange, offer to sell or exchange, supply in blank, or give
23 away any counterfeit manufacturer's or state-assigned
24 identification number plates or serial plates or any decal
25 used for the purpose of identification of any motor vehicle;
26 or for any officer, agent, or employee of any person, firm, or
27 corporation, or any person who shall authorize, direct, aid in
28 exchange, or give away such counterfeit manufacturer's or
29 state-assigned identification number plates or serial plates
30 or any decal; or conspire to do any of the foregoing.

31 However, nothing in this subsection shall be applicable to any

1 approved replacement manufacturer's identification number
2 plates or serial plates or any decal issued by the department
3 or any state.

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

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

8 (3) Each tax collector shall keep a full and complete
9 record and account of all validation stickers, mobile home
10 stickers, or other properties received by him or her from the
11 department, or from any other source. Notwithstanding chapter
12 116, every county officer within this state who is authorized
13 to collect funds provided for in this chapter shall pay all
14 sums officially received by him or her into the State Treasury
15 within 5 working days from the close of the business day in
16 which the officer received the funds. Payment by county
17 officers to the State of Florida shall be made by means of
18 electronic funds transfer, and shall make prompt remittance of
19 ~~moneys collected by him or her at such times and in such~~
20 ~~manner as prescribed by law.~~

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

23 320.27 Motor vehicle dealers.--

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

30 (a) Willful violation of any other law of this state,
31 including chapter 319, this chapter, or ss. 559.901-559.9221,

1 which has to do with dealing in or repairing motor vehicles or
2 mobile homes or willful failure to comply with any
3 administrative rule promulgated by the department.

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

7 (b) Commission of fraud or willful misrepresentation
8 in application for or in obtaining a license.

9 (c) Perpetration of a fraud upon any person as a
10 result of dealing in motor vehicles, including, without
11 limitation, the misrepresentation to any person by the
12 licensee of the licensee's relationship to any manufacturer,
13 importer, or distributor.

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

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

26 (f) Misrepresentation or false, deceptive, or
27 misleading statements with regard to the sale or financing of
28 motor vehicles which any motor vehicle dealer has, or causes
29 to have, advertised, printed, displayed, published,
30 distributed, broadcast, televised, or made in any manner with
31 regard to the sale or financing of motor vehicles.

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

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

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

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

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

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

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

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

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

28 (p) Conviction of a felony.

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

31

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

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

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

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

31

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

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

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

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

23 328.73 Registration; duties of tax collectors.--

24 (4) Notwithstanding chapter 116, every county officer
25 within this state who is authorized to collect funds provided
26 for in this chapter shall pay all sums officially received by
27 him or her into the State Treasury within 5 working days from
28 the close of the business day in which the officer received
29 the funds. Payment by county officers to the State of Florida
30 shall be made by means of electronic funds transfer.

31

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

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

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

31

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

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

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

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

27 Section 15. This act shall take effect upon becoming a
28 law.

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SENATE SUMMARY

Revises provisions of law administered by the Department of Highway Safety and Motor Vehicles. (See bill for details.)