

By the Committees on Criminal Justice; Transportation; and  
Senator Sebesta

307-1781-02

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; reenacting s. 316.520, F.S., relating  
10          to 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 reenacted 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 nonmoving violation as  
3 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 decal signifying a  
21 rebuilt status from a vehicle with the intent to conceal the  
22 rebuilt status of the vehicle commits a felony of the third  
23 degree, 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 purchaser 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 or his or her  
19 employee who willfully and knowingly induces a person to sign  
20 an affidavit that falsely asserts that the vehicle title has  
21 been surrendered to the department commits a felony of the  
22 third degree, punishable as provided in s. 775.082 or s.  
23 775.083.

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

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

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

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

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

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

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

1 manufacturer's serial number and the state to which such  
2 vehicle's identification number plate was surrendered. This  
3 subsection does not apply if a certificate of destruction has  
4 been obtained for the vehicle.

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

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

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

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

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

10 319.32 Fees; service charges; disposition.--

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

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

20 319.33 Offenses involving vehicle identification  
21 numbers, applications, certificates, papers; penalty.--

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

1 or any decal; or conspire to do any of the foregoing.  
2 However, nothing in this subsection shall be applicable to any  
3 approved replacement manufacturer's identification number  
4 plates or serial plates or any decal issued by the department  
5 or any state.

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

8 320.03 Registration; duties of tax collectors;  
9 International Registration Plan.--

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

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

25 320.27 Motor vehicle dealers.--

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

27 (a) 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 any of  
30 the following activities ~~failed to comply with any of the~~  
31

1 ~~following provisions with sufficient frequency so as to~~  
2 ~~establish a pattern of wrongdoing on the part of the licensee:~~

3 1.(a) Willful violation of ~~any other law of this~~  
4 ~~state, including chapter 319, this chapter, or ss.~~  
5 559.901-559.9221, which has to do with dealing in or repairing  
6 motor vehicles or mobile homes ~~or willful failure to comply~~  
7 ~~with any administrative rule promulgated by the department.~~

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

11 2.(b) Commission of fraud or willful misrepresentation  
12 in application for or in obtaining a license.

13 3. Conviction of a felony.

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

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

28 ~~(c) Perpetration of a fraud upon any person as a~~  
29 ~~result of dealing in motor vehicles, including, without~~  
30 ~~limitation, the misrepresentation to any person by the~~  
31



1 ~~licensee of the licensee's relationship to any manufacturer,~~  
2 ~~importer, or distributor.~~

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

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

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

22 4. 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 5. 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 6. Failure to apply for transfer of a title as  
31 prescribed in s. 319.23(6).

1           7. Use of the dealer license identification number by  
2 any person other than the licensed dealer or his or her  
3 designee.

4           8. Failure to continually meet the requirements of the  
5 licensure law.

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

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

15           11.(h) Requirement by any motor vehicle dealer that  
16 any customer or purchaser finance a motor vehicle with a  
17 specific financial institution or company.

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

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

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

29           13. Perpetration of a fraud upon any person as a  
30 result of dealing in motor vehicles, including, without  
31 limitation, the misrepresentation to any person by the

1 licensee of the licensee's relationship to any manufacturer,  
2 importer, or distributor.

3 14.(1) Violation of any of the provisions of s. 319.35  
4 by any motor vehicle dealer.

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

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

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

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

18 ~~(o) Use of the dealer license identification number by~~  
19 ~~any person other than the licensed dealer or his or her~~  
20 ~~designee.~~

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

22 ~~(q) Failure to continually meet the requirements of~~  
23 ~~the licensure law.~~

24 (c)(r) When a motor vehicle dealer is convicted of a  
25 crime which results in his or her being prohibited from  
26 continuing in that capacity, the dealer may not continue in  
27 any capacity within the industry. The offender shall have no  
28 financial interest, management, sales, or other role in the  
29 operation of a dealership. Further, the offender may not  
30 derive income from the dealership beyond reasonable  
31

1 compensation for the sale of his or her ownership interest in  
2 the business.

3 ~~(s) Representation to a customer or any advertisement~~  
4 ~~to the general public representing or suggesting that a motor~~  
5 ~~vehicle is a new motor vehicle if such vehicle lawfully cannot~~  
6 ~~be titled in the name of the customer or other member of the~~  
7 ~~general public by the seller using a manufacturer's statement~~  
8 ~~of origin as permitted in s. 319.23(1).~~

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

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

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

26 320.60 Definitions for ss. 320.61-320.70.--Whenever  
27 used in ss. 320.61-320.70, unless the context otherwise  
28 requires, the following words and terms have the following  
29 meanings:

30 (10) "Motor vehicle" means any new automobile,  
31 motorcycle, or truck, heavy truck, or bus as defined in s.

1 316.003, the equitable or legal title to which has never been  
2 transferred by a manufacturer, distributor, importer, or  
3 dealer to an ultimate purchaser; however, when legal title is  
4 not transferred but possession of a motor vehicle is  
5 transferred pursuant to a conditional sales contract or lease  
6 and the conditions are not satisfied and the vehicle is  
7 returned to the motor vehicle dealer, the motor vehicle may be  
8 resold by the motor vehicle dealer as a new motor vehicle,  
9 provided the selling motor vehicle dealer gives the following  
10 written notice to the purchaser: "THIS VEHICLE WAS DELIVERED  
11 TO A PREVIOUS PURCHASER." The purchaser shall sign an  
12 acknowledgment, a copy of which is kept in the selling  
13 dealer's file.

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

16 328.73 Registration; duties of tax collectors.--

17 (4) Notwithstanding chapter 116, every county officer  
18 within this state who is authorized to collect funds provided  
19 for in this chapter shall pay all sums officially received by  
20 him or her into the State Treasury within 5 working days from  
21 the close of the business day in which the officer received  
22 the funds. Payment by county officers to the State of Florida  
23 shall be made by means of electronic funds transfer.

24 Section 14. Paragraph (a) of subsection (11) and  
25 subsection (12) of section 713.78, Florida Statutes, are  
26 amended to read:

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

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

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

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

28 (b) Any person who violates the provisions of  
29 subsections (8) through (11) is guilty of a felony of the  
30 third degree, punishable as provided in s. 775.082, s.  
31 775.083, or s. 775.084.

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

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

18 Section 15. This act shall take effect upon becoming a  
19 law.

20  
21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
22 COMMITTEE SUBSTITUTE FOR  
23 CS for Senate Bill 522

- 24 - Includes a salvage motor vehicle dealer's employees as  
25 among those who could be prosecuted for a third degree  
26 felony for inducing a person to sign a false affidavit  
alleging that a vehicle title has been surrendered to  
the DHSMV.
- 27 - Provides that certain one-time law violations, rather  
28 than a pattern of wrong-doing, may result in  
29 administrative action by the DHSMV against a motor  
30 vehicle dealer.