

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. 318.1451, F.S.; revising
12 provisions governing driver improvement
13 schools; amending s. 319.001, F.S.; revising
14 definitions with respect to component parts of
15 motor vehicles; amending s. 319.14, F.S.;
16 authorizing the Department of Highway Safety
17 and Motor Vehicles to affix a decal on rebuilt
18 motor vehicles; redefining the term "assembled
19 from parts" and eliminating the definition of
20 the term "combined"; providing a penalty for
21 the removal of rebuilt decals; amending s.
22 319.22, F.S.; prohibiting the transfer of title
23 without a purchaser's name; providing a
24 penalty; amending s. 319.30, F.S.; redefining
25 the term "major component part"; providing a
26 penalty for falsely reporting certain
27 information to the Department of Highway Safety
28 and Motor Vehicles; amending s. 319.22, F.S.;
29 prohibiting the transfer of title without a
30 purchaser's name; providing a penalty; amending
31 s. 319.32, F.S.; revising provisions relating

1 to the electronic transfer of funds; amending
2 s. 319.33, F.S.; revising provisions relating
3 to state-assigned vehicle identification
4 numbers; amending s. 320.03, F.S.; revising
5 provisions relating to the electronic transfer
6 of funds; amending s. 320.27, F.S.; revising
7 provisions relating to the denial, suspension,
8 or revocation of motor vehicle dealer licenses;
9 amending s. 320.60, F.S.; redefining the term
10 "motor vehicle"; amending s. 322.095, F.S.;
11 revising provisions governing traffic law and
12 substance abuse education courses; amending s.
13 328.73, F.S.; revising provisions relating to
14 the electronic transfer of funds; amending s.
15 713.78, F.S.; limiting the number of times a
16 certificate of destruction may be reassigned;
17 authorizing employees of the Department of
18 Highway Safety and Motor Vehicles and law
19 enforcement officers to inspect certain
20 records; providing penalties for failure to
21 maintain or produce certain records; providing
22 an effective date.

23

24 Be It Enacted by the Legislature of the State of Florida:

25

26 Section 1. Subsection (1) of section 316.003, Florida
27 Statutes, is amended to read:28 316.003 Definitions.--The following words and phrases,
29 when used in this chapter, shall have the meanings
30 respectively ascribed to them in this section, except where
31 the context otherwise requires:

1 (1) AUTHORIZED EMERGENCY VEHICLES.--Vehicles of the
2 fire department (fire patrol), police vehicles, and such
3 ambulances and emergency vehicles of municipal departments,
4 public service corporations operated by private corporations,
5 the Department of Environmental Protection, the Department of
6 Health, and the Department of Transportation as are designated
7 or authorized by their respective department or the chief of
8 police of an incorporated city or any sheriff of any of the
9 various counties.

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

12 316.2397 Certain lights prohibited; exceptions.--

13 (9) Flashing red lights may be used by
14 emergency-response ~~emergency response~~ vehicles of the
15 Department of Environmental Protection and the Department of
16 Health when responding to an emergency in the line of duty.

17 Section 3. Section 316.520, Florida Statutes, is
18 reenacted to read:

19 316.520 Loads on vehicles.--

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

27 (2) It is the duty of every owner and driver,
28 severally, of any vehicle hauling, upon any public road or
29 highway open to the public, dirt, sand, lime rock, gravel,
30 silica, or other similar aggregate or trash, garbage, or any
31 similar material that could fall or blow from such vehicle, to

1 prevent such materials from falling, blowing, or in any way
2 escaping from such vehicle. Covering and securing the load
3 with a close-fitting tarpaulin or other appropriate cover is
4 required.

5 (3) A violation of this section is a noncriminal
6 traffic infraction, punishable as a nonmoving violation as
7 provided in chapter 318.

8 Section 4. Subsection (5) of section 318.1451, Florida
9 Statutes, is amended to read:

10 318.1451 Driver improvement schools.--

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

22 (b) The department or court may ~~shall~~ prepare for ~~any~~
23 ~~governmental entity to distribute~~ a traffic school reference
24 guide which lists ~~shall list~~ the benefits of attending a
25 driver improvement school and contains the names of the fully
26 approved course providers with a single telephone number for
27 each provider as furnished by the provider, ~~but under no~~
28 ~~circumstance may any list of course providers or schools be~~
29 ~~included, and shall refer further inquiries to the telephone~~
30 ~~directory under driving instruction.~~

31

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

3 319.001 Definitions.--As used in this chapter, the
4 term:

5 (1) "Department" means the Department of Highway
6 Safety and Motor Vehicles.

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

9 (3)~~(2)~~ "Licensed dealer," unless otherwise
10 specifically provided, means a motor vehicle dealer licensed
11 under s. 320.27, a mobile home dealer licensed under s.
12 320.77, or a recreational vehicle dealer licensed under s.
13 320.771.

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

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

18 (6) "Motorcycle transmission" refers to the drive
19 train.

20 (7)~~(3)~~ "New mobile home" means a mobile home the
21 equitable or legal title to which has never been transferred
22 by a manufacturer, distributor, importer, or dealer to an
23 ultimate purchaser.

24 (8)~~(4)~~ "New motor vehicle" means a motor vehicle the
25 equitable or legal title to which has never been transferred
26 by a manufacturer, distributor, importer, or dealer to an
27 ultimate purchaser; however, when legal title is not
28 transferred but possession of a motor vehicle is transferred
29 pursuant to a conditional sales contract or lease and the
30 conditions are not satisfied and the vehicle is returned to
31 the motor vehicle dealer, the motor vehicle may be resold by

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

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

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

11 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
12 that is not a "new motor vehicle" as defined in subsection
13 (8)~~(4)~~.

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

20 319.14 Sale of motor vehicles registered or used as
21 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
22 and nonconforming vehicles.--

23 (1)

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

1 kit, replica, or flood vehicle has been made to the department
2 in accordance with this chapter and the department has
3 conducted the physical examination of the vehicle to assure
4 the identification identity of the vehicle and all major
5 component parts, as defined in s. 319.30(1)(e), which have
6 been repaired or replaced. Thereafter, the department shall
7 affix a decal to the vehicle, in the manner prescribed by the
8 department, showing that the vehicle has been rebuilt.

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

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

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

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

20 c. "Lease vehicle" includes both short-term-lease
21 vehicles and long-term-lease vehicles.

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

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

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31

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

4 5.6. "Kit car" means a motor vehicle assembled with a
5 kit supplied by a manufacturer to rebuild a wrecked or
6 outdated motor vehicle with a new body kit.

7 ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit
8 supplied by a manufacturer to rebuild a wrecked or outdated
9 truck or truck tractor.

10 ~~7.8.~~ "Replica" means a complete new motor vehicle
11 manufactured to look like an old vehicle.

12 ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile
13 home that has been declared to be a total loss pursuant to s.
14 319.30(3)(a) resulting from damage caused by water.

15 ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle
16 which has been purchased by a manufacturer pursuant to a
17 settlement, determination, or decision under chapter 681.

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

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

1 kit, replica, or flood vehicle, or is a nonconforming vehicle,
2 as the case may be.

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

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

22 Section 7. Subsection (5) is added to section 319.22,
23 Florida Statutes, to read:

24 319.22 Transfer of title.--

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

30 Section 8. Paragraphs (e) and (f) of subsection (1)
31 and paragraph (b) of subsection (2) and subsections (3), (4),

1 and (5) of section 319.30, Florida Statutes, are amended to
2 read:

3 319.30 Definitions; dismantling, destruction, change
4 of identity of motor vehicle or mobile home; salvage.--

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

6 (e) "Major component parts" means:

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

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

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

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

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

28 (2)

29 (b) When a motor vehicle is sold, transported, or
30 delivered to a salvage motor vehicle dealer, it shall be
31 accompanied by:

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

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

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

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

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

29 2. When an uninsured motor vehicle or mobile home is
30 wrecked or damaged and the cost, at the time of loss, of
31 repairing or rebuilding the vehicle is 80 percent or more of

1 the cost to the owner of replacing the wrecked or damaged
2 motor vehicle or mobile home with one of like kind and
3 quality.

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

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

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

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

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

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

1 identification number plate that was removed from this
2 replacement part will be installed on the part that was
3 removed from the vehicle being repaired.

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

6 319.32 Fees; service charges; disposition.--

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

14 Section 10. Subsection (5) of section 319.33, Florida
15 Statutes, is amended to read:

16 319.33 Offenses involving vehicle identification
17 numbers, applications, certificates, papers; penalty.--

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

29 However, nothing in this subsection shall be applicable to any
30 approved replacement manufacturer's identification number
31

1 plates or serial plates or any decal issued by the department
2 or any state.

3 Section 11. Subsection (3) of section 320.03, Florida
4 Statutes, is amended to read:

5 320.03 Registration; duties of tax collectors;
6 International Registration Plan.--

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

20 Section 12. Subsection (9) of section 320.27, Florida
21 Statutes, is amended to read:

22 320.27 Motor vehicle dealers.--

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

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

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

1 559.901-559.9221, which has to do with dealing in or repairing
2 motor vehicles or mobile homes ~~or willful failure to comply~~
3 ~~with any 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 2.(b) Commission of fraud or willful misrepresentation
8 in application for or in obtaining a license.

9 3. Conviction of a felony.

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

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

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

29 1.(d) Representation that a demonstrator is a new
30 motor vehicle, or the attempt to sell or the sale of a
31 demonstrator as a new motor vehicle without written notice to

1 the purchaser that the vehicle is a demonstrator. For the
2 purposes of this section, a "demonstrator," a "new motor
3 vehicle," and a "used motor vehicle" shall be defined as under
4 s. 320.60.

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

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

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

22 5. Failure of any motor vehicle dealer to comply with
23 the terms of any bona fide written, executed agreement,
24 pursuant to the sale of a motor vehicle.

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

27 7. Use of the dealer license identification number by
28 any person other than the licensed dealer or his or her
29 designee.

30 8. Failure to continually meet the requirements of the
31 licensure law.

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

7 ~~10.(g)~~ Requirement by any motor vehicle dealer that a
8 customer or purchaser accept equipment on his or her motor
9 vehicle which was not ordered by the customer or purchaser.

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

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

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

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

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

29 ~~14.(l)~~ Violation of any of the provisions of s. 319.35
30 by any motor vehicle dealer.

31

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

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

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

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

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

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

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

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

29 ~~(s) Representation to a customer or any advertisement~~
30 ~~to the general public representing or suggesting that a motor~~
31 ~~vehicle is a new motor vehicle if such vehicle lawfully cannot~~

1 ~~be titled in the name of the customer or other member of the~~
2 ~~general public by the seller using a manufacturer's statement~~
3 ~~of origin as permitted in s. 319.23(1).~~

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

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

19 Section 13. Subsection (10) of section 320.60, Florida
20 Statutes, is amended to read:

21 320.60 Definitions for ss. 320.61-320.70.--Whenever
22 used in ss. 320.61-320.70, unless the context otherwise
23 requires, the following words and terms have the following
24 meanings:

25 (10) "Motor vehicle" means any new automobile,
26 motorcycle, ~~or truck~~, heavy truck, or bus as defined in s.
27 316.003, the equitable or legal title to which has never been
28 transferred by a manufacturer, distributor, importer, or
29 dealer to an ultimate purchaser; however, when legal title is
30 not transferred but possession of a motor vehicle is
31 transferred pursuant to a conditional sales contract or lease

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

9 Section 14. Subsection (7) of section 322.095, Florida
10 Statutes, is amended to read:

11 322.095 Traffic law and substance abuse education
12 program for driver's license applicants.--

13 ~~(7)(a) No governmental entity or court shall provide,~~
14 ~~issue, or maintain any information or orders regarding traffic~~
15 ~~law and substance abuse education program schools or course~~
16 ~~providers, with the exception of directing inquiries or~~
17 ~~requests to the local telephone directory heading of driving~~
18 ~~instruction or the driver's license applicant reference guide.~~
19 However,The department is authorized to maintain the
20 information and records necessary to administer its duties and
21 responsibilities for the program. Where such information is a
22 public record as defined in chapter 119, it shall be made
23 available to the public upon request pursuant to s. 119.07(1).
24 The department shall approve and regulate courses that use
25 technology as the delivery method of all traffic law and
26 substance abuse education courses as the courses relate to
27 this section.

28 ~~(b) The department shall prepare for any governmental~~
29 ~~entity to distribute a driver's license applicant reference~~
30 ~~guide which shall list the benefits of attending a traffic law~~
31 ~~and substance abuse education school, but under no~~

1 ~~circumstance may include any list of course providers or~~
2 ~~schools. The department shall refer further inquiries to the~~
3 ~~telephone directory heading of driving instruction.~~

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

6 328.73 Registration; duties of tax collectors.--

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

14 Section 16. Paragraph (a) of subsection (11) and
15 subsection (12) of section 713.78, Florida Statutes, are
16 amended to read:

17 713.78 Liens for recovering, towing, or storing
18 vehicles and vessels.--

19 (11)(a) Any person regularly engaged in the business
20 of recovering, towing, or storing vehicles or vessels who
21 comes into possession of a vehicle or vessel pursuant to
22 subsection (2) and who has complied with the provisions of
23 subsections (3) and (6), when such vehicle or vessel is to be
24 sold for purposes of being dismantled, destroyed, or changed
25 in such manner that it is not the motor vehicle, vessel, or
26 mobile home described in the certificate of title, shall apply
27 to the county tax collector for a certificate of destruction.
28 A certificate of destruction, which authorizes the dismantling
29 or destruction of the vehicle or vessel described therein,
30 shall be reassignable a maximum of two times before
31 dismantling or destruction of the vehicle shall be required,

1 and shall accompany the vehicle or vessel for which it is
2 issued, when such vehicle or vessel is sold for such purposes,
3 in lieu of a certificate of title. Final dismantling or
4 destruction must occur within 30 days after the second
5 reassignment of the certificate of destruction.The
6 application for a certificate of destruction must include an
7 affidavit from the applicant that it has complied with all
8 applicable requirements of this section and, if the vehicle or
9 vessel is not registered in this state, by a statement from a
10 law enforcement officer that the vehicle or vessel is not
11 reported stolen, and shall be accompanied by such
12 documentation as may be required by the department.

13 (12)(a) Any person who violates any provision of
14 subsection (1), subsection (2), subsection (4), subsection
15 (5), subsection (6), or subsection (7) is guilty of a
16 misdemeanor of the first degree, punishable as provided in s.
17 775.082 or s. 775.083.

18 (b) Any person who violates the provisions of
19 subsections (8) through (11) is guilty of a felony of the
20 third degree, punishable as provided in s. 775.082, s.
21 775.083, or s. 775.084.

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

28 (d) Employees of the Department of Highway Safety and
29 Motor Vehicles and law enforcement officers are authorized to
30 inspect the records of any person regularly engaged in the
31 business of recovering, towing, or storing vehicles or vessels

1 or transporting vehicles or vessels by wrecker, tow truck, or
2 car carrier, to ensure compliance with the requirements of
3 this section. Any person who fails to maintain records, or
4 fails to produce records when requested in a reasonable manner
5 and at a reasonable time, is guilty of a misdemeanor of the
6 first degree, punishable as provided in s. 775.082 or s.
7 775.083.

8 Section 17. This act shall take effect upon becoming a
9 law.

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