

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 316.006, F.S.; revising the traffic control
4 jurisdiction of a county over certain roads and
5 rights-of-way dedicated in a residential
6 subdivision under certain circumstances;
7 creating s. 316.00825, F.S.; authorizing the
8 governing body of a county to abandon the roads
9 and rights-of-way dedicated in a recorded
10 subdivision plat under certain circumstances;
11 providing for traffic control jurisdiction of
12 such roads; amending s. 316.061, F.S.;
13 authorizing specified entities to remove
14 crashed motor vehicles in certain
15 circumstances; limiting liability; amending s.
16 316.520, F.S.; revising language with respect
17 to penalties relating to loads on vehicles;
18 amending s. 318.1451, F.S.; revising provisions
19 governing driver improvement schools; amending
20 s. 318.18, F.S.; amending s. 319.001, F.S.;
21 providing definitions with respect to
22 provisions of law relating to title
23 certificates; correcting a cross reference, to
24 conform; amending s. 319.14, F.S.; revising
25 language with respect to the sale of motor
26 vehicles registered or used as taxicabs, police
27 vehicles, lease vehicles, or rebuilt vehicles
28 and nonconforming vehicles; amending s. 319.22,
29 F.S.; providing that it is illegal to transfer
30 title to a motor vehicle under certain
31 circumstances; providing a penalty; amending s.

1 319.30, F.S., relating to salvage; revising
2 circumstances; limiting liability; re-enacting
3 s. 316.520, F.S.; relating to loads on
4 vehicles; amending s. 319.32, F.S.; providing a
5 time period for the payment of certain funds by
6 county officers to the State Treasury by
7 electronic funds transfer; amending s. 319.33,
8 F.S.; including reference to state-assigned
9 identification number plates; amending s.
10 320.03, F.S.; providing a time period for
11 county officers to pay certain funds to the
12 State Treasury by electronic funds transfer;
13 amending s. 320.27, F.S.; revising language
14 with respect to the denial, suspension, or
15 revocation of a license by the department with
16 respect to motor vehicle dealers; amending s.
17 322.095, F.S.; revising provisions governing
18 traffic law and substance abuse education
19 courses; amending s. 328.73, F.S.; providing a
20 time period for county officers to pay certain
21 funds to the State Treasury by electronic funds
22 transfer; amending s. 713.78, F.S.; authorizing
23 employees of the department and law enforcement
24 officers to inspect the records of persons
25 regularly engaged in the business of
26 recovering, towing, or storing vehicles or
27 vessels; providing a penalty for failure to
28 maintain required records or failure to produce
29 records when required; amending ss. 316.251 and
30 501.976, F.S.; correcting a cross reference, to
31 conform; amending s. 681.103, F.S.; requiring

1 that certain information relating to filing a
2 claim with a mediation and arbitration program
3 be provided by the name plate manufacturer to
4 the consumer; amending s. 681.1096, F.S.;
5 postponing termination of the mediation and
6 arbitration pilot program; amending s.
7 681.1097, F.S.; providing for screening of
8 claims by the program; providing an effective
9 date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (c) is added to subsection (3) of
14 section 316.006, Florida Statutes, to read:

15 316.006 Jurisdiction.--Jurisdiction to control traffic
16 is vested as follows:

17 (3) COUNTIES.--

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

25
26 Notwithstanding the provisions of subsection (2), each county
27 shall have original jurisdiction to regulate parking, by
28 resolution of the board of county commissioners and the
29 erection of signs conforming to the manual and specifications
30 of the Department of Transportation, in parking areas located
31 on property owned or leased by the county, whether or not such

1 areas are located within the boundaries of chartered
2 municipalities.

3 Section 2. Section 316.00825, Florida Statutes, is
4 created to read:

5 316.00825 Closing and abandonment of roads; optional
6 conveyance to homeowners' association; traffic control
7 jurisdiction.--

8 (1)(a) In addition to the authority provided in s.
9 336.12, the governing body of the county may abandon the roads
10 and rights-of-way dedicated in a recorded residential
11 subdivision plat and simultaneously convey the county's
12 interest in such roads, rights-of-way, and appurtenant
13 drainage facilities to a homeowners' association for the
14 subdivision, if the following conditions have been met:

15 1. The homeowners' association has requested the
16 abandonment and conveyance in writing for the purpose of
17 converting the subdivision to a gated neighborhood with
18 restricted public access.

19 2. No fewer than four-fifths of the owners of record
20 of property located in the subdivision have consented in
21 writing to the abandonment and simultaneous conveyance to the
22 homeowners' association.

23 3. The homeowners' association is both a corporation
24 not for profit organized and in good standing under chapter
25 617, and a "homeowners' association" as defined in s.
26 720.301(7) with the power to levy and collect assessments for
27 routine and periodic major maintenance and operation of street
28 lighting, drainage, sidewalks, and pavement in the
29 subdivision.

30 4. The homeowners' association has entered into and
31 executed such agreements, covenants, warranties, and other

1 instruments; has provided, or has provided assurance of, such
2 funds, reserve funds, and funding sources; and has satisfied
3 such other requirements and conditions as may be established
4 or imposed by the county with respect to the ongoing
5 operation, maintenance, and repair and the periodic
6 reconstruction or replacement of the roads, drainage, street
7 lighting, and sidewalks in the subdivision after the
8 abandonment by the county.

9 (b) The homeowners' association shall install,
10 operate, maintain, repair, and replace all signs, signals,
11 markings, striping, guardrails, and other traffic control
12 devices necessary or useful for the private roads unless an
13 agreement has been entered into between the county and the
14 homeowners' association, as authorized under s. 316.006(3)(b),
15 expressly providing that the county has traffic control
16 jurisdiction.

17 (2) Upon abandonment of the roads and rights-of-way
18 and the conveyance thereof to the homeowners' association, the
19 homeowners' association shall have all the rights, title, and
20 interest in the roads and rights-of-way, including all
21 appurtenant drainage facilities, as were previously vested in
22 the county. Thereafter, the homeowners' association shall
23 hold the roads and rights-of-way in trust for the benefit of
24 the owners of the property in the subdivision, and shall
25 operate, maintain, repair, and, from time to time, replace and
26 reconstruct the roads, street lighting, sidewalks, and
27 drainage facilities as necessary to ensure their use and
28 enjoyment by the property owners, tenants, and residents of
29 the subdivision and their guests and invitees. The provisions
30 of this section shall be regarded as supplemental and
31

1 additional to the provisions of s. 336.12, and shall not be
2 regarded as in derogation of that section.

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

5 316.061 Crashes involving damage to vehicle or
6 property.--

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

23 Section 4. Section 316.520, Florida Statutes, is
24 re-enacted to read:

25 316.520 Loads on vehicles.--

26 (1) A vehicle may not be driven or moved on any
27 highway unless the vehicle is so constructed or loaded as to
28 prevent any of its load from dropping, shifting, leaking,
29 blowing, or otherwise escaping therefrom, except that sand may
30 be dropped only for the purpose of securing traction or water
31

1 or other substance may be sprinkled on a roadway in cleaning
2 or maintaining the roadway.

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

12 (3) A violation of this section is a noncriminal
13 traffic infraction, punishable as a nonmoving violation as
14 provided in chapter 318.

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

17 318.1451 Driver improvement schools.--

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

29 (b) The department or court may ~~shall~~ prepare ~~for any~~
30 ~~governmental entity to distribute~~ a traffic school reference
31 guide which lists ~~shall list~~ the benefits of attending a

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

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

9 318.18 Amount of civil penalties.--The penalties
 10 required for a noncriminal disposition pursuant to s. 318.14
 11 are as follows:

12 (3)

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

15	16	17	18	19	20	21	22
	For speed exceeding the limit by:						Fine:
	1-5 m.p.h.....						Warning
	6-9 m.p.h.....						\$ 25
	10-14 m.p.h.....						\$100
	15-19 m.p.h.....						\$125
	20-29 m.p.h.....						\$150
	30 m.p.h. and above.....						\$250

23
 24 Section 7. Section 319.001, Florida Statutes, is
 25 amended to read:

26 319.001 Definitions.--As used in this chapter, the
 27 term:

28 (1) "Department" means the Department of Highway
 29 Safety and Motor Vehicles.

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

1 ~~(3)(2)~~ "Licensed dealer," unless otherwise
2 specifically provided, means a motor vehicle dealer licensed
3 under s. 320.27, a mobile home dealer licensed under s.
4 320.77, or a recreational vehicle dealer licensed under s.
5 320.771.

6 (4) "Motorcycle body assembly" means frame, fenders,
7 and gas tanks.

8 (5) "Motorcycle engine" means cylinder block, heads,
9 engine case, and crank case.

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

11 ~~(7)(3)~~ "New mobile home" means a mobile home the
12 equitable or legal title to which has never been transferred
13 by a manufacturer, distributor, importer, or dealer to an
14 ultimate purchaser.

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

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

31

1 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
2 debt or release of a debtor from a lien by the lienholder.

3 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
4 that is not a "new motor vehicle" as defined in subsection(8)
5 ~~(4)~~.

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

8 319.14 Sale of motor vehicles registered or used as
9 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
10 and nonconforming vehicles.--

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

1 "Manufacturer's Buy Back" to reflect that the vehicle is a
2 nonconforming vehicle.

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

19 (c) As used in this section:

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

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

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

30 c. "Lease vehicle" includes both short-term-lease
31 vehicles and long-term-lease vehicles.

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

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

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

12 ~~5.6.~~ "Kit car" means a motor vehicle assembled with a
13 kit supplied by a manufacturer to rebuild a wrecked or
14 outdated motor vehicle with a new body kit.

15 ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit
16 supplied by a manufacturer to rebuild a wrecked or outdated
17 truck or truck tractor.

18 ~~7.8.~~ "Replica" means a complete new motor vehicle
19 manufactured to look like an old vehicle.

20 ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile
21 home that has been declared to be a total loss pursuant to s.
22 319.30(3)(a) resulting from damage caused by water.

23 ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle
24 which has been purchased by a manufacturer pursuant to a
25 settlement, determination, or decision under chapter 681.

26 ~~10.11.~~ "Settlement" means an agreement entered into
27 between a manufacturer and a consumer that occurs after a
28 dispute is submitted to a program, or an informal dispute
29 settlement procedure established by a manufacturer or is
30 approved for arbitration before the New Motor Vehicle
31 Arbitration Board as defined in s. 681.102.

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

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

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

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

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

15 ~~(7)~~(6) This section applies to a mobile home, travel
16 trailer, camping trailer, truck camper, or fifth-wheel
17 recreation trailer only when such mobile home or vehicle is a
18 rebuilt vehicle or is assembled from parts.

19 ~~(8)~~(7) No person shall be liable or accountable in any
20 civil action arising out of a violation of this section if the
21 designation of the previous use or condition of the motor
22 vehicle is not noted on the certificate of title and
23 registration certificate of the vehicle which was received by,
24 or delivered to, such person, unless such person has actively
25 concealed the prior use or condition of the vehicle from the
26 purchaser.

27 ~~(9)~~(8) Subsections (1), (2), and (3) do not apply to
28 the transfer of ownership of a motor vehicle after the motor
29 vehicle has ceased to be used as a lease vehicle and the
30 ownership has been transferred to an owner for private use or
31 to the transfer of ownership of a nonconforming vehicle with

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

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

10 319.22 Transfer of title.--

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

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

19 319.30 Definitions; dismantling, destruction, change
20 of identity of motor vehicle or mobile home; salvage.--

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

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

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

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

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

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

11 (e) "Major component parts" means:

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

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

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

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

29 (f) "Major part" means the front-end assembly,
30 ~~(fenders, hood, grill, and bumper);~~cowl assembly,~~or rear~~
31

1 body section~~(both quarter panels, decklid, bumper, and floor~~
2 ~~pan)~~.

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

5 (h) "Mobile home" means mobile home as defined in s.
6 320.01(2).

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

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

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

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

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

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

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

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

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

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

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

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

31

1 (c) Anyone who willfully and knowingly induces a
2 person to sign an affidavit that falsely asserts that the
3 vehicle title has been surrendered to the department commits a
4 felony of the third degree, punishable as provided in s.
5 775.082 or s. 775.083.

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

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

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

21 (b) The owner of any motor vehicle or mobile home
22 which is considered to be salvage, including persons who are
23 self-insured, shall, within 72 hours after the motor vehicle
24 or mobile home becomes salvage, forward the title to the motor
25 vehicle or mobile home to the department for processing.
26 However, an insurance company which pays money as compensation
27 for total loss of a motor vehicle or mobile home shall obtain
28 the certificate of title for the motor vehicle or mobile home
29 and, within 72 hours after receiving such certificate of
30 title, shall forward such title to the department for
31 processing. The owner or insurance company, as the case may

1 be, may not dispose of a vehicle or mobile home that is a
2 total loss before it has obtained a salvage certificate of
3 title or certificate of destruction from the department. When
4 applying for a salvage certificate of title or certificate of
5 destruction, the owner or insurance company must provide the
6 department with an estimate of the costs of repairing the
7 physical and mechanical damage suffered by the vehicle for
8 which a salvage certificate of title or certificate of
9 destruction is sought. If the estimated costs of repairing the
10 physical and mechanical damage to the vehicle are equal to 80
11 percent or more of the current retail cost of the vehicle, as
12 established in any official used car or used mobile home
13 guide, the department shall declare the vehicle unrebuildable
14 and print a certificate of destruction, which authorizes the
15 dismantling or destruction of the motor vehicle or mobile home
16 described therein. This certificate of destruction shall be
17 reassignable a maximum of two times before dismantling or
18 destruction of the vehicle shall be required, and shall
19 accompany the motor vehicle or mobile home for which it is
20 issued, when such motor vehicle or mobile home is sold for
21 such purposes, in lieu of a certificate of title, and,
22 thereafter, the department shall refuse issuance of any
23 certificate of title for that vehicle. Nothing in this
24 subsection shall be applicable when a vehicle is worth less
25 than \$1,500 retail in undamaged condition in any official used
26 motor vehicle guide or used mobile home guide or when a stolen
27 motor vehicle or mobile home is recovered in substantially
28 intact condition and is readily resalable without extensive
29 repairs to or replacement of the frame or engine. Any person
30 who willfully and deliberately violates this paragraph or
31 falsifies any document to avoid the requirements of this

1 paragraph commits a misdemeanor of the first degree,
2 punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

29 (b) It is unlawful for any person to knowingly
30 possess, sell, or exchange, offer to sell or exchange, or give
31 away any manufacturer's or state-assigned identification

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

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

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

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

30
31

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

4
5 Any person who violates this subsection commits a misdemeanor
6 of the first degree, punishable as provided in s. 775.082 or
7 s. 775.083.

8 (7) In the event of a purchase by a secondary metals
9 recycler, that has been issued a certificate of registration
10 number, of:

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

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

25 (c) Materials from another secondary metals recycler
26 for purposes of the processing of such materials, the
27 purchaser shall record the seller's name, address, and date of
28 purchase.

29 (d) Motor vehicles, mobile homes, or derelicts from
30 other than a secondary metals recycler for purposes of the
31 processing of such motor vehicles, mobile homes, or derelicts,

1 the purchaser shall record the seller's name, address, date of
2 purchase, and the personal identification card number of the
3 person delivering such items, and shall obtain the following
4 documentation from the seller with respect to each item
5 purchased:

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

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

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

17 (e) Major parts from other than a secondary metals
18 recycler for purposes of the processing of such major parts,
19 the purchaser shall record the seller's name, address, date of
20 purchase, and the personal identification card number of the
21 person delivering such items, as well as the vehicle
22 identification number, if available, of each major part
23 purchased.

24

25 Any person who violates this subsection commits a felony of
26 the third degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

28 (8)(a) Secondary metals recyclers and salvage motor
29 vehicle dealers shall return to the department on a monthly
30 basis all certificates of title required by this section to be
31 obtained.

1 (b) Secondary metals recyclers and salvage motor
2 vehicle dealers shall keep all certificates of destruction,
3 seller's affidavits, and all other information required by
4 this section to be recorded or obtained, on file in the
5 offices of such secondary metals recyclers or salvage motor
6 vehicle dealers for a period of 3 years from the date of
7 purchase of the items reflected in such certificates of
8 destruction or seller's affidavits. These records shall be
9 maintained in chronological order.

10 (c) For the purpose of enforcement of this section,
11 the department or its agents and employees have the same right
12 of inspection as law enforcement officers as provided in s.
13 812.055.

14 (9) Except as otherwise provided in this section, any
15 person who violates this section commits a felony of the third
16 degree, punishable as provided in s. 775.082, s. 775.083, or
17 s. 775.084.

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

20 319.32 Fees; service charges; disposition.--

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

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

30 319.33 Offenses involving vehicle identification
31 numbers, applications, certificates, papers; penalty.--

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

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

18 320.03 Registration; duties of tax collectors;
19 International Registration Plan.--

20 (3) Each tax collector shall keep a full and complete
21 record and account of all validation stickers, mobile home
22 stickers, or other properties received by him or her from the
23 department, or from any other source, ~~and shall make prompt~~
24 ~~remittance of moneys collected by him or her at such times and~~
25 ~~in such manner as prescribed by law.~~ Notwithstanding chapter
26 116, every county officer within this state authorized to
27 collect funds provided for in this chapter shall pay all sums
28 officially received by the officer into the State Treasury no
29 later than 5 working days after the close of the business day
30 in which the officer received the funds. Payment by county
31

1 officers to the state shall be made by means of electronic
2 funds transfer.

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

5 320.27 Motor vehicle dealers.--

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

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

13 ~~(a) Willful violation of any other law of this state,~~
14 ~~including chapter 319, this chapter, or ss. 559.901-559.9221,~~
15 ~~which has to do with dealing in or repairing motor vehicles or~~
16 ~~mobile homes or willful failure to comply with any~~
17 ~~administrative rule promulgated by the department.~~
18 ~~Additionally, in the case of used motor vehicles, the willful~~
19 ~~violation of the federal law and rule in 15 U.S.C. s. 2304, 16~~
20 ~~C.F.R. part 455, pertaining to the consumer sales window form.~~

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

23 2. Conviction of a felony.

24 3. Failure to honor a bank draft or check given to a
25 motor vehicle dealer for the purchase of a motor vehicle by
26 another motor vehicle dealer within 10 days after notification
27 that the bank draft or check has been dishonored. If the
28 transaction is disputed, the maker of the bank draft or check
29 shall post a bond in accordance with the provisions of s.
30 559.917, and no proceeding for revocation or suspension shall
31 be commenced until the dispute is resolved.

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

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

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

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

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

31

1 4. Failure by any motor vehicle dealer to provide a
2 customer or purchaser with an odometer disclosure statement
3 and a copy of any bona fide written, executed sales contract
4 or agreement of purchase connected with the purchase of the
5 motor vehicle purchased by the customer or purchaser.

6 5. Failure of any motor vehicle dealer to comply with
7 the terms of any bona fide written, executed agreement,
8 pursuant to the sale of a motor vehicle.

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

11 7. Use of the dealer license identification number by
12 any person other than the licensed dealer or his or her
13 designee.

14 8. Failure to continually meet the requirements of the
15 licensure law.

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

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

25 11.(h) Requirement by any motor vehicle dealer that
26 any customer or purchaser finance a motor vehicle with a
27 specific financial institution or company.

28 ~~(i) Failure by any motor vehicle dealer to provide a~~
29 ~~customer or purchaser with an odometer disclosure statement~~
30 ~~and a copy of any bona fide written, executed sales contract~~

31

1 ~~or agreement of purchase connected with the purchase of the~~
2 ~~motor vehicle purchased by the customer or purchaser.~~

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

6 12.(k) Requirement by any ~~the~~ motor vehicle dealer
7 that the purchaser of a motor vehicle contract with the dealer
8 for physical damage insurance.

9 13. 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 14.(l) Violation of any of the provisions of s. 319.35
15 by any motor vehicle dealer.

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

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

24 17. Violation of chapter 319, this chapter, or ss.
25 559.901-559.9221, which has to do with dealing in or repairing
26 motor vehicles or mobile homes. Additionally, in the case of
27 used motor vehicles, the willful violation of the federal law
28 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
29 to the consumer sales window form.

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

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

6 ~~(o) Use of the dealer license identification number by~~
7 ~~any person other than the licensed dealer or his or her~~
8 ~~designee.~~

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

10 ~~(q) Failure to continually meet the requirements of~~
11 ~~the licensure law.~~

12 (c)(r) When a motor vehicle dealer is convicted of a
13 crime which results in his or her being prohibited from
14 continuing in that capacity, the dealer may not continue in
15 any capacity within the industry. The offender shall have no
16 financial interest, management, sales, or other role in the
17 operation of a dealership. Further, the offender may not
18 derive income from the dealership beyond reasonable
19 compensation for the sale of his or her ownership interest in
20 the business.

21 ~~(s) Representation to a customer or any advertisement~~
22 ~~to the general public representing or suggesting that a motor~~
23 ~~vehicle is a new motor vehicle if such vehicle lawfully cannot~~
24 ~~be titled in the name of the customer or other member of the~~
25 ~~general public by the seller using a manufacturer's statement~~
26 ~~of origin as permitted in s. 319.23(1).~~

27 ~~(t) Failure to honor a bank draft or check given to a~~
28 ~~motor vehicle dealer for the purchase of a motor vehicle by~~
29 ~~another motor vehicle dealer within 10 days after notification~~
30 ~~that the bank draft or check has been dishonored. A single~~
31 ~~violation of this paragraph is sufficient for revocation or~~

1 ~~suspension. If the transaction is disputed, the maker of the~~
2 ~~bank draft or check shall post a bond in accordance with the~~
3 ~~provisions of s. 559.917, and no proceeding for revocation or~~
4 ~~suspension shall be commenced until the dispute is resolved.~~

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

13 322.095 Traffic law and substance abuse education
14 program for driver's license applicants.--

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

21 ~~However,~~The department is authorized to maintain the
22 information and records necessary to administer its duties and
23 responsibilities for the program. Where such information is a
24 public record as defined in chapter 119, it shall be made
25 available to the public upon request pursuant to s. 119.07(1).
26 The department shall approve and regulate courses that use
27 technology as the delivery method of all traffic law and
28 substance abuse education courses as the courses relate to
29 this section.

30 ~~(b) The department shall prepare for any governmental~~
31 ~~entity to distribute a driver's license applicant reference~~

1 ~~guide which shall list the benefits of attending a traffic law~~
2 ~~and substance abuse education school, but under no~~
3 ~~circumstance may include any list of course providers or~~
4 ~~schools. The department shall refer further inquiries to the~~
5 ~~telephone directory heading of driving instruction.~~

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

8 328.73 Registration; duties of tax collectors.--

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

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

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

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

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

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

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

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

24 (b) Any person who violates the provisions of
25 subsections (8) through (11) is guilty of a felony of the
26 third degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

28 (c) Any person who uses a false or fictitious name,
29 gives a false or fictitious address, or makes any false
30 statement in any application or affidavit required under the
31 provisions of this section is guilty of a felony of the third

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

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

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

15 316.251 Maximum bumper heights.--

16 (2) "New motor vehicles" as defined in s.
17 319.001(8)~~(4)~~, "antique automobiles" as defined in s. 320.08,
18 "horseless carriages" as defined in s. 320.086, and "street
19 rods" as defined in s. 320.0863 shall be excluded from the
20 requirements of this section.

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

23 501.976 Actionable, unfair, or deceptive acts or
24 practices.--It is an unfair or deceptive act or practice,
25 actionable under the Florida Deceptive and Unfair Trade
26 Practices Act, for a dealer to:

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

31

1 In any civil litigation resulting from a violation of this
2 section, when evaluating the reasonableness of an award of
3 attorney's fees to a private person, the trial court shall
4 consider the amount of actual damages in relation to the time
5 spent.

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

8 681.103 Duty of manufacturer to conform a motor
9 vehicle to the warranty.--

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

1 prima facie evidence of compliance by the manufacturer and
2 dealer. The form of the acknowledgments shall be approved by
3 the Department of Legal Affairs, and the dealer shall maintain
4 the consumer's signed acknowledgment for 3 years.

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

7 681.1096 Pilot RV Mediation and Arbitration Program;
8 creation and qualifications.--

9 (1) This section and s. 681.1097 shall apply to
10 disputes determined eligible under this chapter involving
11 recreational vehicles acquired on or after October 1, 1997,
12 and shall remain in effect until September 30, 2006 ~~2002~~, at
13 which time recreational vehicle disputes shall be subject to
14 the provisions of ss. 681.109 and 681.1095. The Attorney
15 General shall report to the President of the Senate, the
16 Speaker of the House of Representatives, the Minority Leader
17 of each house of the Legislature, and appropriate legislative
18 committees regarding the effectiveness of the pilot program.

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

22 681.1097 Pilot RV Mediation and Arbitration Program;
23 dispute eligibility and program function.--

24 (3) The consumer's application for participation in
25 the program must be on a form prescribed or approved by the
26 department. The department shall screen all applications to
27 participate in the program to determine eligibility. The
28 department shall forward to the program administrator all
29 applications the department determines are potentially
30 entitled to relief under this chapter.

31

1 (e) The department may delegate responsibility for the
2 screening of claims to the program, in which event claims
3 filed with the department shall be forwarded to the program
4 administrator and the provisions of this section shall apply
5 to claims screened by the program.

6 (4) Mediation shall be mandatory for both the consumer
7 and manufacturer, unless the dispute is settled prior to the
8 scheduled mediation conference. The mediation conference shall
9 be confidential and inadmissible in any subsequent adversarial
10 proceedings. Participation shall be limited to the parties
11 directly involved in the dispute and their attorneys, if any.
12 All manufacturers shall be represented by persons with
13 settlement authority.

14 (a) Upon receipt of an eligible application ~~from the~~
15 ~~department~~, the program administrator shall notify the
16 consumer and all involved manufacturers in writing that an
17 eligible application has been received. Such notification
18 shall include a statement that a mediation conference will be
19 scheduled, shall identify the assigned mediator, and provide
20 information regarding the program's procedures. The program
21 administrator shall provide all involved manufacturers with a
22 copy of the completed application.

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