



132198

LEGISLATIVE ACTION

Senate . House

.

.

Floor: 1/AD/2R .

04/29/2010 06:43 PM .

.

Senator Crist moved the following:

Senate Amendment (with title amendment)

Delete lines 63 - 624

and insert:

Section 1. Subsection (9) of section 261.03, Florida Statutes, is amended to read:

261.03 Definitions.—As used in this chapter, the term:

(9) "ROV" means any motorized recreational off-highway vehicle 64 ~~60~~ inches or less in width, having a dry weight of 2,000 ~~1,500~~ pounds or less, designed to travel on four or more nonhighway tires, having nonstraddle seating and a steering wheel, and manufactured for recreational use by one or more persons. The term "ROV" does not include a golf cart as defined



132198

14 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
15 defined in s. 320.01(42).

16 Section 2. Subsection (9) of section 317.0003, Florida
17 Statutes, is amended to read:

18 317.0003 Definitions.—As used in this chapter, the term:

19 (9) "ROV" means any motorized recreational off-highway
20 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
21 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
22 nonhighway tires, having nonstraddle seating and a steering
23 wheel, and manufactured for recreational use by one or more
24 persons. The term "ROV" does not include a golf cart as defined
25 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
26 defined in s. 320.01(42).

27 Section 3. Section 316.1951, Florida Statutes, is amended
28 to read:

29 316.1951 Parking for certain purposes prohibited; sale of
30 motor vehicles; prohibited acts.—

31 (1) It is unlawful for any person to park a motor vehicle,
32 as defined in s. 320.01, upon a public street or highway, ~~upon~~ a
33 public parking lot, or other public property, or upon private
34 property where the public has the right to travel by motor
35 vehicle, for the principal purpose and intent of displaying the
36 motor vehicle thereon for sale, hire, or rental unless the sale,
37 hire, or rental of the motor vehicle is specifically authorized
38 on such property by municipal or county regulation and the
39 person is in compliance with all municipal or county licensing
40 regulations.

41 (2) The provisions of subsection (1) do not prohibit a
42 person from parking his or her own motor vehicle or his or her



132198

43 other personal property on any private real property which the
44 person owns or leases or on private real property which the
45 person does not own or lease, but for which he or she obtains
46 the permission of the owner, or on the public street immediately
47 adjacent thereto, for the principal purpose and intent of sale,
48 hire, or rental.

49 (3) Subsection (1) does not prohibit a licensed motor
50 vehicle dealer from displaying for sale or offering for sale
51 motor vehicles at locations other than the dealer's licensed
52 location if the dealer has been issued a supplemental license
53 for off-premises sales, as provided in s. 320.27(5), and has
54 complied with the requirements in subsection (1). A vehicle
55 displayed for sale by a licensed dealer at any location other
56 than the dealer's licensed location is subject to immediate
57 removal without warning.

58 ~~(4) The Department of Highway Safety and Motor Vehicles~~
59 ~~shall adopt by rule a uniform written notice to be used to~~
60 ~~enforce this section. Each law enforcement agency in this state~~
61 ~~shall provide, at each agency's expense, the notice forms~~
62 ~~necessary to enforce this section.~~

63 (4)(5) A local government may adopt an ordinance to allow
64 the towing of a motor vehicle parked in violation of this
65 section. A law enforcement officer, compliance officer, code
66 enforcement officer from any local government agency, or
67 supervisor of the department may issue a citation and cause to
68 be immediately removed at the owner's expense any motor vehicle
69 found in violation of subsection (1), except as provided in
70 subsections (2) and (3), or in violation of subsection (5),
71 subsection (6), subsection (7), or subsection (8), and the owner



132198

72 shall be assessed a penalty as provided in s. 318.18(21) by the
73 government agency or authority that orders immediate removal of
74 the motor vehicle. A motor vehicle removed under this section
75 shall not be released from an impound or towing and storage
76 facility before a release form prescribed by the department has
77 been completed verifying that the fine has been paid to the
78 government agency or authority that ordered immediate removal of
79 the motor vehicle. However, the owner may pay towing and storage
80 charges to the towing and storage facility pursuant to s. 713.78
81 before payment of the fine or before the release form has been
82 completed which has been parked in one location for more than 24
83 hours after a written notice has been issued. Every written
84 notice issued pursuant to this section shall be affixed in a
85 conspicuous place upon a vehicle by a law enforcement officer,
86 compliance officer, or supervisor of the department. Any vehicle
87 found in violation of subsection (1) within 30 days after a
88 previous violation and written notice is subject to immediate
89 removal without an additional waiting period.

90 (5)(6) It is unlawful to offer a vehicle for sale if the
91 vehicle identification number has been destroyed, removed,
92 covered, altered, or defaced, as described in s. 319.33(1)(d). A
93 vehicle found in violation of this subsection is subject to
94 immediate removal without warning.

95 (6)(7) It is unlawful to knowingly attach to any motor
96 vehicle a registration that was not assigned or lawfully
97 transferred to the vehicle pursuant to s. 320.261. A vehicle
98 found in violation of this subsection is subject to immediate
99 removal without warning.

100 (7)(8) It is unlawful to display or offer for sale a



132198

101 vehicle that does not have a valid registration as provided in
102 s. 320.02. A vehicle found in violation of this subsection is
103 subject to immediate removal without warning. This subsection
104 does not apply to vehicles and recreational vehicles being
105 offered for sale through motor vehicle auctions as defined in s.
106 320.27(1)(c)4.

107 ~~(8)-(9)~~ A vehicle is subject to immediate removal without
108 warning if it bears a telephone number that has been displayed
109 on three or more vehicles offered for sale within a 12-month
110 period.

111 ~~(9)-(10)~~ Any other provision of law to the contrary
112 notwithstanding, a violation of subsection (1), subsection (5),
113 subsection (6), subsection (7), or subsection (8) shall subject
114 the owner of such motor vehicle to towing fees reasonably
115 necessitated by removal and storage of the motor vehicle and a
116 fine as required by s. 318.18.

117 ~~(10)-(11)~~ This section does not prohibit the governing body
118 of a municipality or county, with respect to streets, highways,
119 or other property under its jurisdiction, from regulating the
120 parking of motor vehicles for any purpose.

121 ~~(11)-(12)~~ A violation of this section is a noncriminal
122 traffic infraction, punishable as a nonmoving violation as
123 provided in chapter 318, unless otherwise mandated by general
124 law.

125 Section 4. Subsection (9) of section 318.14, Florida
126 Statutes, is amended to read:

127 318.14 Noncriminal traffic infractions; exception;
128 procedures.—

129 (9) Any person who does not hold a commercial driver's



132198

130 license and who is cited for an infraction under this section
131 other than a violation of s. 316.183(2), s. 316.187, or s.
132 316.189 when the driver exceeds the posted limit by 30 miles per
133 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
134 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
135 appearance, elect to attend in the location of his or her choice
136 within this state a basic driver improvement course approved by
137 the Department of Highway Safety and Motor Vehicles. In such a
138 case, adjudication must be withheld and points, as provided by
139 s. 322.27, may not be assessed. However, a person may not make
140 an election under this subsection if the person has made an
141 election under this subsection in the preceding 12 months. A
142 person may make no more than five elections within his or her
143 lifetime ~~10 years~~ under this subsection. The requirement for
144 community service under s. 318.18(8) is not waived by a plea of
145 nolo contendere or by the withholding of adjudication of guilt
146 by a court. If a person makes an election to attend a basic
147 driver improvement course under this subsection, 18 percent of
148 the civil penalty imposed under s. 318.18(3) shall be deposited
149 in the State Courts Revenue Trust Fund; however, that portion is
150 not revenue for purposes of s. 28.36 and may not be used in
151 establishing the budget of the clerk of the court under that
152 section or s. 28.35.

153 Section 5. Subsection (21) is added to section 318.18,
154 Florida Statutes, to read:

155 318.18 Amount of penalties.—The penalties required for a
156 noncriminal disposition pursuant to s. 318.14 or a criminal
157 offense listed in s. 318.17 are as follows:

158 (21) One hundred dollars for a violation of s. 316.1951 for



132198

159 a vehicle that is unlawfully displayed for sale, hire, or
160 rental. Notwithstanding any other law to the contrary, fines
161 collected under this subsection shall be retained by the
162 governing authority that authorized towing of the vehicle. Fines
163 collected by the department shall be deposited into the Highway
164 Safety Operating Trust Fund.

165 Section 6. Paragraphs (a) and (b) of subsection (6) of
166 section 319.225, Florida Statutes, are amended to read:

167 319.225 Transfer and reassignment forms; odometer
168 disclosure statements.-

169 (6) (a) If the certificate of title is physically held by a
170 lienholder, the transferor may give a power of attorney to his
171 or her transferee for the purpose of odometer disclosure. The
172 power of attorney must be on a form issued or authorized by the
173 department, which form must be in compliance with 49 C.F.R. ss.
174 580.4 and 580.13. The department shall not require the signature
175 of the transferor to be notarized on the form; however, in lieu
176 of notarization, the form shall include an affidavit with the
177 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
178 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
179 ARE TRUE. The transferee shall sign the power of attorney form,
180 print his or her name, and return a copy of the power of
181 attorney form to the transferor. Upon receipt of a title
182 certificate, the transferee shall complete the space for mileage
183 disclosure on the title certificate exactly as the mileage was
184 disclosed by the transferor on the power of attorney form. If
185 the transferee is a licensed motor vehicle dealer who is
186 transferring the vehicle to a retail purchaser, the dealer shall
187 make application on behalf of the retail purchaser as provided



132198

188 in s. 319.23(6) and shall submit the original power of attorney
189 form to the department with the application for title and the
190 transferor's title certificate; otherwise, a dealer may reassign
191 the title certificate by using the dealer reassignment form in
192 the manner prescribed in subsection (3), and, at the time of
193 physical transfer of the vehicle, the original power of attorney
194 shall be delivered to the person designated as the transferee of
195 the dealer on the dealer reassignment form. A copy of the
196 executed power of attorney shall be submitted to the department
197 with a copy of the executed dealer reassignment form within 5
198 business days after the certificate of title and dealer
199 reassignment form are delivered by the dealer to its transferee.

200 (b) If the certificate of title is lost or otherwise
201 unavailable, the transferor may give a power of attorney to his
202 or her transferee for the purpose of odometer disclosure. The
203 power of attorney must be on a form issued or authorized by the
204 department, which form must be in compliance with 49 C.F.R. ss.
205 580.4 and 580.13. The department shall not require the signature
206 of the transferor to be notarized on the form; however, in lieu
207 of notarization, the form shall include an affidavit with the
208 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
209 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
210 ARE TRUE. The transferee shall sign the power of attorney form,
211 print his or her name, and return a copy of the power of
212 attorney form to the transferor. Upon receipt of the title
213 certificate or a duplicate title certificate, the transferee
214 shall complete the space for mileage disclosure on the title
215 certificate exactly as the mileage was disclosed by the
216 transferor on the power of attorney form. If the transferee is a



132198

217 licensed motor vehicle dealer who is transferring the vehicle to
218 a retail purchaser, the dealer shall make application on behalf
219 of the retail purchaser as provided in s. 319.23(6) and shall
220 submit the original power of attorney form to the department
221 with the application for title and the transferor's title
222 certificate or duplicate title certificate; otherwise, a dealer
223 may reassign the title certificate by using the dealer
224 reassignment form in the manner prescribed in subsection (3),
225 and, at the time of physical transfer of the vehicle, the
226 original power of attorney shall be delivered to the person
227 designated as the transferee of the dealer on the dealer
228 reassignment form. A copy of the executed power of attorney
229 shall be submitted to the department with a copy of the executed
230 dealer reassignment form within 5 business days after the
231 duplicate certificate of title and dealer reassignment form are
232 delivered by the dealer to its transferee.

233 Section 7. Subsection (6) of section 319.23, Florida
234 Statutes, is amended to read:

235 319.23 Application for, and issuance of, certificate of
236 title.—

237 (6) (a) In the case of the sale of a motor vehicle or mobile
238 home by a licensed dealer to a general purchaser, the
239 certificate of title must be obtained in the name of the
240 purchaser by the dealer upon application signed by the
241 purchaser, and in each other case such certificate must be
242 obtained by the purchaser. In each case of transfer of a motor
243 vehicle or mobile home, the application for a certificate of
244 title, a ~~or~~ corrected certificate, or an assignment or
245 reassignment, ~~r~~ must be filed within 30 days after ~~from~~ the



132198

246 delivery of the motor vehicle or mobile home to the purchaser.
247 An applicant must pay a fee of \$20, in addition to all other
248 fees and penalties required by law, for failing to file such
249 application within the specified time. In the case of the sale
250 of a motor vehicle by a licensed motor vehicle dealer to a
251 general purchaser who resides in another state or country, the
252 dealer is not required to apply for a certificate of title for
253 the motor vehicle; however, the dealer must transfer ownership
254 and reassign the certificate of title or manufacturer's
255 certificate of origin to the purchaser, and the purchaser must
256 sign an affidavit, as approved by the department, that the
257 purchaser will title and register the motor vehicle in another
258 state or country.

259 (b) If a licensed dealer acquires a motor vehicle or mobile
260 home as a trade-in, the dealer must file with the department,
261 within 30 days, a notice of sale signed by the seller. The
262 department shall update its database for that title record to
263 indicate "sold." A licensed dealer need not apply for a
264 certificate of title for any motor vehicle or mobile home in
265 stock acquired for stock purposes except as provided in s.
266 319.225.

267 Section 8. Section 319.241, Florida Statutes, is amended to
268 read:

269 319.241 Removal of lien from records.—The owner of a motor
270 vehicle or mobile home upon which a lien has been filed with the
271 department or noted upon a certificate of title for a period of
272 5 years may apply to the department in writing for such lien to
273 be removed from the department files or from the certificate of
274 title. The application shall be accompanied by evidence



275 satisfactory to the department that the applicant has notified
276 the lienholder by certified mail, not less than 20 days prior to
277 the date of the application, of his or her intention to apply to
278 the department for removal of the lien. Ten days after receipt
279 of the application, the department may remove the lien from its
280 files or from the certificate of title, as the case may be, if
281 no statement in writing protesting removal of the lien is
282 received by the department from the lienholder within the 10-day
283 period. If, however, the lienholder files with the department
284 within the 10-day period a written statement that the lien is
285 still outstanding, the department shall not remove the lien
286 until the lienholder presents a satisfaction of lien to the
287 department. Ten days after the receipt of an application for a
288 derelict motor vehicle certificate and notification to the
289 lienholder, the department may remove the lien from the derelict
290 motor vehicle record if a written statement protesting removal
291 of the lien is not received by the department from the
292 lienholder within the 10-day period.

293 Section 9. Subsections (1) and (2), paragraph (b) of
294 subsection (3), paragraph (a) of subsection (7), and subsection
295 (8) of section 319.30, Florida Statutes, are amended to read:

296 319.30 Definitions; dismantling, destruction, change of
297 identity of motor vehicle or mobile home; salvage.—

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

299 (a) "Certificate of destruction" means the certificate
300 issued pursuant to s. 713.78(11) or s. 713.785(7) (a).

301 (b) "Certificate of registration number" means the
302 certificate of registration number issued by the Department of
303 Revenue of the State of Florida pursuant to s. 538.25.



132198

304 (c) "Certificate of title" means a record that serves as
305 evidence of ownership of a vehicle, whether such record is a
306 paper certificate authorized by the department or by a motor
307 vehicle department authorized to issue titles in another state
308 or a certificate consisting of information stored in electronic
309 form in the department's database.

310 (d) "Derelict" means any material which is or may have been
311 a motor vehicle or mobile home, which is not a major part or
312 major component part, which is inoperable, and which is in such
313 condition that its highest or primary value is in its sale or
314 transfer as scrap metal.

315 (e) "Derelict motor vehicle" means:

316 1. Any motor vehicle as defined in s. 320.01(1) or mobile
317 home as defined in s. 320.01(2), with or without all parts,
318 major parts, or major component parts, which is valued under
319 \$1,000, is at least 10 model years old, beginning with the model
320 year of the vehicle as year one, and is in such condition that
321 its highest or primary value is for sale, transport, or delivery
322 to a licensed salvage motor vehicle dealer or registered
323 secondary metals recycler for dismantling its component parts or
324 conversion to scrap metal; or

325 2. Any trailer as defined in s. 320.01(1), with or without
326 all parts, major parts, or major component parts, which is
327 valued under \$5,000, is at least 10 model years old, beginning
328 with the model year of the vehicle as year one, and is in such
329 condition that its highest or primary value is for sale,
330 transport, or delivery to a licensed salvage motor vehicle
331 dealer or registered secondary metals recycler for conversion to
332 scrap metal.



132198

333 (f) "Derelict motor vehicle certificate" means a
334 certificate issued by the department which serves as evidence
335 that a derelict motor vehicle will be dismantled or converted to
336 scrap metal. This certificate may be obtained by completing a
337 derelict motor vehicle certificate application authorized by the
338 department ~~completed by the derelict motor vehicle owner, the~~
339 ~~owner's authorized transporter when different from the owner,~~
340 ~~and the licensed salvage motor vehicle dealer or the registered~~
341 ~~secondary metals recycler and submitted to the department for~~
342 ~~cancellation of the title record of the derelict motor vehicle.~~
343 A derelict motor vehicle certificate may be reassigned only one
344 time if the derelict motor vehicle certificate was completed by
345 a licensed salvage motor vehicle dealer and the derelict motor
346 vehicle was sold to another licensed salvage motor vehicle
347 dealer or a secondary metals recycler.

348 (g) "Junk" means any material which is or may have been a
349 motor vehicle or mobile home, with or without all component
350 parts, which is inoperable and which material is in such
351 condition that its highest or primary value is either in its
352 sale or transfer as scrap metal or for its component parts, or a
353 combination of the two, except when sold or delivered to or when
354 purchased, possessed, or received by a secondary metals recycler
355 or salvage motor vehicle dealer.

356 (h) "Major component parts" means:

357 1. For motor vehicles other than motorcycles, any fender
358 ~~the front-end assembly (fenders, hood, grill, and bumper),~~ cowl
359 assembly, rear ~~body section (both quarter panel panels, trunk~~
360 lid, door, decklid, and bumper), floor pan, ~~door assemblies,~~
361 engine, frame, transmission, catalytic converter, or ~~and~~ airbag.



132198

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

365 3. For motorcycles, the body assembly, frame, fenders, gas
366 tanks, engine, cylinder block, heads, engine case, crank case,
367 transmission, drive train, front fork assembly, and wheels.

368 4. For mobile homes, the frame.

369 (i) "Major part" means the front-end assembly, cowl
370 assembly, or rear body section.

371 (j) "Materials" means motor vehicles, derelicts, and major
372 parts that are not prepared materials.

373 (k) "Mobile home" means mobile home as defined in s.
374 320.01(2).

375 (l) "Motor vehicle" means motor vehicle as defined in s.
376 320.01(1).

377 (m) "Parts" means parts of motor vehicles or combinations
378 thereof that do not constitute materials or prepared materials.

379 ~~(n) "Personal identification card" means personal~~
380 ~~identification card as defined in s. 538.18(5).~~

381 (n) ~~(p)~~ "Prepared materials" means motor vehicles, mobile
382 homes, derelict motor vehicles, major parts, or parts that have
383 been processed by mechanically flattening or crushing, or
384 otherwise processed such that they are not the motor vehicle or
385 mobile home described in the certificate of title, or their only
386 value is as scrap metal.

387 (o) ~~(p)~~ "Processing" means the business of performing the
388 manufacturing process by which ferrous metals or nonferrous
389 metals are converted into raw material products consisting of
390 prepared grades and having an existing or potential economic



132198

391 value, or the purchase of materials, prepared materials, or
392 parts therefor.

393 (p)~~(q)~~ "Recreational vehicle" means a motor vehicle as
394 defined in s. 320.01(1).

395 (q)~~(r)~~ "Salvage" means a motor vehicle or mobile home which
396 is a total loss as defined in paragraph (3)(a).

397 (r)~~(s)~~ "Salvage certificate of title" means a salvage
398 certificate of title issued by the department or by another
399 motor vehicle department authorized to issue titles in another
400 state.

401 (s)~~(t)~~ "Salvage motor vehicle dealer" means salvage motor
402 vehicle dealer as defined in s. 320.27(1)(c)5.

403 (t)~~(u)~~ "Secondary metals recycler" means secondary metals
404 recycler as defined in s. 538.18(8).

405 (u) "Seller" means the owner of record or a person who has
406 physical possession and responsibility for a derelict motor
407 vehicle and attests that possession of the vehicle was obtained
408 through lawful means along with all ownership rights. A seller
409 does not include a towing company, repair shop, or landlord
410 unless the towing company, repair shop, or landlord has obtained
411 title, salvage title, or a certificate of destruction in the
412 name of the towing company, repair shop, or landlord.

413 (2)(a) Each person mentioned as owner in the last issued
414 certificate of title, when such motor vehicle or mobile home is
415 dismantled, destroyed, or changed in such manner that it is not
416 the motor vehicle or mobile home described in the certificate of
417 title, shall surrender his or her certificate of title to the
418 department, and thereupon the department shall, with the consent
419 of any lienholders noted thereon, enter a cancellation upon its



132198

420 records. Upon cancellation of a certificate of title in the
421 manner prescribed by this section, the department may cancel and
422 destroy all certificates in that chain of title. Any person who
423 knowingly ~~willfully and deliberately~~ violates this paragraph
424 commits a misdemeanor of the second degree, punishable as
425 provided in s. 775.082 or s. 775.083.

426 (b)1. When a motor vehicle, recreational vehicle, or mobile
427 home is sold, transported, ~~or~~ delivered to, or received by a
428 salvage motor vehicle dealer, it shall be accompanied by:

429 a. A valid certificate of title issued in the name of the
430 seller or properly endorsed, as required in s. 319.22, over to
431 the seller;

432 b. A valid salvage certificate of title issued in the name
433 of the seller or properly endorsed, as required in s. 319.22,
434 over to the seller; or

435 c. A valid certificate of destruction issued in the name of
436 the seller or properly endorsed over to the seller.

437 2. Any person who knowingly ~~willfully and deliberately~~
438 violates this paragraph by selling, transporting, delivering,
439 purchasing, or receiving a motor vehicle, recreational vehicle,
440 or mobile home without obtaining a properly endorsed certificate
441 of title, salvage certificate of title, or certificate of
442 destruction from the owner commits a felony of the third degree,
443 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

444 (c)1. When a derelict motor vehicle is sold, transported,
445 or delivered to a licensed salvage motor vehicle dealer, the
446 purchaser shall record the date of purchase and the name,
447 address, and valid Florida driver's license number or valid
448 Florida identification card number, or a valid driver's license



132198

449 number or identification card number issued by another state,
450 ~~personal identification card number~~ of the person selling the
451 derelict motor vehicle, and it shall be accompanied by:
452 a. A valid certificate of title issued in the name of the
453 seller or properly endorsed over to the seller;
454 b. A valid salvage certificate of title issued in the name
455 of the seller or properly endorsed over to the seller; or
456 c. A valid certificate of destruction issued in the name of
457 the seller or properly endorsed over to the seller.
458 2. If a valid ~~the~~ certificate of title, salvage certificate
459 of title, or certificate of destruction is not available, a
460 derelict motor vehicle certificate application shall be
461 completed by the seller or owner of the motor vehicle or mobile
462 home, the seller's or owner's authorized transporter, and the
463 licensed salvage motor vehicle dealer at the time of sale,
464 transport, or delivery to the licensed salvage motor vehicle
465 dealer. The derelict motor vehicle certificate application shall
466 be used by the seller or owner, the seller's or owner's
467 authorized transporter, and the licensed salvage motor vehicle
468 dealer to obtain a derelict motor vehicle certificate from the
469 department. The derelict motor vehicle certificate application
470 must be accompanied by a legible copy of the seller's or owner's
471 valid Florida driver's license or Florida identification card,
472 or a valid driver's license or identification card issued by
473 another state. If the seller is not the owner of record of the
474 vehicle being sold, the dealer shall, at the time of sale,
475 ensure that a smudge-free right thumbprint, or other digit if
476 the seller has no right thumb, of the seller is imprinted upon
477 the derelict motor vehicle certificate application and that a



132198

478 legible copy of the seller's driver's license or identification
479 card is affixed to the application and transmitted to the
480 department. The licensed salvage motor vehicle dealer shall
481 secure the derelict motor vehicle ~~or mobile home~~ for 3 full
482 business days, excluding weekends and holidays, if there is no
483 active lien or a lien of 3 years or more on the department's
484 records before destroying or dismantling the derelict motor
485 vehicle and shall follow all reporting procedures established by
486 the department, including electronic notification to the
487 department or delivery of the original derelict motor vehicle
488 certificate application to an agent of the department within 24
489 hours after receiving the derelict motor vehicle. If there is an
490 active lien of less than 3 years on the derelict motor vehicle,
491 the licensed salvage motor vehicle dealer shall secure the
492 derelict motor vehicle for 10 days. The department shall notify
493 the lienholder that a derelict motor vehicle certificate has
494 been issued and shall notify the lienholder of its intention to
495 remove the lien. Ten days after receipt of the motor vehicle
496 derelict certificate application, the department may remove the
497 lien from its records if a written statement protesting removal
498 of the lien is not received by the department from the
499 lienholder within the 10-day period. However, if the lienholder
500 files with the department and the licensed salvage motor vehicle
501 dealer within the 10-day period a written statement that the
502 lien is still outstanding, the department shall not remove the
503 lien and shall place an administrative hold on the record for 30
504 days to allow the lienholder to apply for title to the vehicle
505 or a repossession certificate under s. 319.28. The licensed
506 salvage motor vehicle dealer must secure the derelict motor



132198

507 vehicle until the department's administrative stop is removed,
508 the lienholder submits a lien satisfaction, or the lienholder
509 takes possession of the vehicle.

510 3. Any person who knowingly ~~willfully and deliberately~~
511 violates this paragraph by selling, transporting, delivering,
512 purchasing, or receiving a derelict motor vehicle without
513 obtaining a certificate of title, salvage certificate of title,
514 certificate of destruction, or derelict motor vehicle
515 certificate application; enters false or fictitious information
516 on a derelict motor vehicle certificate application; does not
517 complete the derelict motor vehicle certificate application as
518 required; does not obtain a legible copy of the seller's or
519 owner's valid driver's license or identification card when
520 required; ~~or~~ does not make the required notification to the
521 department; or destroys or dismantles a derelict motor vehicle
522 without waiting the required time as set forth in subparagraph
523 2. ~~3 full business days~~ commits a felony of the third degree,
524 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

525 (3)

526 (b) The owner, including persons who are self-insured, of
527 any motor vehicle or mobile home which is considered to be
528 salvage shall, within 72 hours after the motor vehicle or mobile
529 home becomes salvage, forward the title to the motor vehicle or
530 mobile home to the department for processing. However, an
531 insurance company which pays money as compensation for total
532 loss of a motor vehicle or mobile home shall obtain the
533 certificate of title for the motor vehicle or mobile home and,
534 within 72 hours after receiving such certificate of title, shall
535 forward such title to the department for processing. The owner



132198

536 or insurance company, as the case may be, may not dispose of a
537 vehicle or mobile home that is a total loss before it has
538 obtained a salvage certificate of title or certificate of
539 destruction from the department. When applying for a salvage
540 certificate of title or certificate of destruction, the owner or
541 insurance company must provide the department with an estimate
542 of the costs of repairing the physical and mechanical damage
543 suffered by the vehicle for which a salvage certificate of title
544 or certificate of destruction is sought. If the estimated costs
545 of repairing the physical and mechanical damage to the vehicle
546 are equal to 80 percent or more of the current retail cost of
547 the vehicle, as established in any official used car or used
548 mobile home guide, the department shall declare the vehicle
549 unrebuildable and print a certificate of destruction, which
550 authorizes the dismantling or destruction of the motor vehicle
551 or mobile home described therein. However, if the damaged motor
552 vehicle is equipped with custom-lowered floors for wheelchair
553 access or a wheelchair lift, the insurance company may, upon
554 determining that the vehicle is repairable to a condition that
555 is safe for operation on public roads, submit the certificate of
556 title to the department for reissuance as a salvage rebuildable
557 title and the addition of a title brand of "insurance-declared
558 total loss." The certificate of destruction shall be
559 reassignable a maximum of two times before dismantling or
560 destruction of the vehicle shall be required, and shall
561 accompany the motor vehicle or mobile home for which it is
562 issued, when such motor vehicle or mobile home is sold for such
563 purposes, in lieu of a certificate of title, and, thereafter,
564 the department shall refuse issuance of any certificate of title



132198

565 for that vehicle. Nothing in this subsection shall be applicable
566 when a vehicle is worth less than \$1,500 retail in undamaged
567 condition in any official used motor vehicle guide or used
568 mobile home guide or when a stolen motor vehicle or mobile home
569 is recovered in substantially intact condition and is readily
570 resalable without extensive repairs to or replacement of the
571 frame or engine. Any person who knowingly ~~willfully and~~
572 ~~deliberately~~ violates this paragraph or falsifies any document
573 to avoid the requirements of this paragraph commits a
574 misdemeanor of the first degree, punishable as provided in s.
575 775.082 or s. 775.083.

576 (7) (a) In the event of a purchase by a secondary metals
577 recycler, that has been issued a certificate of registration
578 number, of:

579 1. Materials, prepared materials, or parts from any seller
580 for purposes other than the processing of such materials,
581 prepared materials, or parts, the purchaser shall obtain such
582 documentation as may be required by this section and shall
583 record the seller's name and address, date of purchase, and the
584 personal identification card number of the person delivering
585 such items.

586 2. Parts or prepared materials from any seller for purposes
587 of the processing of such parts or prepared materials, the
588 purchaser shall record the seller's name and address and date of
589 purchase and, in the event of a purchase transaction consisting
590 primarily of parts or prepared materials, the personal
591 identification card number of the person delivering such items.

592 3. Materials from another secondary metals recycler for
593 purposes of the processing of such materials, the purchaser



132198

594 shall record the seller's name and address and date of purchase.

595 4.a. Motor vehicles, recreational vehicles, mobile homes,
596 or derelict motor vehicles from other than a secondary metals
597 recycler for purposes of the processing of such motor vehicles,
598 recreational vehicles, mobile homes, or derelict motor vehicles,
599 the purchaser shall record the date of purchase and the name,
600 address, and personal identification card number of the person
601 selling such items and shall obtain the following documentation
602 from the seller with respect to each item purchased:

603 (I) A valid certificate of title issued in the name of the
604 seller or properly endorsed, as required in s. 319.22, over to
605 the seller;

606 (II) A valid salvage certificate of title issued in the
607 name of the seller or properly endorsed, as required in s.
608 319.22, over to the seller;

609 (III) ~~(II)~~ A valid certificate of destruction issued in the
610 name of the seller or properly endorsed over to the seller; or

611 (IV) ~~(III)~~ A valid derelict motor vehicle certificate
612 obtained from the department ~~completed~~ by a licensed salvage
613 motor vehicle dealer and properly reassigned to the secondary
614 metals recycler.

615 b. If a valid certificate of title, salvage certificate of
616 title, certificate of destruction, or derelict motor vehicle
617 certificate is not available and the motor vehicle or mobile
618 home is a derelict motor vehicle, a derelict motor vehicle
619 certificate application shall be completed by the seller or
620 owner of the motor vehicle or mobile home, the seller's or
621 owner's authorized transporter, and the registered secondary
622 metals recycler at the time of sale, transport, or delivery to



132198

623 the registered secondary metals recycler to obtain a derelict
624 motor vehicle certificate from the department. The derelict
625 motor vehicle certificate application must be accompanied by a
626 legible copy of the seller's or owner's valid Florida driver's
627 license or Florida identification card, or a valid driver's
628 license or identification card from another state. If the seller
629 is not the owner of record of the vehicle being sold, the
630 recycler shall, at the time of sale, ensure that a smudge-free
631 right thumbprint, or other digit if the seller has no right
632 thumb, of the seller is imprinted upon the derelict motor
633 vehicle certificate application and that the legible copy of the
634 seller's driver's license or identification card is affixed to
635 the application and transmitted to the department. The derelict
636 motor vehicle certificate shall be used by the owner, the
637 owner's authorized transporter, and the registered secondary
638 metals recycler. The registered secondary metals recycler shall
639 secure the derelict motor vehicle for 3 full business days,
640 excluding weekends and holidays, if there is no active lien or a
641 lien of 3 years or more on the department's records before
642 destroying or dismantling the derelict motor vehicle and shall
643 follow all reporting procedures established by the department,
644 including electronic notification to the department or delivery
645 of the original derelict motor vehicle certificate application
646 to an agent of the department within 24 hours after receiving
647 the derelict motor vehicle. If there is an active lien of less
648 than 3 years on the derelict motor vehicle, the registered
649 secondary metals recycler shall secure the derelict motor
650 vehicle for 10 days. The department shall notify the lienholder
651 of the application for a derelict motor vehicle certificate and



132198

652 shall notify the lienholder of its intention to remove the lien.
653 Ten days after receipt of the motor vehicle derelict
654 application, the department may remove the lien from its records
655 if a written statement protesting removal of the lien is not
656 received by the department from the lienholder within the 10-day
657 period. However, if the lienholder files with the department and
658 the registered secondary metals recycler within the 10-day
659 period a written statement that the lien is still outstanding,
660 the department shall not remove the lien and shall place an
661 administrative hold on the record for 30 days to allow the
662 lienholder to apply for title to the vehicle or a repossession
663 certificate under s. 319.28. The registered secondary metals
664 recycler must secure the derelict motor vehicle until the
665 department's administrative stop is removed, the lienholder
666 submits a lien satisfaction, or the lienholder takes possession
667 of the vehicle.

668 c. Any person who knowingly willfully and deliberately
669 violates this subparagraph by selling, transporting, delivering,
670 purchasing, or receiving a motor vehicle, recreational motor
671 vehicle, mobile home, or derelict motor vehicle without
672 obtaining a certificate of title, salvage certificate of title,
673 certificate of destruction, or derelict motor vehicle
674 certificate; enters false or fictitious information on a
675 derelict motor vehicle certificate application; does not
676 complete the derelict motor vehicle certificate application as
677 required or does not make the required notification to the
678 department; does not obtain a legible copy of the seller's or
679 owner's driver's license or identification card when required;
680 or destroys or dismantles a derelict motor vehicle without



132198

681 waiting the required time as set forth in sub-subparagraph b. ~~3~~
682 ~~full business days~~ commits a felony of the third degree,
683 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

684 5. Major parts from other than a secondary metals recycler
685 for purposes of the processing of such major parts, the
686 purchaser shall record the seller's name, address, date of
687 purchase, and the personal identification card number of the
688 person delivering such items, as well as the vehicle
689 identification number, if available, of each major part
690 purchased.

691 (8) (a) Secondary metals recyclers and salvage motor vehicle
692 dealers shall return to the department on a monthly basis all
693 certificates of title and salvage certificates of title that are
694 required by this section to be obtained. Secondary metals
695 recyclers and salvage motor vehicle dealers may elect to notify
696 the department electronically through procedures established by
697 the department when they receive each motor vehicle or mobile
698 home, salvage motor vehicle or mobile home, or derelict motor
699 vehicle with a certificate of title or salvage certificate of
700 title through procedures established by the department. The
701 department may adopt rules and establish fees as it deems
702 necessary or proper for the administration of the electronic
703 notification service.

704 (b) Secondary metals recyclers and salvage motor vehicle
705 dealers shall keep originals, or a copy in the event the
706 original was returned to the department, of all certificates of
707 title, salvage certificates of title, certificates of
708 destruction, derelict motor vehicle certificates, and all other
709 information required by this section to be recorded or obtained,



132198

710 on file in the offices of such secondary metals recyclers or
711 salvage motor vehicle dealers for a period of 3 years after the
712 date of purchase of the items reflected in such certificates of
713 title, salvage certificates of title, certificates of
714 destruction, or derelict motor vehicle certificates. These
715 records shall be maintained in chronological order.

716 (c) For the purpose of enforcement of this section, the
717 department or its agents and employees have the same right of
718 inspection as law enforcement officers as provided in s.
719 812.055.

720 (d) Whenever the department, its agent or employee, or any
721 law enforcement officer has reason to believe that a stolen or
722 fraudulently titled motor vehicle, mobile home, recreational
723 vehicle, salvage motor vehicle, or derelict motor vehicle is in
724 the possession of a salvage motor vehicle dealer or secondary
725 metals recycler, the department, its agent or employee, or the
726 law enforcement officer may issue an extended a hold notice, not
727 to exceed 5 additional business days, excluding weekends and
728 holidays, to the salvage motor vehicle dealer or registered
729 secondary metals recycler.

730 (e) Whenever a salvage motor vehicle dealer or registered
731 secondary metals recycler is notified by the department, its
732 agent or employee, or any law enforcement officer to hold a
733 motor vehicle, mobile home, recreational vehicle, salvage motor
734 vehicle, or derelict motor vehicle that is believed to be stolen
735 or fraudulently titled, the salvage motor vehicle dealer or
736 registered secondary metals recycler shall hold the motor
737 vehicle, mobile home, recreational vehicle, salvage motor
738 vehicle, or derelict motor vehicle and may not dismantle or



132198

739 destroy the motor vehicle, mobile home, recreational vehicle,
740 salvage motor vehicle, or derelict motor vehicle until it is
741 recovered by a law enforcement officer, the hold is released by
742 the department or the law enforcement officer placing the hold,
743 or the 5 additional business ~~working~~ days have passed since
744 being notified of the hold.

745 (f) This section does not authorize any person who is
746 engaged in the business of recovering, towing, or storing
747 vehicles pursuant to s. 713.78, and who is claiming a lien for
748 performing labor or services on a motor vehicle or mobile home
749 pursuant to s. 713.58, or is claiming that a motor vehicle or
750 mobile home has remained on any premises after tenancy has
751 terminated pursuant to s. 715.104, to use a derelict motor
752 vehicle certificate application for the purpose of transporting,
753 selling, disposing, or delivering a motor vehicle to a salvage
754 motor vehicle dealer or secondary metals recycler without
755 obtaining the title or certificate of destruction required under
756 s. 713.58, s. 713.78, or s. 715.104.

757 (g) The department shall accept all properly endorsed and
758 completed derelict motor vehicle certificate applications and
759 shall issue a derelict motor vehicle certificate having an
760 effective date that authorizes when a derelict motor vehicle is
761 eligible for dismantling or destruction. The electronic
762 information obtained from the derelict motor vehicle certificate
763 application shall be stored electronically and shall be made
764 available to authorized persons after issuance of the derelict
765 motor vehicle certificate in the Florida Real Time Vehicle
766 Information System.

767 (h) ~~(f)~~ The department is authorized to adopt rules pursuant



132198

768 to ss. 120.536(1) and 120.54 establishing policies and
769 procedures to administer and enforce this section.

770 (i)~~(g)~~ The department shall charge a fee of \$3 for each
771 derelict motor vehicle certificate delivered to the department
772 or one of its agents for processing and shall mark the title
773 record canceled. A service charge may be collected under s.
774 320.04.

775 (j) The licensed salvage motor vehicle dealer or registered
776 secondary metals recycler shall make all payments for the
777 purchase of any derelict motor vehicle that is sold by a seller
778 who is not the owner of record on file with the department by
779 check or money order made payable to the seller and may not make
780 payment to the authorized transporter. The licensed salvage
781 motor vehicle dealer or registered secondary metals recycler may
782 not cash the check that such dealer or recycler issued to the
783 seller.

784 Section 10. Subsection (16) of section 320.02, Florida
785 Statutes, is amended to read:

786 320.02 Registration required; application for registration;
787 forms.—

788 (16) The department is authorized to withhold registration
789 or re-registration of a motor vehicle if the name of the owner
790 or of a coowner appears on a list submitted to the department by
791 a licensed motor vehicle dealer for a previous registration of
792 that vehicle. The department shall place the name of the
793 registered owner of that vehicle on the list of those persons
794 who may not be issued a license plate, revalidation sticker, or
795 replacement plate for the vehicle purchased from the licensed
796 motor vehicle dealer. The motor vehicle dealer must maintain



132198

797 signed evidence that the owner or coowner acknowledged the
798 dealer's authority to submit the list to the department if he or
799 she failed to pay and must note the amount for which the owner
800 or coowner would be responsible for the vehicle registration.
801 The dealer must maintain the necessary documentation required in
802 this subsection or face penalties as provided in s. 320.27. This
803 subsection does not affect the issuance of a title to a motor
804 vehicle.

805 (a) The motor vehicle owner or coowner may dispute the
806 claim that money is owed to a dealer for registration fees by
807 submitting a form to the department if the motor vehicle owner
808 or coowner has documentary proof that the registration fees have
809 been paid to the dealer for the disputed amount. Without clear
810 evidence of the amounts owed for the vehicle registration and
811 repayment, the department will assume initial payments are
812 applied to government-assessed fees first.

813 (b) If the registered owner's dispute complies with
814 paragraph (a), the department shall immediately remove the motor
815 vehicle owner or coowner's name from the list, thereby allowing
816 the issuance of a license plate or revalidation sticker.

817 Section 11. Subsections (4) and (6) and paragraph (a) of
818 subsection (9) of section 320.27, Florida Statutes, are amended
819 to read:

820 320.27 Motor vehicle dealers.—

821 (4) LICENSE CERTIFICATE.—

822 (a) A license certificate shall be issued by the department
823 in accordance with such application when the application is
824 regular in form and in compliance with the provisions of this
825 section. The license certificate may be in the form of a



132198

826 document or a computerized card as determined by the department.
827 The actual cost of each original, additional, or replacement
828 computerized card shall be borne by the licensee and is in
829 addition to the fee for licensure. Such license, when so issued,
830 entitles the licensee to carry on and conduct the business of a
831 motor vehicle dealer. Each license issued to a franchise motor
832 vehicle dealer expires annually on December 31 unless revoked or
833 suspended prior to that date. Each license issued to an
834 independent or wholesale dealer or auction expires annually on
835 April 30 unless revoked or suspended prior to that date. Not
836 less than 60 days prior to the license expiration date, the
837 department shall deliver or mail to each licensee the necessary
838 renewal forms. Each independent dealer shall certify that the
839 dealer (owner, partner, officer, or director of the licensee, or
840 a full-time employee of the licensee that holds a responsible
841 management-level position) has completed 8 hours of continuing
842 education prior to filing the renewal forms with the department.
843 Such certification shall be filed once every 2 years ~~commencing~~
844 ~~with the 2006 renewal period~~. The continuing education shall
845 include at least 2 hours of legal or legislative issues, 1 hour
846 of department issues, and 5 hours of relevant motor vehicle
847 industry topics. Continuing education shall be provided by
848 dealer schools licensed under paragraph (b) either in a
849 classroom setting or by correspondence. Such schools shall
850 provide certificates of completion to the department and the
851 customer which shall be filed with the license renewal form, and
852 such schools may charge a fee for providing continuing
853 education. Any licensee who does not file his or her application
854 and fees and any other requisite documents, as required by law,



132198

855 with the department at least 30 days prior to the license
856 expiration date shall cease to engage in business as a motor
857 vehicle dealer on the license expiration date. A renewal filed
858 with the department within 45 days after the expiration date
859 shall be accompanied by a delinquent fee of \$100. Thereafter, a
860 new application is required, accompanied by the initial license
861 fee. A license certificate duly issued by the department may be
862 modified by endorsement to show a change in the name of the
863 licensee, provided, as shown by affidavit of the licensee, the
864 majority ownership interest of the licensee has not changed or
865 the name of the person appearing as franchisee on the sales and
866 service agreement has not changed. Modification of a license
867 certificate to show any name change as herein provided shall not
868 require initial licensure or reissuance of dealer tags; however,
869 any dealer obtaining a name change shall transact all business
870 in and be properly identified by that name. All documents
871 relative to licensure shall reflect the new name. In the case of
872 a franchise dealer, the name change shall be approved by the
873 manufacturer, distributor, or importer. A licensee applying for
874 a name change endorsement shall pay a fee of \$25 which fee shall
875 apply to the change in the name of a main location and all
876 additional locations licensed under the provisions of subsection
877 (5). Each initial license application received by the department
878 shall be accompanied by verification that, within the preceding
879 6 months, the applicant, or one or more of his or her designated
880 employees, has attended a training and information seminar
881 conducted by a licensed motor vehicle dealer training school.
882 Any applicant for a new franchised motor vehicle dealer license
883 who has held a valid franchised motor vehicle dealer license



132198

884 continuously for the past 2 years and who remains in good
885 standing with the department is exempt from the prelicensing
886 training requirement. Such seminar shall include, but is not
887 limited to, statutory dealer requirements, which requirements
888 include required bookkeeping and recordkeeping procedures,
889 requirements for the collection of sales and use taxes, and such
890 other information that in the opinion of the department will
891 promote good business practices. No seminar may exceed 8 hours
892 in length.

893 (b) Each initial license application received by the
894 department for licensure under subparagraph (1)(c)2. shall ~~must~~
895 be accompanied by verification that, within the preceding 6
896 months, the applicant (owner, partner, officer, or director of
897 the applicant, or a full-time employee of the applicant that
898 holds a responsible management-level position) has successfully
899 completed training conducted by a licensed motor vehicle dealer
900 training school. Such training must include training in titling
901 and registration of motor vehicles, laws relating to unfair and
902 deceptive trade practices, laws relating to financing with
903 regard to buy-here, pay-here operations, and such other
904 information that in the opinion of the department will promote
905 good business practices. Successful completion of this training
906 shall be determined by examination administered at the end of
907 the course and attendance of no less than 90 percent of the
908 total hours required by such school. Any applicant who had held
909 a valid motor vehicle dealer's license continuously within the
910 past 2 years and who remains in good standing with the
911 department is exempt from the prelicensing requirements of this
912 section ~~paragraph~~. The department shall have the authority to



132198

913 adopt any rule necessary for establishing the training
914 curriculum; length of training, which shall not exceed 8 hours
915 for required department topics and shall not exceed an
916 additional 24 hours for topics related to other regulatory
917 agencies' instructor qualifications; and any other requirements
918 under this section. The curriculum for other subjects shall be
919 approved by any and all other regulatory agencies having
920 jurisdiction over specific subject matters; however, the overall
921 administration of the licensing of these dealer schools and
922 their instructors shall remain with the department. Such schools
923 are authorized to charge a fee. ~~This privatized method for
924 training applicants for dealer licensing pursuant to
925 subparagraph (1)(c)2. is a pilot program that shall be evaluated
926 by the department after it has been in operation for a period of
927 2 years.~~

928 (6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall
929 keep a book or record in either paper or electronic ~~such~~ form as
930 ~~shall be~~ prescribed or approved by the department for a period
931 of 5 years, in which the licensee shall keep a record of the
932 purchase, sale, or exchange, or receipt for the purpose of sale,
933 of any motor vehicle, the date upon which any temporary tag was
934 issued, the date of title transfer, and a description of such
935 motor vehicle together with the name and address of the seller,
936 the purchaser, and the alleged owner or other person from whom
937 such motor vehicle was purchased or received or to whom it was
938 sold or delivered, as the case may be. Such description shall
939 include the identification or engine number, maker's number, if
940 any, chassis number, if any, and such other numbers or
941 identification marks as may be thereon and shall also include a



132198

942 statement that a number has been obliterated, defaced, or
943 changed, if such is the fact. When a licensee chooses to
944 maintain electronic records, the original paper documents may be
945 destroyed after the licensee successfully transfers title and
946 registration to the purchaser as required by chapter 319 for any
947 purchaser who titles and registers the motor vehicle in this
948 state. In the case of a sale to a purchaser who will title and
949 register the motor vehicle in another state or country, the
950 licensee may destroy the original paper documents after
951 successfully delivering a lawfully reassigned title or
952 manufacturer's certificate or statement of origin to the
953 purchaser and after producing electronic images of all documents
954 related to the sale.

955 (9) DENIAL, SUSPENSION, OR REVOCATION.—

956 (a) The department may deny, suspend, or revoke any license
957 issued hereunder or under the provisions of s. 320.77 or s.
958 320.771, upon proof that an applicant or a licensee has
959 ~~committed any of the following activities:~~

960 1. Committed ~~Commission~~ of fraud or willful
961 misrepresentation in application for or in obtaining a license.

962 2. Been convicted ~~Conviction~~ of a felony.

963 3. Failed ~~Failure~~ to honor a bank draft or check given to a
964 motor vehicle dealer for the purchase of a motor vehicle by
965 another motor vehicle dealer within 10 days after notification
966 that the bank draft or check has been dishonored. If the
967 transaction is disputed, the maker of the bank draft or check
968 shall post a bond in accordance with the provisions of s.
969 559.917, and no proceeding for revocation or suspension shall be
970 commenced until the dispute is resolved.



132198

971 4.a. Failed to provide payment within 10 business days to
972 the department for a check payable to the department that was
973 dishonored due to insufficient funds in the amount due plus any
974 statutorily authorized fee for uttering a worthless check. The
975 department shall notify an applicant or licensee when the
976 applicant or licensee makes payment to the department by a check
977 that is subsequently dishonored by the bank due to insufficient
978 funds. The applicant or licensee shall, within 10 business days
979 after receiving the notice, provide payment to the department in
980 the form of cash in the amount due plus any statutorily
981 authorized fee. If the applicant or licensee fails to make such
982 payment within 10 business days, the department may deny,
983 suspend, or revoke the applicant's or licensee's motor vehicle
984 dealer license.

985 b. Stopped payment on a check payable to the department,
986 issued a check payable to the department from an account that
987 has been closed, or charged back a credit card transaction to
988 the department. If an applicant or licensee commits any such
989 act, the department may deny, suspend, or revoke the applicant's
990 or licensee's motor vehicle dealer license.

991 5.a. Failed to provide payment in the amount of tuition due
992 plus any statutorily authorized fee within 10 business days to a
993 licensed motor vehicle dealer training school for a check
994 payable to the school that was dishonored due to insufficient
995 funds in the amount of tuition due plus any statutorily
996 authorized fee for uttering a worthless check. A licensed motor
997 vehicle dealer training school shall notify a student when the
998 student makes payment to the school by a check that is
999 subsequently dishonored by the bank due to insufficient funds.



132198

1000 The student shall, within 10 business days after receiving the
1001 notice, provide payment to the school in a manner designated by
1002 the school in the amount of tuition due plus any statutorily
1003 authorized fee. If the student fails to make such payment within
1004 10 business days, the motor vehicle dealer training school may
1005 cancel the training certificate issued to the student and notify
1006 the department of the cancellation of the training certificate.

1007 b. Stopped payment on a check payable to a licensed motor
1008 vehicle dealer training school, issued a check payable to a
1009 licensed motor vehicle dealer training school from an account
1010 that has been closed, or charged back a credit card transaction
1011 to a licensed motor vehicle dealer training school. If a student
1012 commits any such act, the motor vehicle dealer training school
1013 may cancel the training certificate issued to the student and
1014 notify the department of the cancellation of the training
1015 certificate.

1016 Section 12. Subsection (4) of section 322.0261, Florida
1017 Statutes, is amended to read:

1018 322.0261 Driver improvement course; requirement to maintain
1019 driving privileges; failure to complete; department approval of
1020 course.—

1021 (4) The department shall identify any operator convicted
1022 ~~of, or who pleaded nolo contendere to,~~ a violation of s.
1023 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
1024 316.192 and shall require that operator, in addition to other
1025 applicable penalties, to attend a department-approved driver
1026 improvement course in order to maintain driving privileges. The
1027 department shall, within 10 days after receiving a notice of
1028 judicial disposition, send notice to the operator of the



132198

1029 requirement to attend a driver improvement course.
1030 Notwithstanding any other provision of law, a driver who enters
1031 a plea of nolo contendere to a violation of s. 316.074(1), s.
1032 316.075(1)(c)1., s. 316.191, or s. 316.192 for which the court
1033 withholds adjudication is not required to attend a driver
1034 improvement course if the court finds that the nature or
1035 severity of the violation is such that attendance to a driver
1036 improvement course is not necessary. If the operator fails to
1037 complete the course within 90 days after receiving notice from
1038 the department, the operator's driver license shall be canceled
1039 by the department until the course is successfully completed.

1040
1041 ===== T I T L E A M E N D M E N T =====

1042 And the title is amended as follows:

1043 Delete lines 2 - 59

1044 and insert:

1045 An act relating to motor vehicles; amending ss. 261.03
1046 and 317.0003, F.S.; redefining the term "ROV" for
1047 purposes of provisions relating to off-highway
1048 vehicles to include vehicles of increased width and
1049 weight; amending s. 316.1951, F.S.; removing a
1050 requirement that the Department of Highway Safety and
1051 Motor Vehicles adopt a uniform written notice to be
1052 used to enforce provisions that prohibit parking a
1053 motor vehicle on certain property for the purpose of
1054 displaying the motor vehicle as being for sale, hire,
1055 or rental; removing a requirement that each law
1056 enforcement agency provide its own notice for such
1057 enforcement; authorizing a local government to adopt



132198

1058 an ordinance to enforce such provisions; authorizing a
1059 code enforcement officer from any local government
1060 agency to enforce such provisions; providing for
1061 immediate removal of a motor vehicle in violation of
1062 specified provisions; providing for assessment of a
1063 fine in addition to towing and storage fees; requiring
1064 a release form prescribed by the department to be
1065 completed before release of the motor vehicle;
1066 amending s. 318.14, F.S.; providing a lifetime
1067 limitation on the number of times a person may elect
1068 to attend a driver improvement course in lieu of
1069 appearing in court for certain traffic infractions;
1070 amending s. 318.18, F.S.; specifying a fine for a
1071 vehicle that is displayed for sale, hire, or rental in
1072 violation of such provisions; providing for
1073 disposition of fines collected; amending s. 319.225,
1074 F.S.; prohibiting the department from requiring the
1075 signature of the transferor to be notarized on certain
1076 motor vehicle title transfer forms relating to mileage
1077 of the vehicle; requiring the forms to include an
1078 affidavit declaring facts in the document to be true;
1079 amending s. 319.23, F.S.; providing that, under
1080 certain circumstances, a motor vehicle dealer is not
1081 required to apply for a certificate of title for a
1082 motor vehicle sold to a general purchaser who resides
1083 outside the state; amending s. 319.241, F.S.; revising
1084 provisions relating to an application for the removal
1085 of a lien from the files of the department or from the
1086 certificate of title; authorizing the department to



132198

1087 remove the lien from its files within a specified
1088 period after receiving an application for a derelict
1089 motor vehicle certificate and notification to the
1090 lienholder, unless a written statement protesting such
1091 removal is received; amending s. 319.30, F.S. ;
1092 revising definitions; revising requirements for
1093 disposition of a motor vehicle, recreational vehicle,
1094 or mobile home that is sold, transported, or delivered
1095 to a salvage motor vehicle dealer or a secondary
1096 metals recycler; requiring certificates of title to
1097 conform to specified provisions; providing for the
1098 dealer or recycler to apply to the department for a
1099 derelict motor vehicle certificate if the certificate
1100 of title, salvage certificate of title, or certificate
1101 of destruction is not available; requiring the
1102 derelict motor vehicle certificate application to be
1103 completed by the seller or owner of the motor vehicle
1104 or mobile home, the seller's or owner's authorized
1105 transporter, or the dealer or recycler; requiring
1106 certain identification information be included with
1107 the application; revising the types of documentation
1108 that a secondary metals recycler must obtain;
1109 permitting recyclers to obtain salvage certificates of
1110 title from sellers or owners as a valid method of
1111 documentation; providing that a person engaged in the
1112 business of recovering, towing, or storing vehicles
1113 may not claim certain liens, claim that certain
1114 vehicles have remained on any premises after tenancy
1115 has terminated, or use the derelict motor vehicle



132198

1116 certificate application to transport, sell, or dispose
1117 of a motor vehicle at a salvage motor vehicle dealer
1118 or secondary metals recycler without otherwise
1119 obtaining title to the vehicle or a certificate of
1120 destruction; requiring that the department accept all
1121 properly endorsed and completed derelict motor vehicle
1122 certificate applications and issue such certification
1123 having an effective date that authorizes when the
1124 vehicle is eligible for dismantling or destruction;
1125 requiring that such electronic information be stored
1126 and made available to authorized persons; requiring
1127 that all licensed salvage motor vehicle dealers or
1128 registered secondary metals recyclers make all
1129 payments for the purchase of any derelict motor
1130 vehicle that is sold by a seller who is not the owner
1131 of record by check or money order; amending s. 320.02,
1132 F.S.; directing the department to place the name of
1133 the owner of a motor vehicle on the list of persons
1134 who may not be issued a license plate or revalidation
1135 sticker if that person is on a list submitted to the
1136 department by a licensed dealer; amending s. 320.27,
1137 F.S.; clarifying an exemption from certain dealer
1138 prelicensing requirements; removing a requirement for
1139 evaluation of privatized applicant training methods;
1140 authorizing dealer records to be kept in either paper
1141 or electronic form; providing procedures for transfer
1142 of documents to electronic form; authorizing the
1143 department to deny, suspend, or revoke a dealer's
1144 license for certain actions relating to payments made



132198

1145 to the department; authorizing a dealer training
1146 school to cancel the training certificate issued to a
1147 student for certain actions relating to payments made
1148 to the school; amending s. 322.0261, F.S.; revising
1149 provisions requiring persons who were convicted of or
1150 who pleaded nolo contendere to specified traffic
1151 infractions to attend a driver improvement course;
1152 providing that the department shall not require a
1153 person to attend a driver improvement course for
1154 specified traffic violations when adjudication has
1155 been withheld by the court; requiring the department
1156 to send notice of a requirement to attend a driver
1157 improvement course within a certain time period after
1158 receiving a report of an adjudication; providing an
1159 effective date.