

By the Committee on Community Affairs; and Senator Crist

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1 A bill to be entitled
2 An act relating to motor vehicles; amending s. 261.03,
3 F.S.; redefining the term "ROV"; amending s. 316.1905,
4 F.S.; conforming provisions; amending s. 316.1951,
5 F.S.; removing a requirement that the Department of
6 Highway Safety and Motor Vehicles adopt a uniform
7 written notice to be used to enforce provisions that
8 prohibit parking a motor vehicle on certain property
9 for the purpose of displaying the motor vehicle as
10 being for sale, hire, or rental; removing a
11 requirement that each law enforcement agency provide
12 its own notice for such enforcement; authorizing a
13 code enforcement officer from any local government
14 agency to enforce such provisions; providing that the
15 owner of a vehicle parked in violation of such
16 provisions is subject to a fine in addition to towing
17 and storage fees; providing procedures for the release
18 of an impounded vehicle; amending s. 317.0003, F.S.;
19 redefining the term "ROV"; amending s. 318.14, F.S.;
20 providing a lifetime limitation on the number of times
21 a person may elect to attend a driver improvement
22 course in lieu of a court appearance; amending s.
23 318.18, F.S.; specifying a fine for a vehicle that is
24 displayed for sale, hire, or rental in violation of
25 such provisions; providing for the disposition of such
26 fines; amending s. 319.225, F.S.; prohibiting the
27 department from requiring the signature of the
28 transferor to be notarized on certain motor vehicle
29 title transfer forms relating to mileage of the

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30 vehicle; requiring the forms to include an affidavit
31 declaring facts in the document to be true; amending
32 s. 319.23, F.S.; providing that, under certain
33 circumstances, a motor vehicle dealer is not required
34 to apply for a certificate of title for a motor
35 vehicle sold to a general purchaser who resides
36 outside the state; amending s. 320.02, F.S.; directing
37 the department to place the name of the owner of a
38 motor vehicle on the list of persons who may not be
39 issued a license plate or revalidation sticker if that
40 person is on a list submitted to the department by a
41 licensed dealer; amending s. 320.27, F.S.; clarifying
42 an exemption from certain dealer prelicensing
43 requirements; removing a requirement for evaluation of
44 privatized applicant training methods; limiting the
45 issuance to a licensed dealer of supplemental off-
46 premises sale licenses; authorizing dealer records to
47 be kept in either paper or electronic form; providing
48 procedures for transfer of documents to electronic
49 form; authorizing a dealer training school to cancel
50 the training certificate issued to a student for
51 certain actions relating to payments made to the
52 school; amending s. 322.0261, F.S.; providing an
53 exemption from a requirement to attend a driver
54 improvement course for drivers if adjudication is
55 withheld by the court; providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Subsection (9) of section 261.03, Florida
60 Statutes, is amended to read:

61 261.03 Definitions.—As used in this chapter, the term:

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

70 Section 2. Paragraph (a) of subsection (3) of section
71 316.1905, Florida Statutes, is amended to read:

72 316.1905 Electrical, mechanical, or other speed calculating
73 devices; power of arrest; evidence.—

74 (3) (a) A witness otherwise qualified to testify shall be
75 competent to give testimony against an accused violator of the
76 speed ~~motor vehicle~~ laws of this state only when such testimony
77 is derived from the use of such an electronic, electrical,
78 mechanical, or other device used in the calculation of speed,
79 upon showing that the speed calculating device which was used
80 had been tested. However, the operator of any visual average
81 speed computer device shall first be certified as a competent
82 operator of such device by the department.

83 Section 3. Section 316.1951, Florida Statutes, is amended
84 to read:

85 316.1951 Parking for certain purposes prohibited; sale of
86 motor vehicles; prohibited acts.—

87 (1) It is unlawful for any person to park a motor vehicle,

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88 as defined in s. 320.01, upon a public street or highway, ~~upon~~ a
89 public parking lot, or other public property, or upon private
90 property where the public has the right to travel by motor
91 vehicle, for the principal purpose and intent of displaying the
92 motor vehicle thereon for sale, hire, or rental unless the sale,
93 hire, or rental of the motor vehicle is specifically authorized
94 on such property by municipal or county regulation and the
95 person is in compliance with all municipal or county licensing
96 regulations.

97 (2) The provisions of subsection (1) do not prohibit a
98 person from parking his or her own motor vehicle or his or her
99 other personal property on any private real property which the
100 person owns or leases or on private real property which the
101 person does not own or lease, but for which he or she obtains
102 the permission of the owner, or on the public street immediately
103 adjacent thereto, for the principal purpose and intent of sale,
104 hire, or rental.

105 (3) Subsection (1) does not prohibit a licensed motor
106 vehicle dealer from displaying for sale or offering for sale
107 motor vehicles at locations other than the dealer's licensed
108 location if the dealer has been issued a supplemental license
109 for off-premises sales, as provided in s. 320.27(5), and has
110 complied with the requirements in subsection (1). A vehicle
111 displayed for sale by a licensed dealer at any location other
112 than the dealer's licensed location is subject to immediate
113 removal without warning.

114 ~~(4) The Department of Highway Safety and Motor Vehicles~~
115 ~~shall adopt by rule a uniform written notice to be used to~~
116 ~~enforce this section. Each law enforcement agency in this state~~

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117 shall ~~provide, at each agency's expense, the notice forms~~
118 ~~necessary to enforce this section.~~

119 (4)~~(5)~~ A law enforcement officer, compliance officer, code
120 enforcement officer from any local government agency, or
121 supervisor of the department may cause to be removed at the
122 owner's expense any motor vehicle found in violation of
123 subsections ~~subsection~~ (1), (5), (6), (7) and (8) or will be
124 assessed a penalty as prescribed in s. 318.18(21), by the
125 governing authority ordering the vehicle's removal. Before the
126 vehicle can be released from an impound or tow facility, a
127 release form, prescribed by the Department of Highway Safety and
128 Motor Vehicles, must be completed signifying that the fine has
129 been paid to the governing authority that ordered the vehicle's
130 removal. The towing and storage entity may collect towing or
131 storage fees prior to the payment of the fine or before the
132 release form has been completed ~~which has been parked in one~~
133 ~~location for more than 24 hours after a written notice has been~~
134 ~~issued. Every written notice issued pursuant to this section~~
135 ~~shall be affixed in a conspicuous place upon a vehicle by a law~~
136 ~~enforcement officer, compliance officer, or supervisor of the~~
137 ~~department. Any vehicle found in violation of subsection (1)~~
138 ~~within 30 days after a previous violation and written notice is~~
139 ~~subject to immediate removal without an additional waiting~~
140 ~~period.~~

141 (5)~~(6)~~ It is unlawful to offer a vehicle for sale if the
142 vehicle identification number has been destroyed, removed,
143 covered, altered, or defaced, as described in s. 319.33(1)(d). A
144 vehicle found in violation of this subsection is subject to
145 immediate removal without warning.

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146 ~~(6)(7)~~ It is unlawful to knowingly attach to any motor
147 vehicle a registration that was not assigned or lawfully
148 transferred to the vehicle pursuant to s. 320.261. A vehicle
149 found in violation of this subsection is subject to immediate
150 removal without warning.

151 ~~(7)(8)~~ It is unlawful to display or offer for sale a
152 vehicle that does not have a valid registration as provided in
153 s. 320.02. A vehicle found in violation of this subsection is
154 subject to immediate removal without warning. This subsection
155 does not apply to vehicles and recreational vehicles being
156 offered for sale through motor vehicle auctions as defined in s.
157 320.27(1)(c)4.

158 ~~(8)(9)~~ A vehicle is subject to immediate removal without
159 warning if it bears a telephone number that has been displayed
160 on three or more vehicles offered for sale within a 12-month
161 period.

162 ~~(9)(10)~~ Any other provision of law to the contrary
163 notwithstanding, a violation of subsection (1) shall subject the
164 owner of such motor vehicle to towing fees reasonably
165 necessitated by removal and storage of the motor vehicle and a
166 fine as required by s. 318.18.

167 ~~(10)(11)~~ This section does not prohibit the governing body
168 of a municipality or county, with respect to streets, highways,
169 or other property under its jurisdiction, from regulating the
170 parking of motor vehicles for any purpose.

171 ~~(11)(12)~~ A violation of this section is a noncriminal
172 traffic infraction, punishable as a nonmoving violation as
173 provided in chapter 318, unless otherwise mandated by general
174 law.

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175 Section 4. Subsection (9) of section 317.0003, Florida
176 Statutes, is amended to read:

177 317.0003 Definitions.—As used in this chapter, the term:

178 (9) "ROV" means any motorized recreational off-highway
179 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
180 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
181 nonhighway tires, having nonstraddle seating and a steering
182 wheel, and manufactured for recreational use by one or more
183 persons. The term "ROV" does not include a golf cart as defined
184 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
185 defined in s. 320.01(42).

186 Section 5. Subsection (9) of section 318.14, Florida
187 Statutes, is amended to read:

188 318.14 Noncriminal traffic infractions; exception;
189 procedures.—

190 (9) Any person who does not hold a commercial driver's
191 license and who is cited for an infraction under this section
192 other than a violation of s. 316.183(2), s. 316.187, or s.
193 316.189 when the driver exceeds the posted limit by 30 miles per
194 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
195 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
196 appearance, elect to attend in the location of his or her choice
197 within this state a basic driver improvement course approved by
198 the Department of Highway Safety and Motor Vehicles. In such a
199 case, adjudication must be withheld and points, as provided by
200 s. 322.27, may not be assessed. However, a person may not make
201 an election under this subsection if the person has made an
202 election under this subsection in the preceding 12 months. A
203 person may make no more than five elections within his or her

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204 lifetime ~~10 years~~ under this subsection. The requirement for
205 community service under s. 318.18(8) is not waived by a plea of
206 nolo contendere or by the withholding of adjudication of guilt
207 by a court. If a person makes an election to attend a basic
208 driver improvement course under this subsection, 18 percent of
209 the civil penalty imposed under s. 318.18(3) shall be deposited
210 in the State Courts Revenue Trust Fund; however, that portion is
211 not revenue for purposes of s. 28.36 and may not be used in
212 establishing the budget of the clerk of the court under that
213 section or s. 28.35.

214 Section 6. Subsection (21) is added to section 318.18,
215 Florida Statutes, to read:

216 318.18 Amount of penalties.—The penalties required for a
217 noncriminal disposition pursuant to s. 318.14 or a criminal
218 offense listed in s. 318.17 are as follows:

219 (21) One hundred dollars for a violation of s. 316.1951 for
220 a vehicle that is unlawfully displayed for sale, hire, or
221 rental. This fine shall be retained by the governing authority
222 authorizing the vehicle to be towed. Fines collected by the
223 Department of Highway Safety and Motor Vehicles shall be
224 deposited into the Highway Safety Operating Trust Fund.

225 Section 7. Paragraphs (a) and (b) of subsection (6) of
226 section 319.225, Florida Statutes, are amended to read:

227 319.225 Transfer and reassignment forms; odometer
228 disclosure statements.—

229 (6) (a) If the certificate of title is physically held by a
230 lienholder, the transferor may give a power of attorney to his
231 or her transferee for the purpose of odometer disclosure. The
232 power of attorney must be on a form issued or authorized by the

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233 department, which form must be in compliance with 49 C.F.R. ss.
234 580.4 and 580.13. The department shall not require the signature
235 of the transferor to be notarized on the form; however, in lieu
236 of notarization, the form shall include an affidavit with the
237 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
238 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
239 ARE TRUE. The transferee shall sign the power of attorney form,
240 print his or her name, and return a copy of the power of
241 attorney form to the transferor. Upon receipt of a title
242 certificate, the transferee shall complete the space for mileage
243 disclosure on the title certificate exactly as the mileage was
244 disclosed by the transferor on the power of attorney form. If
245 the transferee is a licensed motor vehicle dealer who is
246 transferring the vehicle to a retail purchaser, the dealer shall
247 make application on behalf of the retail purchaser as provided
248 in s. 319.23(6) and shall submit the original power of attorney
249 form to the department with the application for title and the
250 transferor's title certificate; otherwise, a dealer may reassign
251 the title certificate by using the dealer reassignment form in
252 the manner prescribed in subsection (3), and, at the time of
253 physical transfer of the vehicle, the original power of attorney
254 shall be delivered to the person designated as the transferee of
255 the dealer on the dealer reassignment form. A copy of the
256 executed power of attorney shall be submitted to the department
257 with a copy of the executed dealer reassignment form within 5
258 business days after the certificate of title and dealer
259 reassignment form are delivered by the dealer to its transferee.

260 (b) If the certificate of title is lost or otherwise
261 unavailable, the transferor may give a power of attorney to his

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262 or her transferee for the purpose of odometer disclosure. The
263 power of attorney must be on a form issued or authorized by the
264 department, which form must be in compliance with 49 C.F.R. ss.
265 580.4 and 580.13. The department shall not require the signature
266 of the transferor to be notarized on the form; however, in lieu
267 of notarization, the form shall include an affidavit with the
268 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
269 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
270 ARE TRUE. The transferee shall sign the power of attorney form,
271 print his or her name, and return a copy of the power of
272 attorney form to the transferor. Upon receipt of the title
273 certificate or a duplicate title certificate, the transferee
274 shall complete the space for mileage disclosure on the title
275 certificate exactly as the mileage was disclosed by the
276 transferor on the power of attorney form. If the transferee is a
277 licensed motor vehicle dealer who is transferring the vehicle to
278 a retail purchaser, the dealer shall make application on behalf
279 of the retail purchaser as provided in s. 319.23(6) and shall
280 submit the original power of attorney form to the department
281 with the application for title and the transferor's title
282 certificate or duplicate title certificate; otherwise, a dealer
283 may reassign the title certificate by using the dealer
284 reassignment form in the manner prescribed in subsection (3),
285 and, at the time of physical transfer of the vehicle, the
286 original power of attorney shall be delivered to the person
287 designated as the transferee of the dealer on the dealer
288 reassignment form. A copy of the executed power of attorney
289 shall be submitted to the department with a copy of the executed
290 dealer reassignment form within 5 business days after the

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291 duplicate certificate of title and dealer reassignment form are
292 delivered by the dealer to its transferee.

293 Section 8. Subsection (6) of section 319.23, Florida
294 Statutes, is amended to read:

295 319.23 Application for, and issuance of, certificate of
296 title.—

297 (6) (a) In the case of the sale of a motor vehicle or mobile
298 home by a licensed dealer to a general purchaser, the
299 certificate of title must be obtained in the name of the
300 purchaser by the dealer upon application signed by the
301 purchaser, and in each other case such certificate must be
302 obtained by the purchaser. In each case of transfer of a motor
303 vehicle or mobile home, the application for a certificate of
304 title, a ~~or~~ corrected certificate, or an assignment or
305 reassignment, ~~must~~ be filed within 30 days after ~~from~~ the
306 delivery of the motor vehicle or mobile home to the purchaser.
307 An applicant must pay a fee of \$20, in addition to all other
308 fees and penalties required by law, for failing to file such
309 application within the specified time. In the case of the sale
310 of a motor vehicle by a licensed motor vehicle dealer to a
311 general purchaser who resides in another state or country, the
312 dealer is not required to apply for a certificate of title for
313 the motor vehicle; however, the dealer must transfer ownership
314 and reassign the certificate of title or manufacturer's
315 certificate of origin to the purchaser, and the purchaser must
316 sign an affidavit, as approved by the department, that the
317 purchaser will title and register the motor vehicle in another
318 state or country.

319 (b) If a licensed dealer acquires a motor vehicle or mobile

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320 home as a trade-in, the dealer must file with the department,
321 within 30 days, a notice of sale signed by the seller. The
322 department shall update its database for that title record to
323 indicate "sold." A licensed dealer need not apply for a
324 certificate of title for any motor vehicle or mobile home in
325 stock acquired for stock purposes except as provided in s.
326 319.225.

327 Section 9. Subsection (16) of section 320.02, Florida
328 Statutes, is amended to read:

329 320.02 Registration required; application for registration;
330 forms.—

331 (16) The department is authorized to withhold registration
332 or re-registration of a motor vehicle if the name of the owner
333 or of a coowner appears on a list submitted to the department by
334 a licensed motor vehicle dealer for a previous registration of
335 that vehicle. The department shall place the name of the
336 registered owner of that vehicle on the list of those persons
337 who may not be issued a license plate, revalidation sticker, or
338 replacement plate for the vehicle purchased from the licensed
339 motor vehicle dealer. The motor vehicle dealer must maintain
340 signed evidence that the owner or coowner acknowledged the
341 dealer's authority to submit the list to the department if he or
342 she failed to pay and must note the amount for which the owner
343 or coowner would be responsible for the vehicle registration.
344 The dealer must maintain the necessary documentation required in
345 this subsection or face penalties as provided in s. 320.27. This
346 subsection does not affect the issuance of a title to a motor
347 vehicle.

348 (a) The motor vehicle owner or coowner may dispute the

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349 claim that money is owed to a dealer for registration fees by
350 submitting a form to the department if the motor vehicle owner
351 or coowner has documentary proof that the registration fees have
352 been paid to the dealer for the disputed amount. Without clear
353 evidence of the amounts owed for the vehicle registration and
354 repayment, the department will assume initial payments are
355 applied to government-assessed fees first.

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

360 Section 10. Subsections (4), (5), and (6) and paragraph (a)
361 of subsection (9) of section 320.27, Florida Statutes, are
362 amended to read:

363 320.27 Motor vehicle dealers.—

364 (4) LICENSE CERTIFICATE.—

365 (a) A license certificate shall be issued by the department
366 in accordance with such application when the application is
367 regular in form and in compliance with the provisions of this
368 section. The license certificate may be in the form of a
369 document or a computerized card as determined by the department.
370 The actual cost of each original, additional, or replacement
371 computerized card shall be borne by the licensee and is in
372 addition to the fee for licensure. Such license, when so issued,
373 entitles the licensee to carry on and conduct the business of a
374 motor vehicle dealer. Each license issued to a franchise motor
375 vehicle dealer expires annually on December 31 unless revoked or
376 suspended prior to that date. Each license issued to an
377 independent or wholesale dealer or auction expires annually on

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378 April 30 unless revoked or suspended prior to that date. Not
379 less than 60 days prior to the license expiration date, the
380 department shall deliver or mail to each licensee the necessary
381 renewal forms. Each independent dealer shall certify that the
382 dealer (owner, partner, officer, or director of the licensee, or
383 a full-time employee of the licensee that holds a responsible
384 management-level position) has completed 8 hours of continuing
385 education prior to filing the renewal forms with the department.
386 Such certification shall be filed once every 2 years ~~commencing~~
387 ~~with the 2006 renewal period~~. The continuing education shall
388 include at least 2 hours of legal or legislative issues, 1 hour
389 of department issues, and 5 hours of relevant motor vehicle
390 industry topics. Continuing education shall be provided by
391 dealer schools licensed under paragraph (b) either in a
392 classroom setting or by correspondence. Such schools shall
393 provide certificates of completion to the department and the
394 customer which shall be filed with the license renewal form, and
395 such schools may charge a fee for providing continuing
396 education. Any licensee who does not file his or her application
397 and fees and any other requisite documents, as required by law,
398 with the department at least 30 days prior to the license
399 expiration date shall cease to engage in business as a motor
400 vehicle dealer on the license expiration date. A renewal filed
401 with the department within 45 days after the expiration date
402 shall be accompanied by a delinquent fee of \$100. Thereafter, a
403 new application is required, accompanied by the initial license
404 fee. A license certificate duly issued by the department may be
405 modified by endorsement to show a change in the name of the
406 licensee, provided, as shown by affidavit of the licensee, the

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407 majority ownership interest of the licensee has not changed or
408 the name of the person appearing as franchisee on the sales and
409 service agreement has not changed. Modification of a license
410 certificate to show any name change as herein provided shall not
411 require initial licensure or reissuance of dealer tags; however,
412 any dealer obtaining a name change shall transact all business
413 in and be properly identified by that name. All documents
414 relative to licensure shall reflect the new name. In the case of
415 a franchise dealer, the name change shall be approved by the
416 manufacturer, distributor, or importer. A licensee applying for
417 a name change endorsement shall pay a fee of \$25 which fee shall
418 apply to the change in the name of a main location and all
419 additional locations licensed under the provisions of subsection
420 (5). Each initial license application received by the department
421 shall be accompanied by verification that, within the preceding
422 6 months, the applicant, or one or more of his or her designated
423 employees, has attended a training and information seminar
424 conducted by a licensed motor vehicle dealer training school.
425 Any applicant for a new franchised motor vehicle dealer license
426 who has held a valid franchised motor vehicle dealer license
427 continuously for the past 2 years and who remains in good
428 standing with the department is exempt from the prelicensing
429 training requirement. Such seminar shall include, but is not
430 limited to, statutory dealer requirements, which requirements
431 include required bookkeeping and recordkeeping procedures,
432 requirements for the collection of sales and use taxes, and such
433 other information that in the opinion of the department will
434 promote good business practices. No seminar may exceed 8 hours
435 in length.

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436 (b) Each initial license application received by the
437 department for licensure under subparagraph (1)(c)2. shall ~~must~~
438 be accompanied by verification that, within the preceding 6
439 months, the applicant (owner, partner, officer, or director of
440 the applicant, or a full-time employee of the applicant that
441 holds a responsible management-level position) has successfully
442 completed training conducted by a licensed motor vehicle dealer
443 training school. Such training must include training in titling
444 and registration of motor vehicles, laws relating to unfair and
445 deceptive trade practices, laws relating to financing with
446 regard to buy-here, pay-here operations, and such other
447 information that in the opinion of the department will promote
448 good business practices. Successful completion of this training
449 shall be determined by examination administered at the end of
450 the course and attendance of no less than 90 percent of the
451 total hours required by such school. Any applicant who had held
452 a valid motor vehicle dealer's license continuously within the
453 past 2 years and who remains in good standing with the
454 department is exempt from the prelicensing requirements of this
455 section ~~paragraph~~. The department shall have the authority to
456 adopt any rule necessary for establishing the training
457 curriculum; length of training, which shall not exceed 8 hours
458 for required department topics and shall not exceed an
459 additional 24 hours for topics related to other regulatory
460 agencies' instructor qualifications; and any other requirements
461 under this section. The curriculum for other subjects shall be
462 approved by any and all other regulatory agencies having
463 jurisdiction over specific subject matters; however, the overall
464 administration of the licensing of these dealer schools and

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465 their instructors shall remain with the department. Such schools
466 are authorized to charge a fee. ~~This privatized method for~~
467 ~~training applicants for dealer licensing pursuant to~~
468 ~~subparagraph (1)(c)2. is a pilot program that shall be evaluated~~
469 ~~by the department after it has been in operation for a period of~~
470 ~~2 years.~~

471 (5) SUPPLEMENTAL LICENSE.—Any person licensed hereunder
472 shall obtain a supplemental license for each permanent
473 additional place or places of business not contiguous to the
474 premises for which the original license is issued, on a form to
475 be furnished by the department, and upon payment of a fee of \$50
476 for each such additional location. Upon making renewal
477 applications for such supplemental licenses, such applicant
478 shall pay \$50 for each additional location. A supplemental
479 license authorizing off-premises sales shall be issued, at no
480 charge to the dealer, for a period not to exceed 10 consecutive
481 calendar days at the authorized location; however, an off-
482 premises sale supplemental license under this subsection shall
483 not be issued more often than five times in any calendar month.
484 To obtain such a temporary supplemental license for off-premises
485 sales, the applicant must be a licensed dealer; must notify the
486 applicable local department office of the specific dates and
487 location for which such license is requested, display a sign at
488 the licensed location clearly identifying the dealer, and
489 provide staff to work at the temporary location for the duration
490 of the off-premises sale; must meet any local government
491 permitting requirements; and must have permission of the
492 property owner to sell at that location. In the case of an off-
493 premises sale by a motor vehicle dealer licensed under

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494 subparagraph (1)(c)1. for the sale of new motor vehicles, the
495 applicant must also include documentation notifying the
496 applicable licensee licensed under s. 320.61 of the intent to
497 engage in an off-premises sale 5 working days prior to the date
498 of the off-premises sale. The licensee shall either approve or
499 disapprove of the off-premises sale within 2 working days after
500 receiving notice; otherwise, it will be deemed approved. This
501 section does not apply to a nonselling motor vehicle show or
502 public display of new motor vehicles.

503 (6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall
504 keep a book or record in either paper or electronic ~~such~~ form as
505 ~~shall be~~ prescribed or approved by the department for a period
506 of 5 years, in which the licensee shall keep a record of the
507 purchase, sale, or exchange, or receipt for the purpose of sale,
508 of any motor vehicle, the date upon which any temporary tag was
509 issued, the date of title transfer, and a description of such
510 motor vehicle together with the name and address of the seller,
511 the purchaser, and the alleged owner or other person from whom
512 such motor vehicle was purchased or received or to whom it was
513 sold or delivered, as the case may be. Such description shall
514 include the identification or engine number, maker's number, if
515 any, chassis number, if any, and such other numbers or
516 identification marks as may be thereon and shall also include a
517 statement that a number has been obliterated, defaced, or
518 changed, if such is the fact. When a licensee chooses to
519 maintain electronic records, the original paper documents may be
520 destroyed after the licensee successfully transfers title and
521 registration to the purchaser as required by chapter 319 for any
522 purchaser who titles and registers the motor vehicle in this

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523 state. In the case of a sale to a purchaser who will title and
524 register the motor vehicle in another state or country, the
525 licensee may destroy the original paper documents after
526 successfully delivering a lawfully reassigned title or
527 manufacturer's certificate or statement of origin to the
528 purchaser and after producing electronic images of all documents
529 related to the sale.

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

531 (a) The department may deny, suspend, or revoke any license
532 issued hereunder or under the provisions of s. 320.77 or s.
533 320.771~~7~~, upon proof that an applicant or a licensee has
534 ~~committed any of the following activities:~~

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

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

538 3. Failed ~~Failure~~ to honor a bank draft or check given to a
539 motor vehicle dealer for the purchase of a motor vehicle by
540 another motor vehicle dealer within 10 days after notification
541 that the bank draft or check has been dishonored. If the
542 transaction is disputed, the maker of the bank draft or check
543 shall post a bond in accordance with the provisions of s.
544 559.917, and no proceeding for revocation or suspension shall be
545 commenced until the dispute is resolved.

546 4.a. Failed to provide payment within 10 business days to
547 the department for a check payable to the department that was
548 dishonored due to insufficient funds in the amount due plus any
549 statutorily authorized fee for uttering a worthless check. The
550 department shall notify an applicant or licensee when the
551 applicant or licensee makes payment to the department by a check

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552 that is subsequently dishonored by the bank due to insufficient
553 funds. The applicant or licensee shall, within 10 business days
554 after receiving the notice, provide payment to the department in
555 the form of cash in the amount due plus any statutorily
556 authorized fee.

557 b. Stopped payment on a check payable to the department,
558 issued a check payable to the department from an account that
559 has been closed, or charged back a credit card transaction to
560 the department.

561 5.a. Failed to provide payment in the amount of tuition due
562 plus any statutorily authorized fee within 10 business days to a
563 licensed motor vehicle dealer training school for a check
564 payable to the school that was dishonored due to insufficient
565 funds in the amount of tuition due plus any statutorily
566 authorized fee for uttering a worthless check. A licensed motor
567 vehicle dealer training school shall notify a student when the
568 student makes payment to the school by a check that is
569 subsequently dishonored by the bank due to insufficient funds.
570 The student shall, within 10 business days after receiving the
571 notice, provide payment to the school in a manner designated by
572 the school in the amount of tuition due plus any statutorily
573 authorized fee. If the student fails to make such payment within
574 10 business days, the motor vehicle dealer training school may
575 cancel the training certificate issued to the student and notify
576 the department of the cancellation of the training certificate.

577 b. Stopped payment on a check payable to a licensed motor
578 vehicle dealer training school, issued a check payable to a
579 licensed motor vehicle dealer training school from an account
580 that has been closed, or charged back a credit card transaction

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581 to a licensed motor vehicle dealer training school. If a student
582 commits any such act, the motor vehicle dealer training school
583 may cancel the training certificate issued to the student and
584 notify the department of the cancellation of the training
585 certificate.

586 Section 11. Subsection (4) of section 322.0261, Florida
587 Statutes, is amended to read:

588 322.0261 Driver improvement course; requirement to maintain
589 driving privileges; failure to complete; department approval of
590 course.—

591 (4) The department shall identify any operator convicted
592 of, or who pleaded nolo contendere to, a violation of s.
593 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
594 316.192 and shall require that operator, unless the court
595 withholds adjudication, in addition to other applicable
596 penalties, to attend a department-approved driver improvement
597 course in order to maintain driving privileges. If the operator
598 fails to complete the course within 90 days after receiving
599 notice from the department, the operator's driver license shall
600 be canceled by the department until the course is successfully
601 completed.

602 Section 12. This act shall take effect July 1, 2010.