



156162

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/19/2010	.	
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	.	
	.	

The Committee on Transportation and Economic Development
Appropriations (Fasano) recommended the following:

Senate Amendment (with title amendment)

Delete line 1447
and insert:

Section 28. Effective July 1, 2010, subsection (10) of
section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors;
International Registration Plan.—

(10) (a) Jurisdiction over the electronic filing system for
use by authorized electronic filing system agents to
electronically title or register motor vehicles, vessels, mobile
homes, or off-highway vehicles; issue or transfer registration



156162

13 license plates or decals; electronically transfer fees due for
14 the title and registration process; and perform inquiries for
15 title, registration, lienholder verification, and certification
16 of service providers is expressly preempted to the state. The
17 department shall have regulatory authority over the system. The
18 electronic filing system shall be available for use statewide
19 and applied uniformly throughout the state. An entity that, in
20 the normal course of their business, sells products that must be
21 titled or registered, provides title and registration services
22 on behalf of its consumers, and meets all established
23 requirements may be an authorized electronic filing system agent
24 and may not be precluded from participating in the electronic
25 filing system in any county. Upon a request from a qualified
26 entity, the tax collector shall appoint the entity as an
27 authorized electronic filing system agent for the county. The
28 department shall adopt rules pursuant to chapter 120 to replace
29 the program standards of December 10, 2009, and to administer
30 this section, including, but not limited to, establishing
31 participation requirements, certification of service providers,
32 electronic filing system requirements, and enforcement
33 authority. The program standards of December 10, 2009, excluding
34 any standards that conflict with this paragraph, shall remain in
35 effect until rules are adopted. An authorized electronic filing
36 agent may charge a fee to the customer for use of the electronic
37 filing system.

38 (b) Notwithstanding paragraph (a), the private entity
39 providers of the electronic filing system shall continue to
40 comply with the financial arrangements with the tax collector
41 service corporation which were in effect January 1, 2010,



156162

42 through December 31, 2010. This paragraph expires January 1,
43 2011. Jurisdiction over the outsourced electronic filing system
44 for use by licensed motor vehicle dealers electronically to
45 title and to register motor vehicles and to issue or to transfer
46 registration license plates or decals is expressly preempted to
47 the state. The department shall continue its current outsourcing
48 of the existing electronic filing system, including its program
49 standards. The electronic filing system is approved for use in
50 all counties, shall apply uniformly to all tax collectors of the
51 state, and no tax collector may add or detract from the program
52 standards in his or her respective county. A motor vehicle
53 dealer licensed under this chapter may charge a fee to the
54 customer for use of the electronic filing system, and such fee
55 is not a component of the program standards. Final authority
56 over disputes relating to program standards lies with the
57 department. By January 1, 2010, the Office of Program Policy
58 Analysis and Government Accountability, with input from the
59 department and from affected parties, including tax collectors,
60 service providers, and motor vehicle dealers, shall report to
61 the President of the Senate and the Speaker of the House of
62 Representatives on the status of the outsourced electronic
63 filing system, including the program standards, and its
64 compliance with this subsection. The report shall identify all
65 public and private alternatives for continued operation of the
66 electronic filing system and shall include any and all
67 appropriate recommendations, including revisions to the program
68 standards.

69 Section 29. Effective January 1, 2011, paragraph (e) of
70 subsection (3) of section 320.05, Florida Statutes, is amended



156162

71 to read:

72 320.05 Records of the department; inspection procedure;
73 lists and searches; fees.—

74 (3)

75 (e) When motor vehicle, vessel, or mobile home registration
76 data is provided by electronic access through a tax collector's
77 office, the applicable fee as provided in paragraph (b) must be
78 collected and deposited pursuant to paragraph (c). However, when
79 such registration data is obtained through an electronic system
80 described in s. 320.03(10), s. 320.0609, and s. 320.131 which
81 results in the issuance of a title certificate or the
82 registration credential, such fee shall not apply a fee for the
83 electronic access is not required to be assessed. However, at
84 the tax collector's discretion, a fee equal to or less than the
85 fee charged by the department for such information may be
86 assessed by the tax collector for the electronic access.
87 ~~Notwithstanding paragraph (c), any funds collected by the tax~~
88 ~~collector as a result of providing such access shall be retained~~
89 ~~by the tax collector.~~

90 Section 30. Except as otherwise expressly provided in this
91 act and except for this section, which shall take effect July 1,
92 2010, this act shall take effect September 1, 2010.

93
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete line 124

97 and insert:

98 school; amending s. 320.03, F.S.; preempting to the
99 state jurisdiction over a statewide electronic filing



156162

100 system for titling and registering vehicles, vessels,
101 and mobile homes; providing requirements for the
102 system; providing requirements for such filing system
103 agents to participate in the system; providing for the
104 appointment of agents; providing for the adoption of
105 rules; providing for certain program standards to
106 remain in effect until such rules are adopted;
107 providing for fees; extending the time for certain
108 private providers of the system to comply with certain
109 financial arrangements; amending s. 320.05, F.S.;
110 exempting the provision of certain registrations
111 through a specific electronic filing system from
112 certain fees charged by a tax collector; providing
113 effective dates.