

1                   A bill to be entitled  
2           An act relating to motor vehicles; amending ss. 261.03 and  
3           317.0003, F.S.; redefining the term "ROV" for purposes of  
4           provisions relating to off-highway vehicles to include  
5           vehicles of increased width and weight; amending s.  
6           316.1905, F.S.; revising provisions for witness testimony;  
7           providing that certain witnesses shall be considered  
8           competent to give testimony concerning a speed violation  
9           only under specified circumstances; amending s. 316.1951,  
10          F.S.; removing a requirement that the Department of  
11          Highway Safety and Motor Vehicles adopt a uniform written  
12          notice to be used to enforce provisions that prohibit  
13          parking a motor vehicle on certain property for the  
14          purpose of displaying the motor vehicle as being for sale,  
15          hire, or rental; removing a requirement that each law  
16          enforcement agency provide its own notice for such  
17          enforcement; authorizing a local government to adopt an  
18          ordinance to enforce such provisions; authorizing a code  
19          enforcement officer from any local government agency to  
20          enforce such provisions; providing for immediate removal  
21          of a motor vehicle in violation of specified provisions;  
22          providing for assessment of a fine in addition to towing  
23          and storage fees; requiring a release form prescribed by  
24          the department to be completed before release of the motor  
25          vehicle; amending s. 318.14, F.S.; providing a lifetime  
26          limitation on the number of times a person may elect to  
27          attend a driver improvement course in lieu of appearing in  
28          court for certain traffic infractions; amending s. 318.18,

29 F.S.; specifying a fine for a vehicle that is displayed  
30 for sale, hire, or rental in violation of such provisions;  
31 providing for disposition of fines collected; amending s.  
32 319.225, F.S.; prohibiting the department from requiring  
33 the signature of the transferor to be notarized on certain  
34 motor vehicle title transfer forms relating to mileage of  
35 the vehicle; requiring the forms to include an affidavit  
36 declaring facts in the document to be true; amending s.  
37 319.23, F.S.; providing that, under certain circumstances,  
38 a motor vehicle dealer is not required to apply for a  
39 certificate of title for a motor vehicle sold to a general  
40 purchaser who resides outside the state; amending s.  
41 320.02, F.S.; directing the department to place the name  
42 of the owner of a motor vehicle on the list of persons who  
43 may not be issued a license plate or revalidation sticker  
44 if that person is on a list submitted to the department by  
45 a licensed dealer; amending s. 320.27, F.S.; clarifying an  
46 exemption from certain dealer prelicensing requirements;  
47 removing a requirement for evaluation of privatized  
48 applicant training methods; authorizing dealer records to  
49 be kept in either paper or electronic form; providing  
50 procedures for transfer of documents to electronic form;  
51 authorizing the department to deny, suspend, or revoke a  
52 dealer's license for certain actions relating to payments  
53 made to the department; authorizing a dealer training  
54 school to cancel the training certificate issued to a  
55 student for certain actions relating to payments made to  
56 the school; amending s. 322.0261, F.S.; providing that the

57 department shall not require a person to attend a driver  
 58 improvement course for specified traffic violations when  
 59 adjudication has been withheld by the court; providing an  
 60 effective date.

61  
 62 Be It Enacted by the Legislature of the State of Florida:

63  
 64 Section 1. Subsection (9) of section 261.03, Florida  
 65 Statutes, is amended to read:

66 261.03 Definitions.—As used in this chapter, the term:

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

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

77 317.0003 Definitions.—As used in this chapter, the term:

78 (9) "ROV" means any motorized recreational off-highway  
 79 vehicle 64 ~~60~~ inches or less in width, having a dry weight of  
 80 2,000 ~~1,500~~ pounds or less, designed to travel on four or more  
 81 nonhighway tires, having nonstraddle seating and a steering  
 82 wheel, and manufactured for recreational use by one or more  
 83 persons. The term "ROV" does not include a golf cart as defined  
 84 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as

85 defined in s. 320.01(42).

86 Section 3. Paragraph (a) of subsection (3) of section  
87 316.1905, Florida Statutes, is amended to read:

88 316.1905 Electrical, mechanical, or other speed  
89 calculating devices; power of arrest; evidence.-

90 (3)(a) A witness otherwise qualified to testify shall be  
91 competent to give testimony against an accused violator of the  
92 speed ~~motor vehicle~~ laws of this state only when such testimony  
93 is derived from the use of such an electronic, electrical,  
94 mechanical, or other device used in the calculation of speed,  
95 upon showing that the speed calculating device which was used  
96 had been tested. However, the operator of any visual average  
97 speed computer device shall first be certified as a competent  
98 operator of such device by the department.

99 Section 4. Section 316.1951, Florida Statutes, is amended  
100 to read:

101 316.1951 Parking for certain purposes prohibited; sale of  
102 motor vehicles; prohibited acts.-

103 (1) It is unlawful for any person to park a motor vehicle,  
104 as defined in s. 320.01, upon a public street or highway, ~~upon~~ a  
105 public parking lot, or other public property, or upon private  
106 property where the public has the right to travel by motor  
107 vehicle, for the principal purpose and intent of displaying the  
108 motor vehicle thereon for sale, hire, or rental unless the sale,  
109 hire, or rental of the motor vehicle is specifically authorized  
110 on such property by municipal or county regulation and the  
111 person is in compliance with all municipal or county licensing  
112 regulations.

113 (2) The provisions of subsection (1) do not prohibit a  
114 person from parking his or her own motor vehicle or his or her  
115 other personal property on any private real property which the  
116 person owns or leases or on private real property which the  
117 person does not own or lease, but for which he or she obtains  
118 the permission of the owner, or on the public street immediately  
119 adjacent thereto, for the principal purpose and intent of sale,  
120 hire, or rental.

121 (3) Subsection (1) does not prohibit a licensed motor  
122 vehicle dealer from displaying for sale or offering for sale  
123 motor vehicles at locations other than the dealer's licensed  
124 location if the dealer has been issued a supplemental license  
125 for off-premises sales, as provided in s. 320.27(5), and has  
126 complied with the requirements in subsection (1). A vehicle  
127 displayed for sale by a licensed dealer at any location other  
128 than the dealer's licensed location is subject to immediate  
129 removal without warning.

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

135 (4)-(5) A local government may adopt an ordinance to allow  
136 the towing of a motor vehicle parked in violation of this  
137 section. A law enforcement officer, compliance officer, code  
138 enforcement officer from any local government agency, or  
139 supervisor of the department may issue a citation and cause to  
140 be immediately removed at the owner's expense any motor vehicle

141 found in violation of subsection (1), except as provided in  
 142 subsections (2) and (3), or in violation of subsection (5),  
 143 subsection (6), subsection (7), or subsection (8), and the owner  
 144 shall be assessed a penalty as provided in s. 318.18(21) by the  
 145 government agency or authority that orders immediate removal of  
 146 the motor vehicle. A motor vehicle removed under this section  
 147 shall not be released from an impound or towing and storage  
 148 facility before a release form prescribed by the department has  
 149 been completed verifying that the fine has been paid to the  
 150 government agency or authority that ordered immediate removal of  
 151 the motor vehicle. However, the owner may pay towing and storage  
 152 charges to the towing and storage facility before payment of the  
 153 fine or before the release form has been completed ~~which has~~  
 154 ~~been parked in one location for more than 24 hours after a~~  
 155 ~~written notice has been issued. Every written notice issued~~  
 156 ~~pursuant to this section shall be affixed in a conspicuous place~~  
 157 ~~upon a vehicle by a law enforcement officer, compliance officer,~~  
 158 ~~or supervisor of the department. Any vehicle found in violation~~  
 159 ~~of subsection (1) within 30 days after a previous violation and~~  
 160 ~~written notice is subject to immediate removal without an~~  
 161 ~~additional waiting period.~~

162 (5)~~(6)~~ It is unlawful to offer a vehicle for sale if the  
 163 vehicle identification number has been destroyed, removed,  
 164 covered, altered, or defaced, as described in s. 319.33(1)(d). A  
 165 vehicle found in violation of this subsection is subject to  
 166 immediate removal without warning.

167 (6)~~(7)~~ It is unlawful to knowingly attach to any motor  
 168 vehicle a registration that was not assigned or lawfully

169 transferred to the vehicle pursuant to s. 320.261. A vehicle  
170 found in violation of this subsection is subject to immediate  
171 removal without warning.

172 ~~(7)~~ It is unlawful to display or offer for sale a  
173 vehicle that does not have a valid registration as provided in  
174 s. 320.02. A vehicle found in violation of this subsection is  
175 subject to immediate removal without warning. This subsection  
176 does not apply to vehicles and recreational vehicles being  
177 offered for sale through motor vehicle auctions as defined in s.  
178 320.27(1)(c)4.

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

183 ~~(9)~~ Any other provision of law to the contrary  
184 notwithstanding, a violation of subsection (1), subsection (5),  
185 subsection (6), subsection (7), or subsection (8) shall subject  
186 the owner of such motor vehicle to towing fees reasonably  
187 necessitated by removal and storage of the motor vehicle and a  
188 fine as required by s. 318.18.

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

193 ~~(11)~~ A violation of this section is a noncriminal  
194 traffic infraction, punishable as a nonmoving violation as  
195 provided in chapter 318, unless otherwise mandated by general  
196 law.

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

199 318.14 Noncriminal traffic infractions; exception;  
200 procedures.—

201 (9) Any person who does not hold a commercial driver's  
202 license and who is cited for an infraction under this section  
203 other than a violation of s. 316.183(2), s. 316.187, or s.  
204 316.189 when the driver exceeds the posted limit by 30 miles per  
205 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,  
206 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court  
207 appearance, elect to attend in the location of his or her choice  
208 within this state a basic driver improvement course approved by  
209 the Department of Highway Safety and Motor Vehicles. In such a  
210 case, adjudication must be withheld and points, as provided by  
211 s. 322.27, may not be assessed. However, a person may not make  
212 an election under this subsection if the person has made an  
213 election under this subsection in the preceding 12 months. A  
214 person may make no more than five elections within his or her  
215 lifetime ~~10 years~~ under this subsection. The requirement for  
216 community service under s. 318.18(8) is not waived by a plea of  
217 nolo contendere or by the withholding of adjudication of guilt  
218 by a court. If a person makes an election to attend a basic  
219 driver improvement course under this subsection, 18 percent of  
220 the civil penalty imposed under s. 318.18(3) shall be deposited  
221 in the State Courts Revenue Trust Fund; however, that portion is  
222 not revenue for purposes of s. 28.36 and may not be used in  
223 establishing the budget of the clerk of the court under that  
224 section or s. 28.35.



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

227 318.18 Amount of penalties.—The penalties required for a  
 228 noncriminal disposition pursuant to s. 318.14 or a criminal  
 229 offense listed in s. 318.17 are as follows:

230 (21) One hundred dollars for a violation of s. 316.1951  
 231 for a vehicle that is unlawfully displayed for sale, hire, or  
 232 rental. Notwithstanding any other law to the contrary, fines  
 233 collected under this subsection shall be retained by the  
 234 governing authority that authorized towing of the vehicle. Fines  
 235 collected by the department shall be deposited into the Highway  
 236 Safety Operating Trust Fund.

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

239 319.225 Transfer and reassignment forms; odometer  
 240 disclosure statements.—

241 (6) (a) If the certificate of title is physically held by a  
 242 lienholder, the transferor may give a power of attorney to his  
 243 or her transferee for the purpose of odometer disclosure. The  
 244 power of attorney must be on a form issued or authorized by the  
 245 department, which form must be in compliance with 49 C.F.R. ss.  
 246 580.4 and 580.13. The department shall not require the signature  
 247 of the transferor to be notarized on the form; however, in lieu  
 248 of notarization, the form shall include an affidavit with the  
 249 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
 250 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
 251 ARE TRUE. The transferee shall sign the power of attorney form,  
 252 print his or her name, and return a copy of the power of

253 attorney form to the transferor. Upon receipt of a title  
254 certificate, the transferee shall complete the space for mileage  
255 disclosure on the title certificate exactly as the mileage was  
256 disclosed by the transferor on the power of attorney form. If  
257 the transferee is a licensed motor vehicle dealer who is  
258 transferring the vehicle to a retail purchaser, the dealer shall  
259 make application on behalf of the retail purchaser as provided  
260 in s. 319.23(6) and shall submit the original power of attorney  
261 form to the department with the application for title and the  
262 transferor's title certificate; otherwise, a dealer may reassign  
263 the title certificate by using the dealer reassignment form in  
264 the manner prescribed in subsection (3), and, at the time of  
265 physical transfer of the vehicle, the original power of attorney  
266 shall be delivered to the person designated as the transferee of  
267 the dealer on the dealer reassignment form. A copy of the  
268 executed power of attorney shall be submitted to the department  
269 with a copy of the executed dealer reassignment form within 5  
270 business days after the certificate of title and dealer  
271 reassignment form are delivered by the dealer to its transferee.

272 (b) If the certificate of title is lost or otherwise  
273 unavailable, the transferor may give a power of attorney to his  
274 or her transferee for the purpose of odometer disclosure. The  
275 power of attorney must be on a form issued or authorized by the  
276 department, which form must be in compliance with 49 C.F.R. ss.  
277 580.4 and 580.13. The department shall not require the signature  
278 of the transferor to be notarized on the form; however, in lieu  
279 of notarization, the form shall include an affidavit with the  
280 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I

281 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
 282 ARE TRUE. The transferee shall sign the power of attorney form,  
 283 print his or her name, and return a copy of the power of  
 284 attorney form to the transferor. Upon receipt of the title  
 285 certificate or a duplicate title certificate, the transferee  
 286 shall complete the space for mileage disclosure on the title  
 287 certificate exactly as the mileage was disclosed by the  
 288 transferor on the power of attorney form. If the transferee is a  
 289 licensed motor vehicle dealer who is transferring the vehicle to  
 290 a retail purchaser, the dealer shall make application on behalf  
 291 of the retail purchaser as provided in s. 319.23(6) and shall  
 292 submit the original power of attorney form to the department  
 293 with the application for title and the transferor's title  
 294 certificate or duplicate title certificate; otherwise, a dealer  
 295 may reassign the title certificate by using the dealer  
 296 reassignment form in the manner prescribed in subsection (3),  
 297 and, at the time of physical transfer of the vehicle, the  
 298 original power of attorney shall be delivered to the person  
 299 designated as the transferee of the dealer on the dealer  
 300 reassignment form. A copy of the executed power of attorney  
 301 shall be submitted to the department with a copy of the executed  
 302 dealer reassignment form within 5 business days after the  
 303 duplicate certificate of title and dealer reassignment form are  
 304 delivered by the dealer to its transferee.

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

307 319.23 Application for, and issuance of, certificate of  
 308 title.—

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

331           (b) If a licensed dealer acquires a motor vehicle or  
332 mobile home as a trade-in, the dealer must file with the  
333 department, within 30 days, a notice of sale signed by the  
334 seller. The department shall update its database for that title  
335 record to indicate "sold." A licensed dealer need not apply for  
336 a certificate of title for any motor vehicle or mobile home in

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337 stock acquired for stock purposes except as provided in s.  
338 319.225.

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

341 320.02 Registration required; application for  
342 registration; forms.-

343 (16) The department is authorized to withhold registration  
344 or re-registration of a motor vehicle if the name of the owner  
345 or of a coowner appears on a list submitted to the department by  
346 a licensed motor vehicle dealer for a previous registration of  
347 that vehicle. The department shall place the name of the  
348 registered owner of that vehicle on the list of those persons  
349 who may not be issued a license plate, revalidation sticker, or  
350 replacement plate for the vehicle purchased from the licensed  
351 motor vehicle dealer. The motor vehicle dealer must maintain  
352 signed evidence that the owner or coowner acknowledged the  
353 dealer's authority to submit the list to the department if he or  
354 she failed to pay and must note the amount for which the owner  
355 or coowner would be responsible for the vehicle registration.  
356 The dealer must maintain the necessary documentation required in  
357 this subsection or face penalties as provided in s. 320.27. This  
358 subsection does not affect the issuance of a title to a motor  
359 vehicle.

360 (a) The motor vehicle owner or coowner may dispute the  
361 claim that money is owed to a dealer for registration fees by  
362 submitting a form to the department if the motor vehicle owner  
363 or coowner has documentary proof that the registration fees have  
364 been paid to the dealer for the disputed amount. Without clear

365 evidence of the amounts owed for the vehicle registration and  
 366 repayment, the department will assume initial payments are  
 367 applied to government-assessed fees first.

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

372 Section 10. Subsections (4) and (6) and paragraph (a) of  
 373 subsection (9) of section 320.27, Florida Statutes, are amended  
 374 to read:

375 320.27 Motor vehicle dealers.—

376 (4) LICENSE CERTIFICATE.—

377 (a) A license certificate shall be issued by the  
 378 department in accordance with such application when the  
 379 application is regular in form and in compliance with the  
 380 provisions of this section. The license certificate may be in  
 381 the form of a document or a computerized card as determined by  
 382 the department. The actual cost of each original, additional, or  
 383 replacement computerized card shall be borne by the licensee and  
 384 is in addition to the fee for licensure. Such license, when so  
 385 issued, entitles the licensee to carry on and conduct the  
 386 business of a motor vehicle dealer. Each license issued to a  
 387 franchise motor vehicle dealer expires annually on December 31  
 388 unless revoked or suspended prior to that date. Each license  
 389 issued to an independent or wholesale dealer or auction expires  
 390 annually on April 30 unless revoked or suspended prior to that  
 391 date. Not less than 60 days prior to the license expiration  
 392 date, the department shall deliver or mail to each licensee the

393 necessary renewal forms. Each independent dealer shall certify  
394 that the dealer (owner, partner, officer, or director of the  
395 licensee, or a full-time employee of the licensee that holds a  
396 responsible management-level position) has completed 8 hours of  
397 continuing education prior to filing the renewal forms with the  
398 department. Such certification shall be filed once every 2 years  
399 ~~commencing with the 2006 renewal period.~~ The continuing  
400 education shall include at least 2 hours of legal or legislative  
401 issues, 1 hour of department issues, and 5 hours of relevant  
402 motor vehicle industry topics. Continuing education shall be  
403 provided by dealer schools licensed under paragraph (b) either  
404 in a classroom setting or by correspondence. Such schools shall  
405 provide certificates of completion to the department and the  
406 customer which shall be filed with the license renewal form, and  
407 such schools may charge a fee for providing continuing  
408 education. Any licensee who does not file his or her application  
409 and fees and any other requisite documents, as required by law,  
410 with the department at least 30 days prior to the license  
411 expiration date shall cease to engage in business as a motor  
412 vehicle dealer on the license expiration date. A renewal filed  
413 with the department within 45 days after the expiration date  
414 shall be accompanied by a delinquent fee of \$100. Thereafter, a  
415 new application is required, accompanied by the initial license  
416 fee. A license certificate duly issued by the department may be  
417 modified by endorsement to show a change in the name of the  
418 licensee, provided, as shown by affidavit of the licensee, the  
419 majority ownership interest of the licensee has not changed or  
420 the name of the person appearing as franchisee on the sales and

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

448 (b) Each initial license application received by the



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

477 their instructors shall remain with the department. Such schools  
478 are authorized to charge a fee. ~~This privatized method for~~  
479 ~~training applicants for dealer licensing pursuant to~~  
480 ~~subparagraph (1)(c)2. is a pilot program that shall be evaluated~~  
481 ~~by the department after it has been in operation for a period of~~  
482 ~~2 years.~~

483 (6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall  
484 keep a book or record in either paper or electronic ~~such~~ form as  
485 ~~shall be~~ prescribed or approved by the department for a period  
486 of 5 years, in which the licensee shall keep a record of the  
487 purchase, sale, or exchange, or receipt for the purpose of sale,  
488 of any motor vehicle, the date upon which any temporary tag was  
489 issued, the date of title transfer, and a description of such  
490 motor vehicle together with the name and address of the seller,  
491 the purchaser, and the alleged owner or other person from whom  
492 such motor vehicle was purchased or received or to whom it was  
493 sold or delivered, as the case may be. Such description shall  
494 include the identification or engine number, maker's number, if  
495 any, chassis number, if any, and such other numbers or  
496 identification marks as may be thereon and shall also include a  
497 statement that a number has been obliterated, defaced, or  
498 changed, if such is the fact. When a licensee chooses to  
499 maintain electronic records, the original paper documents may be  
500 destroyed after the licensee successfully transfers title and  
501 registration to the purchaser as required by chapter 319 for any  
502 purchaser who titles and registers the motor vehicle in this  
503 state. In the case of a sale to a purchaser who will title and  
504 register the motor vehicle in another state or country, the

505 licensee may destroy the original paper documents after  
 506 successfully delivering a lawfully reassigned title or  
 507 manufacturer's certificate or statement of origin to the  
 508 purchaser and after producing electronic images of all documents  
 509 related to the sale.

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

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

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

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

518 3. Failed ~~Failure~~ to honor a bank draft or check given to  
 519 a motor vehicle dealer for the purchase of a motor vehicle by  
 520 another motor vehicle dealer within 10 days after notification  
 521 that the bank draft or check has been dishonored. If the  
 522 transaction is disputed, the maker of the bank draft or check  
 523 shall post a bond in accordance with the provisions of s.  
 524 559.917, and no proceeding for revocation or suspension shall be  
 525 commenced until the dispute is resolved.

526 4.a. Failed to provide payment within 10 business days to  
 527 the department for a check payable to the department that was  
 528 dishonored due to insufficient funds in the amount due plus any  
 529 statutorily authorized fee for uttering a worthless check. The  
 530 department shall notify an applicant or licensee when the  
 531 applicant or licensee makes payment to the department by a check  
 532 that is subsequently dishonored by the bank due to insufficient

533 funds. The applicant or licensee shall, within 10 business days  
534 after receiving the notice, provide payment to the department in  
535 the form of cash in the amount due plus any statutorily  
536 authorized fee. If the applicant or licensee fails to make such  
537 payment within 10 business days, the department may deny,  
538 suspend, or revoke the applicant's or licensee's motor vehicle  
539 dealer license.

540 b. Stopped payment on a check payable to the department,  
541 issued a check payable to the department from an account that  
542 has been closed, or charged back a credit card transaction to  
543 the department. If an applicant or licensee commits any such  
544 act, the department may deny, suspend, or revoke the applicant's  
545 or licensee's motor vehicle dealer license.

546 5.a. Failed to provide payment in the amount of tuition  
547 due plus any statutorily authorized fee within 10 business days  
548 to a licensed motor vehicle dealer training school for a check  
549 payable to the school that was dishonored due to insufficient  
550 funds in the amount of tuition due plus any statutorily  
551 authorized fee for uttering a worthless check. A licensed motor  
552 vehicle dealer training school shall notify a student when the  
553 student makes payment to the school by a check that is  
554 subsequently dishonored by the bank due to insufficient funds.  
555 The student shall, within 10 business days after receiving the  
556 notice, provide payment to the school in a manner designated by  
557 the school in the amount of tuition due plus any statutorily  
558 authorized fee. If the student fails to make such payment within  
559 10 business days, the motor vehicle dealer training school may  
560 cancel the training certificate issued to the student and notify

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561 the department of the cancellation of the training certificate.

562 b. Stopped payment on a check payable to a licensed motor  
563 vehicle dealer training school, issued a check payable to a  
564 licensed motor vehicle dealer training school from an account  
565 that has been closed, or charged back a credit card transaction  
566 to a licensed motor vehicle dealer training school. If a student  
567 commits any such act, the motor vehicle dealer training school  
568 may cancel the training certificate issued to the student and  
569 notify the department of the cancellation of the training  
570 certificate.

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

573 322.0261 Driver improvement course; requirement to  
574 maintain driving privileges; failure to complete; department  
575 approval of course.—

576 (4) The department shall identify any operator convicted  
577 of, or who pleaded nolo contendere to, a violation of s.  
578 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
579 316.192 and, unless the court has withheld adjudication, shall  
580 require that operator, in addition to other applicable  
581 penalties, to attend a department-approved driver improvement  
582 course in order to maintain driving privileges. If the operator  
583 fails to complete the course within 90 days after receiving  
584 notice from the department, the operator's driver license shall  
585 be canceled by the department until the course is successfully  
586 completed.

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