

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           316.1951, F.S.; removing a requirement that the Department  
7           of Highway Safety and Motor Vehicles adopt a uniform  
8           written notice to be used to enforce provisions that  
9           prohibit parking a motor vehicle on certain property for  
10          the purpose of displaying the motor vehicle as being for  
11          sale, hire, or rental; removing a requirement that each  
12          law enforcement agency provide its own notice for such  
13          enforcement; authorizing a local government to adopt an  
14          ordinance to enforce such provisions; authorizing a code  
15          enforcement officer from any local government agency to  
16          enforce such provisions; providing for immediate removal  
17          of a motor vehicle in violation of specified provisions;  
18          providing for assessment of a fine in addition to towing  
19          and storage fees; requiring a release form prescribed by  
20          the department to be completed before release of the motor  
21          vehicle; amending s. 318.14, F.S.; providing a lifetime  
22          limitation on the number of times a person may elect to  
23          attend a driver improvement course in lieu of appearing in  
24          court for certain traffic infractions; amending s. 318.18,  
25          F.S.; specifying a fine for a vehicle that is displayed  
26          for sale, hire, or rental in violation of such provisions;  
27          providing for disposition of fines collected; amending s.  
28          319.225, F.S.; prohibiting the department from requiring

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

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

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

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

317.0003 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 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as defined in s. 320.01(42).

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

316.1951 Parking for certain purposes prohibited; sale of

85 motor vehicles; prohibited acts.—

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

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

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

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

118       (4)(5) A local government may adopt an ordinance to allow  
119 the towing of a motor vehicle parked in violation of this  
120 section. A law enforcement officer, compliance officer, code  
121 enforcement officer from any local government agency, or  
122 supervisor of the department may issue a citation and cause to  
123 be immediately removed at the owner's expense any motor vehicle  
124 found in violation of subsection (1), except as provided in  
125 subsections (2) and (3), or in violation of subsection (5),  
126 subsection (6), subsection (7), or subsection (8), and the owner  
127 shall be assessed a penalty as provided in s. 318.18(21) by the  
128 government agency or authority that orders immediate removal of  
129 the motor vehicle. A motor vehicle removed under this section  
130 shall not be released from an impound or towing and storage  
131 facility before a release form prescribed by the department has  
132 been completed verifying that the fine has been paid to the  
133 government agency or authority that ordered immediate removal of  
134 the motor vehicle. However, the owner may pay towing and storage  
135 charges to the towing and storage facility before payment of the  
136 fine or before the release form has been completed ~~which has~~  
137 ~~been parked in one location for more than 24 hours after a~~  
138 ~~written notice has been issued. Every written notice issued~~  
139 ~~pursuant to this section shall be affixed in a conspicuous place~~  
140 ~~upon a vehicle by a law enforcement officer, compliance officer,~~

141 ~~or supervisor of the department. Any vehicle found in violation~~  
142 ~~of subsection (1) within 30 days after a previous violation and~~  
143 ~~written notice is subject to immediate removal without an~~  
144 ~~additional waiting period.~~

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

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

155 (7)~~(8)~~ It is unlawful to display or offer for sale a  
156 vehicle that does not have a valid registration as provided in  
157 s. 320.02. A vehicle found in violation of this subsection is  
158 subject to immediate removal without warning. This subsection  
159 does not apply to vehicles and recreational vehicles being  
160 offered for sale through motor vehicle auctions as defined in s.  
161 320.27(1)(c)4.

162 (8)~~(9)~~ A vehicle is subject to immediate removal without  
163 warning if it bears a telephone number that has been displayed  
164 on three or more vehicles offered for sale within a 12-month  
165 period.

166 (9)~~(10)~~ Any other provision of law to the contrary  
167 notwithstanding, a violation of subsection (1), subsection (5),  
168 subsection (6), subsection (7), or subsection (8) shall subject

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169 the owner of such motor vehicle to towing fees reasonably  
170 necessitated by removal and storage of the motor vehicle and a  
171 fine as required by s. 318.18.

172 (10)~~(11)~~ This section does not prohibit the governing body  
173 of a municipality or county, with respect to streets, highways,  
174 or other property under its jurisdiction, from regulating the  
175 parking of motor vehicles for any purpose.

176 (11)~~(12)~~ A violation of this section is a noncriminal  
177 traffic infraction, punishable as a nonmoving violation as  
178 provided in chapter 318, unless otherwise mandated by general  
179 law.

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

182 318.14 Noncriminal traffic infractions; exception;  
183 procedures.—

184 (9) Any person who does not hold a commercial driver's  
185 license and who is cited for an infraction under this section  
186 other than a violation of s. 316.183(2), s. 316.187, or s.  
187 316.189 when the driver exceeds the posted limit by 30 miles per  
188 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,  
189 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court  
190 appearance, elect to attend in the location of his or her choice  
191 within this state a basic driver improvement course approved by  
192 the Department of Highway Safety and Motor Vehicles. In such a  
193 case, adjudication must be withheld and points, as provided by  
194 s. 322.27, may not be assessed. However, a person may not make  
195 an election under this subsection if the person has made an  
196 election under this subsection in the preceding 12 months. A

197 person may make no more than five elections within his or her  
 198 lifetime ~~10 years~~ under this subsection. The requirement for  
 199 community service under s. 318.18(8) is not waived by a plea of  
 200 nolo contendere or by the withholding of adjudication of guilt  
 201 by a court. If a person makes an election to attend a basic  
 202 driver improvement course under this subsection, 18 percent of  
 203 the civil penalty imposed under s. 318.18(3) shall be deposited  
 204 in the State Courts Revenue Trust Fund; however, that portion is  
 205 not revenue for purposes of s. 28.36 and may not be used in  
 206 establishing the budget of the clerk of the court under that  
 207 section or s. 28.35.

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

210 318.18 Amount of penalties.—The penalties required for a  
 211 noncriminal disposition pursuant to s. 318.14 or a criminal  
 212 offense listed in s. 318.17 are as follows:

213 (21) One hundred dollars for a violation of s. 316.1951  
 214 for a vehicle that is unlawfully displayed for sale, hire, or  
 215 rental. Notwithstanding any other law to the contrary, fines  
 216 collected under this subsection shall be retained by the  
 217 governing authority that authorized towing of the vehicle. Fines  
 218 collected by the department shall be deposited into the Highway  
 219 Safety Operating Trust Fund.

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

222 319.225 Transfer and reassignment forms; odometer  
 223 disclosure statements.—

224 (6) (a) If the certificate of title is physically held by a



225 lienholder, the transferor may give a power of attorney to his  
226 or her transferee for the purpose of odometer disclosure. The  
227 power of attorney must be on a form issued or authorized by the  
228 department, which form must be in compliance with 49 C.F.R. ss.  
229 580.4 and 580.13. The department shall not require the signature  
230 of the transferor to be notarized on the form; however, in lieu  
231 of notarization, the form shall include an affidavit with the  
232 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
233 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
234 ARE TRUE. The transferee shall sign the power of attorney form,  
235 print his or her name, and return a copy of the power of  
236 attorney form to the transferor. Upon receipt of a title  
237 certificate, the transferee shall complete the space for mileage  
238 disclosure on the title certificate exactly as the mileage was  
239 disclosed by the transferor on the power of attorney form. If  
240 the transferee is a licensed motor vehicle dealer who is  
241 transferring the vehicle to a retail purchaser, the dealer shall  
242 make application on behalf of the retail purchaser as provided  
243 in s. 319.23(6) and shall submit the original power of attorney  
244 form to the department with the application for title and the  
245 transferor's title certificate; otherwise, a dealer may reassign  
246 the title certificate by using the dealer reassignment form in  
247 the manner prescribed in subsection (3), and, at the time of  
248 physical transfer of the vehicle, the original power of attorney  
249 shall be delivered to the person designated as the transferee of  
250 the dealer on the dealer reassignment form. A copy of the  
251 executed power of attorney shall be submitted to the department  
252 with a copy of the executed dealer reassignment form within 5

253 business days after the certificate of title and dealer  
254 reassignment form are delivered by the dealer to its transferee.

255 (b) If the certificate of title is lost or otherwise  
256 unavailable, the transferor may give a power of attorney to his  
257 or her transferee for the purpose of odometer disclosure. The  
258 power of attorney must be on a form issued or authorized by the  
259 department, which form must be in compliance with 49 C.F.R. ss.  
260 580.4 and 580.13. The department shall not require the signature  
261 of the transferor to be notarized on the form; however, in lieu  
262 of notarization, the form shall include an affidavit with the  
263 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
264 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
265 ARE TRUE. The transferee shall sign the power of attorney form,  
266 print his or her name, and return a copy of the power of  
267 attorney form to the transferor. Upon receipt of the title  
268 certificate or a duplicate title certificate, the transferee  
269 shall complete the space for mileage disclosure on the title  
270 certificate exactly as the mileage was disclosed by the  
271 transferor on the power of attorney form. If the transferee is a  
272 licensed motor vehicle dealer who is transferring the vehicle to  
273 a retail purchaser, the dealer shall make application on behalf  
274 of the retail purchaser as provided in s. 319.23(6) and shall  
275 submit the original power of attorney form to the department  
276 with the application for title and the transferor's title  
277 certificate or duplicate title certificate; otherwise, a dealer  
278 may reassign the title certificate by using the dealer  
279 reassignment form in the manner prescribed in subsection (3),  
280 and, at the time of physical transfer of the vehicle, the

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281 original power of attorney shall be delivered to the person  
282 designated as the transferee of the dealer on the dealer  
283 reassignment form. A copy of the executed power of attorney  
284 shall be submitted to the department with a copy of the executed  
285 dealer reassignment form within 5 business days after the  
286 duplicate certificate of title and dealer reassignment form are  
287 delivered by the dealer to its transferee.

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

290 319.23 Application for, and issuance of, certificate of  
291 title.—

292 (6) (a) In the case of the sale of a motor vehicle or  
293 mobile home by a licensed dealer to a general purchaser, the  
294 certificate of title must be obtained in the name of the  
295 purchaser by the dealer upon application signed by the  
296 purchaser, and in each other case such certificate must be  
297 obtained by the purchaser. In each case of transfer of a motor  
298 vehicle or mobile home, the application for a certificate of  
299 title, a ~~or~~ corrected certificate, or an assignment or  
300 reassignment, ~~must~~ be filed within 30 days after ~~from~~ the  
301 delivery of the motor vehicle or mobile home to the purchaser.  
302 An applicant must pay a fee of \$20, in addition to all other  
303 fees and penalties required by law, for failing to file such  
304 application within the specified time. In the case of the sale  
305 of a motor vehicle by a licensed motor vehicle dealer to a  
306 general purchaser who resides in another state or country, the  
307 dealer is not required to apply for a certificate of title for  
308 the motor vehicle; however, the dealer must transfer ownership

309 and reassign the certificate of title or manufacturer's  
310 certificate of origin to the purchaser, and the purchaser must  
311 sign an affidavit, as approved by the department, that the  
312 purchaser will title and register the motor vehicle in another  
313 state or country.

314 (b) If a licensed dealer acquires a motor vehicle or  
315 mobile home as a trade-in, the dealer must file with the  
316 department, within 30 days, a notice of sale signed by the  
317 seller. The department shall update its database for that title  
318 record to indicate "sold." A licensed dealer need not apply for  
319 a certificate of title for any motor vehicle or mobile home in  
320 stock acquired for stock purposes except as provided in s.  
321 319.225.

322 Section 8. Subsection (16) of section 320.02, Florida  
323 Statutes, is amended to read:

324 320.02 Registration required; application for  
325 registration; forms.—

326 (16) The department is authorized to withhold registration  
327 or re-registration of a motor vehicle if the name of the owner  
328 or of a coowner appears on a list submitted to the department by  
329 a licensed motor vehicle dealer for a previous registration of  
330 that vehicle. The department shall place the name of the  
331 registered owner of that vehicle on the list of those persons  
332 who may not be issued a license plate, revalidation sticker, or  
333 replacement plate for the vehicle purchased from the licensed  
334 motor vehicle dealer. The motor vehicle dealer must maintain  
335 signed evidence that the owner or coowner acknowledged the  
336 dealer's authority to submit the list to the department if he or

337 she failed to pay and must note the amount for which the owner  
 338 or coowner would be responsible for the vehicle registration.  
 339 The dealer must maintain the necessary documentation required in  
 340 this subsection or face penalties as provided in s. 320.27. This  
 341 subsection does not affect the issuance of a title to a motor  
 342 vehicle.

343 (a) The motor vehicle owner or coowner may dispute the  
 344 claim that money is owed to a dealer for registration fees by  
 345 submitting a form to the department if the motor vehicle owner  
 346 or coowner has documentary proof that the registration fees have  
 347 been paid to the dealer for the disputed amount. Without clear  
 348 evidence of the amounts owed for the vehicle registration and  
 349 repayment, the department will assume initial payments are  
 350 applied to government-assessed fees first.

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

355 Section 9. Subsections (4) and (6) and paragraph (a) of  
 356 subsection (9) of section 320.27, Florida Statutes, are amended  
 357 to read:

358 320.27 Motor vehicle dealers.—

359 (4) LICENSE CERTIFICATE.—

360 (a) A license certificate shall be issued by the  
 361 department in accordance with such application when the  
 362 application is regular in form and in compliance with the  
 363 provisions of this section. The license certificate may be in  
 364 the form of a document or a computerized card as determined by

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365 the department. The actual cost of each original, additional, or  
366 replacement computerized card shall be borne by the licensee and  
367 is in addition to the fee for licensure. Such license, when so  
368 issued, entitles the licensee to carry on and conduct the  
369 business of a motor vehicle dealer. Each license issued to a  
370 franchise motor vehicle dealer expires annually on December 31  
371 unless revoked or suspended prior to that date. Each license  
372 issued to an independent or wholesale dealer or auction expires  
373 annually on April 30 unless revoked or suspended prior to that  
374 date. Not less than 60 days prior to the license expiration  
375 date, the department shall deliver or mail to each licensee the  
376 necessary renewal forms. Each independent dealer shall certify  
377 that the dealer (owner, partner, officer, or director of the  
378 licensee, or a full-time employee of the licensee that holds a  
379 responsible management-level position) has completed 8 hours of  
380 continuing education prior to filing the renewal forms with the  
381 department. Such certification shall be filed once every 2 years  
382 ~~commencing with the 2006 renewal period.~~ The continuing  
383 education shall include at least 2 hours of legal or legislative  
384 issues, 1 hour of department issues, and 5 hours of relevant  
385 motor vehicle industry topics. Continuing education shall be  
386 provided by dealer schools licensed under paragraph (b) either  
387 in a classroom setting or by correspondence. Such schools shall  
388 provide certificates of completion to the department and the  
389 customer which shall be filed with the license renewal form, and  
390 such schools may charge a fee for providing continuing  
391 education. Any licensee who does not file his or her application  
392 and fees and any other requisite documents, as required by law,

393 | with the department at least 30 days prior to the license  
394 | expiration date shall cease to engage in business as a motor  
395 | vehicle dealer on the license expiration date. A renewal filed  
396 | with the department within 45 days after the expiration date  
397 | shall be accompanied by a delinquent fee of \$100. Thereafter, a  
398 | new application is required, accompanied by the initial license  
399 | fee. A license certificate duly issued by the department may be  
400 | modified by endorsement to show a change in the name of the  
401 | licensee, provided, as shown by affidavit of the licensee, the  
402 | majority ownership interest of the licensee has not changed or  
403 | the name of the person appearing as franchisee on the sales and  
404 | service agreement has not changed. Modification of a license  
405 | certificate to show any name change as herein provided shall not  
406 | require initial licensure or reissuance of dealer tags; however,  
407 | any dealer obtaining a name change shall transact all business  
408 | in and be properly identified by that name. All documents  
409 | relative to licensure shall reflect the new name. In the case of  
410 | a franchise dealer, the name change shall be approved by the  
411 | manufacturer, distributor, or importer. A licensee applying for  
412 | a name change endorsement shall pay a fee of \$25 which fee shall  
413 | apply to the change in the name of a main location and all  
414 | additional locations licensed under the provisions of subsection  
415 | (5). Each initial license application received by the department  
416 | shall be accompanied by verification that, within the preceding  
417 | 6 months, the applicant, or one or more of his or her designated  
418 | employees, has attended a training and information seminar  
419 | conducted by a licensed motor vehicle dealer training school.  
420 | Any applicant for a new franchised motor vehicle dealer license

421 who has held a valid franchised motor vehicle dealer license  
422 continuously for the past 2 years and who remains in good  
423 standing with the department is exempt from the prelicensing  
424 training requirement. Such seminar shall include, but is not  
425 limited to, statutory dealer requirements, which requirements  
426 include required bookkeeping and recordkeeping procedures,  
427 requirements for the collection of sales and use taxes, and such  
428 other information that in the opinion of the department will  
429 promote good business practices. No seminar may exceed 8 hours  
430 in length.

431 (b) Each initial license application received by the  
432 department for licensure under subparagraph (1)(c)2. shall ~~must~~  
433 be accompanied by verification that, within the preceding 6  
434 months, the applicant (owner, partner, officer, or director of  
435 the applicant, or a full-time employee of the applicant that  
436 holds a responsible management-level position) has successfully  
437 completed training conducted by a licensed motor vehicle dealer  
438 training school. Such training must include training in titling  
439 and registration of motor vehicles, laws relating to unfair and  
440 deceptive trade practices, laws relating to financing with  
441 regard to buy-here, pay-here operations, and such other  
442 information that in the opinion of the department will promote  
443 good business practices. Successful completion of this training  
444 shall be determined by examination administered at the end of  
445 the course and attendance of no less than 90 percent of the  
446 total hours required by such school. Any applicant who had held  
447 a valid motor vehicle dealer's license continuously within the  
448 past 2 years and who remains in good standing with the



449 department is exempt from the prelicensing requirements of this  
 450 section paragraph. The department shall have the authority to  
 451 adopt any rule necessary for establishing the training  
 452 curriculum; length of training, which shall not exceed 8 hours  
 453 for required department topics and shall not exceed an  
 454 additional 24 hours for topics related to other regulatory  
 455 agencies' instructor qualifications; and any other requirements  
 456 under this section. The curriculum for other subjects shall be  
 457 approved by any and all other regulatory agencies having  
 458 jurisdiction over specific subject matters; however, the overall  
 459 administration of the licensing of these dealer schools and  
 460 their instructors shall remain with the department. Such schools  
 461 are authorized to charge a fee. ~~This privatized method for~~  
 462 ~~training applicants for dealer licensing pursuant to~~  
 463 ~~subparagraph (1)(c)2. is a pilot program that shall be evaluated~~  
 464 ~~by the department after it has been in operation for a period of~~  
 465 ~~2 years.~~

466 (6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall  
 467 keep a book or record in either paper or electronic ~~such~~ form as  
 468 ~~shall be~~ prescribed or approved by the department for a period  
 469 of 5 years, in which the licensee shall keep a record of the  
 470 purchase, sale, or exchange, or receipt for the purpose of sale,  
 471 of any motor vehicle, the date upon which any temporary tag was  
 472 issued, the date of title transfer, and a description of such  
 473 motor vehicle together with the name and address of the seller,  
 474 the purchaser, and the alleged owner or other person from whom  
 475 such motor vehicle was purchased or received or to whom it was  
 476 sold or delivered, as the case may be. Such description shall

477 include the identification or engine number, maker's number, if  
 478 any, chassis number, if any, and such other numbers or  
 479 identification marks as may be thereon and shall also include a  
 480 statement that a number has been obliterated, defaced, or  
 481 changed, if such is the fact. When a licensee chooses to  
 482 maintain electronic records, the original paper documents may be  
 483 destroyed after the licensee successfully transfers title and  
 484 registration to the purchaser as required by chapter 319 for any  
 485 purchaser who titles and registers the motor vehicle in this  
 486 state. In the case of a sale to a purchaser who will title and  
 487 register the motor vehicle in another state or country, the  
 488 licensee may destroy the original paper documents after  
 489 successfully delivering a lawfully reassigned title or  
 490 manufacturer's certificate or statement of origin to the  
 491 purchaser and after producing electronic images of all documents  
 492 related to the sale.

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

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

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

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

501 3. Failed ~~Failure~~ to honor a bank draft or check given to  
 502 a motor vehicle dealer for the purchase of a motor vehicle by  
 503 another motor vehicle dealer within 10 days after notification  
 504 that the bank draft or check has been dishonored. If the

505 transaction is disputed, the maker of the bank draft or check  
506 shall post a bond in accordance with the provisions of s.  
507 559.917, and no proceeding for revocation or suspension shall be  
508 commenced until the dispute is resolved.

509 4.a. Failed to provide payment within 10 business days to  
510 the department for a check payable to the department that was  
511 dishonored due to insufficient funds in the amount due plus any  
512 statutorily authorized fee for uttering a worthless check. The  
513 department shall notify an applicant or licensee when the  
514 applicant or licensee makes payment to the department by a check  
515 that is subsequently dishonored by the bank due to insufficient  
516 funds. The applicant or licensee shall, within 10 business days  
517 after receiving the notice, provide payment to the department in  
518 the form of cash in the amount due plus any statutorily  
519 authorized fee. If the applicant or licensee fails to make such  
520 payment within 10 business days, the department may deny,  
521 suspend, or revoke the applicant's or licensee's motor vehicle  
522 dealer license.

523 b. Stopped payment on a check payable to the department,  
524 issued a check payable to the department from an account that  
525 has been closed, or charged back a credit card transaction to  
526 the department. If an applicant or licensee commits any such  
527 act, the department may deny, suspend, or revoke the applicant's  
528 or licensee's motor vehicle dealer license.

529 5.a. Failed to provide payment in the amount of tuition  
530 due plus any statutorily authorized fee within 10 business days  
531 to a licensed motor vehicle dealer training school for a check  
532 payable to the school that was dishonored due to insufficient

533 funds in the amount of tuition due plus any statutorily  
534 authorized fee for uttering a worthless check. A licensed motor  
535 vehicle dealer training school shall notify a student when the  
536 student makes payment to the school by a check that is  
537 subsequently dishonored by the bank due to insufficient funds.  
538 The student shall, within 10 business days after receiving the  
539 notice, provide payment to the school in a manner designated by  
540 the school in the amount of tuition due plus any statutorily  
541 authorized fee. If the student fails to make such payment within  
542 10 business days, the motor vehicle dealer training school may  
543 cancel the training certificate issued to the student and notify  
544 the department of the cancellation of the training certificate.

545 b. Stopped payment on a check payable to a licensed motor  
546 vehicle dealer training school, issued a check payable to a  
547 licensed motor vehicle dealer training school from an account  
548 that has been closed, or charged back a credit card transaction  
549 to a licensed motor vehicle dealer training school. If a student  
550 commits any such act, the motor vehicle dealer training school  
551 may cancel the training certificate issued to the student and  
552 notify the department of the cancellation of the training  
553 certificate.

554 Section 10. Subsection (4) of section 322.0261, Florida  
555 Statutes, is amended to read:

556 322.0261 Driver improvement course; requirement to  
557 maintain driving privileges; failure to complete; department  
558 approval of course.—

559 (4) The department shall identify any operator convicted  
560 of, or who pleaded nolo contendere to, a violation of s.

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561 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
562 316.192 and, unless the court has withheld adjudication, shall  
563 require that operator, in addition to other applicable  
564 penalties, to attend a department-approved driver improvement  
565 course in order to maintain driving privileges. If the operator  
566 fails to complete the course within 90 days after receiving  
567 notice from the department, the operator's driver license shall  
568 be canceled by the department until the course is successfully  
569 completed.

570 Section 11. This act shall take effect July 1, 2010.