

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 | 319.241, F.S.; revising provisions relating to an
38 | application for the removal of a lien from the files of
39 | the department or from the certificate of title;
40 | authorizing the department to remove the lien from its
41 | files within a specified period after receiving an
42 | application for a derelict motor vehicle certificate and
43 | notification to the lienholder, unless a written statement
44 | protesting such removal is received; amending s. 319.30,
45 | F.S.; revising definitions; revising requirements for
46 | disposition of a motor vehicle, recreational vehicle, or
47 | mobile home that is sold, transported, or delivered to a
48 | salvage motor vehicle dealer or a secondary metals
49 | recycler; requiring certificates of title to conform to
50 | specified provisions; providing for the dealer or recycler
51 | to apply to the department for a derelict motor vehicle
52 | certificate if the certificate of title, salvage
53 | certificate of title, or certificate of destruction is not
54 | available; requiring the derelict motor vehicle
55 | certificate application to be completed by the seller or
56 | owner of the motor vehicle or mobile home, the seller's or

57 | owner's authorized transporter, or the dealer or recycler;
58 | requiring certain identification information be included
59 | with the application; revising the types of documentation
60 | that a secondary metals recycler must obtain; permitting
61 | recyclers to obtain salvage certificates of title from
62 | sellers or owners as a valid method of documentation;
63 | providing that a person engaged in the business of
64 | recovering, towing, or storing vehicles may not claim
65 | certain liens, claim that certain vehicles have remained
66 | on any premises after tenancy has terminated, or use the
67 | derelict motor vehicle certificate application to
68 | transport, sell, or dispose of a motor vehicle at a
69 | salvage motor vehicle dealer or secondary metals recycler
70 | without otherwise obtaining title to the vehicle or a
71 | certificate of destruction; requiring that the department
72 | accept all properly endorsed and completed derelict motor
73 | vehicle certificate applications and issue such
74 | certification having an effective date that authorizes
75 | when the vehicle is eligible for dismantling or
76 | destruction; requiring that such electronic information be
77 | stored and made available to authorized persons; requiring
78 | that all licensed salvage motor vehicle dealers or
79 | registered secondary metals recyclers make all payments
80 | for the purchase of any derelict motor vehicle that is
81 | sold by a seller who is not the owner of record by check
82 | or money order; amending s. 320.02, F.S.; directing the
83 | department to place the name of the owner of a motor
84 | vehicle on the list of persons who may not be issued a

85 license plate or revalidation sticker if that person is on
86 a list submitted to the department by a licensed dealer;
87 amending s. 320.27, F.S.; clarifying an exemption from
88 certain dealer prelicensing requirements; removing a
89 requirement for evaluation of privatized applicant
90 training methods; authorizing dealer records to be kept in
91 either paper or electronic form; providing procedures for
92 transfer of documents to electronic form; authorizing the
93 department to deny, suspend, or revoke a dealer's license
94 for certain actions relating to payments made to the
95 department; authorizing a dealer training school to cancel
96 the training certificate issued to a student for certain
97 actions relating to payments made to the school; amending
98 s. 322.0261, F.S.; revising provisions requiring persons
99 who were convicted of or who pleaded nolo contendere to
100 specified traffic infractions to attend a driver
101 improvement course; providing that the department shall
102 not require a person to attend a driver improvement course
103 for specified traffic violations when adjudication has
104 been withheld by the court; requiring the department to
105 send notice of a requirement to attend a driver
106 improvement course within a certain time period after
107 receiving a report of an adjudication; providing an
108 effective date.

109
110 Be It Enacted by the Legislature of the State of Florida:

111
112 Section 1. Subsection (9) of section 261.03, Florida

113 Statutes, is amended to read:

114 261.03 Definitions.—As used in this chapter, the term:

115 (9) "ROV" means any motorized recreational off-highway
 116 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
 117 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
 118 nonhighway tires, having nonstraddle seating and a steering
 119 wheel, and manufactured for recreational use by one or more
 120 persons. The term "ROV" does not include a golf cart as defined
 121 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
 122 defined in s. 320.01(42).

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

125 317.0003 Definitions.—As used in this chapter, the term:

126 (9) "ROV" means any motorized recreational off-highway
 127 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
 128 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
 129 nonhighway tires, having nonstraddle seating and a steering
 130 wheel, and manufactured for recreational use by one or more
 131 persons. The term "ROV" does not include a golf cart as defined
 132 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
 133 defined in s. 320.01(42).

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

136 316.1951 Parking for certain purposes prohibited; sale of
 137 motor vehicles; prohibited acts.—

138 (1) It is unlawful for any person to park a motor vehicle,
 139 as defined in s. 320.01, upon a public street or highway, ~~upon~~ a
 140 public parking lot, or other public property, or upon private

141 property where the public has the right to travel by motor
142 vehicle, for the principal purpose and intent of displaying the
143 motor vehicle thereon for sale, hire, or rental unless the sale,
144 hire, or rental of the motor vehicle is specifically authorized
145 on such property by municipal or county regulation and the
146 person is in compliance with all municipal or county licensing
147 regulations.

148 (2) The provisions of subsection (1) do not prohibit a
149 person from parking his or her own motor vehicle or his or her
150 other personal property on any private real property which the
151 person owns or leases or on private real property which the
152 person does not own or lease, but for which he or she obtains
153 the permission of the owner, or on the public street immediately
154 adjacent thereto, for the principal purpose and intent of sale,
155 hire, or rental.

156 (3) Subsection (1) does not prohibit a licensed motor
157 vehicle dealer from displaying for sale or offering for sale
158 motor vehicles at locations other than the dealer's licensed
159 location if the dealer has been issued a supplemental license
160 for off-premises sales, as provided in s. 320.27(5), and has
161 complied with the requirements in subsection (1). A vehicle
162 displayed for sale by a licensed dealer at any location other
163 than the dealer's licensed location is subject to immediate
164 removal without warning.

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

169 ~~necessary to enforce this section.~~

170 (4)(5) A local government may adopt an ordinance to allow

171 the towing of a motor vehicle parked in violation of this

172 section. A law enforcement officer, compliance officer, code

173 enforcement officer from any local government agency, or

174 supervisor of the department may issue a citation and cause to

175 be immediately removed at the owner's expense any motor vehicle

176 found in violation of subsection (1), except as provided in

177 subsections (2) and (3), or in violation of subsection (5),

178 subsection (6), subsection (7), or subsection (8), and the owner

179 shall be assessed a penalty as provided in s. 318.18(21) by the

180 government agency or authority that orders immediate removal of

181 the motor vehicle. A motor vehicle removed under this section

182 shall not be released from an impound or towing and storage

183 facility before a release form prescribed by the department has

184 been completed verifying that the fine has been paid to the

185 government agency or authority that ordered immediate removal of

186 the motor vehicle. However, the owner may pay towing and storage

187 charges to the towing and storage facility pursuant to s. 713.78

188 before payment of the fine or before the release form has been

189 ~~completed which has been parked in one location for more than 24~~

190 ~~hours after a written notice has been issued. Every written~~

191 ~~notice issued pursuant to this section shall be affixed in a~~

192 ~~conspicuous place upon a vehicle by a law enforcement officer,~~

193 ~~compliance officer, or supervisor of the department. Any vehicle~~

194 ~~found in violation of subsection (1) within 30 days after a~~

195 ~~previous violation and written notice is subject to immediate~~

196 ~~removal without an additional waiting period.~~

197 ~~(5)-(6)~~ It is unlawful to offer a vehicle for sale if the
198 vehicle identification number has been destroyed, removed,
199 covered, altered, or defaced, as described in s. 319.33(1)(d). A
200 vehicle found in violation of this subsection is subject to
201 immediate removal without warning.

202 ~~(6)-(7)~~ It is unlawful to knowingly attach to any motor
203 vehicle a registration that was not assigned or lawfully
204 transferred to the vehicle pursuant to s. 320.261. A vehicle
205 found in violation of this subsection is subject to immediate
206 removal without warning.

207 ~~(7)-(8)~~ It is unlawful to display or offer for sale a
208 vehicle that does not have a valid registration as provided in
209 s. 320.02. A vehicle found in violation of this subsection is
210 subject to immediate removal without warning. This subsection
211 does not apply to vehicles and recreational vehicles being
212 offered for sale through motor vehicle auctions as defined in s.
213 320.27(1)(c)4.

214 ~~(8)-(9)~~ A vehicle is subject to immediate removal without
215 warning if it bears a telephone number that has been displayed
216 on three or more vehicles offered for sale within a 12-month
217 period.

218 ~~(9)-(10)~~ Any other provision of law to the contrary
219 notwithstanding, a violation of subsection (1), subsection (5),
220 subsection (6), subsection (7), or subsection (8) shall subject
221 the owner of such motor vehicle to towing fees reasonably
222 necessitated by removal and storage of the motor vehicle and a
223 fine as required by s. 318.18.

224 ~~(10)-(11)~~ This section does not prohibit the governing body

225 of a municipality or county, with respect to streets, highways,
 226 or other property under its jurisdiction, from regulating the
 227 parking of motor vehicles for any purpose.

228 ~~(11)-(12)~~ A violation of this section is a noncriminal
 229 traffic infraction, punishable as a nonmoving violation as
 230 provided in chapter 318, unless otherwise mandated by general
 231 law.

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

234 318.14 Noncriminal traffic infractions; exception;
 235 procedures.—

236 (9) Any person who does not hold a commercial driver's
 237 license and who is cited for an infraction under this section
 238 other than a violation of s. 316.183(2), s. 316.187, or s.
 239 316.189 when the driver exceeds the posted limit by 30 miles per
 240 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
 241 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
 242 appearance, elect to attend in the location of his or her choice
 243 within this state a basic driver improvement course approved by
 244 the Department of Highway Safety and Motor Vehicles. In such a
 245 case, adjudication must be withheld and points, as provided by
 246 s. 322.27, may not be assessed. However, a person may not make
 247 an election under this subsection if the person has made an
 248 election under this subsection in the preceding 12 months. A
 249 person may make no more than five elections within his or her
 250 lifetime ~~10 years~~ under this subsection. The requirement for
 251 community service under s. 318.18(8) is not waived by a plea of
 252 nolo contendere or by the withholding of adjudication of guilt

253 by a court. If a person makes an election to attend a basic
 254 driver improvement course under this subsection, 18 percent of
 255 the civil penalty imposed under s. 318.18(3) shall be deposited
 256 in the State Courts Revenue Trust Fund; however, that portion is
 257 not revenue for purposes of s. 28.36 and may not be used in
 258 establishing the budget of the clerk of the court under that
 259 section or s. 28.35.

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

262 318.18 Amount of penalties.—The penalties required for a
 263 noncriminal disposition pursuant to s. 318.14 or a criminal
 264 offense listed in s. 318.17 are as follows:

265 (21) One hundred dollars for a violation of s. 316.1951
 266 for a vehicle that is unlawfully displayed for sale, hire, or
 267 rental. Notwithstanding any other law to the contrary, fines
 268 collected under this subsection shall be retained by the
 269 governing authority that authorized towing of the vehicle. Fines
 270 collected by the department shall be deposited into the Highway
 271 Safety Operating Trust Fund.

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

274 319.225 Transfer and reassignment forms; odometer
 275 disclosure statements.—

276 (6) (a) If the certificate of title is physically held by a
 277 lienholder, the transferor may give a power of attorney to his
 278 or her transferee for the purpose of odometer disclosure. The
 279 power of attorney must be on a form issued or authorized by the
 280 department, which form must be in compliance with 49 C.F.R. ss.

281 580.4 and 580.13. The department shall not require the signature
282 of the transferor to be notarized on the form; however, in lieu
283 of notarization, the form shall include an affidavit with the
284 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
285 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
286 ARE TRUE. The transferee shall sign the power of attorney form,
287 print his or her name, and return a copy of the power of
288 attorney form to the transferor. Upon receipt of a title
289 certificate, the transferee shall complete the space for mileage
290 disclosure on the title certificate exactly as the mileage was
291 disclosed by the transferor on the power of attorney form. If
292 the transferee is a licensed motor vehicle dealer who is
293 transferring the vehicle to a retail purchaser, the dealer shall
294 make application on behalf of the retail purchaser as provided
295 in s. 319.23(6) and shall submit the original power of attorney
296 form to the department with the application for title and the
297 transferor's title certificate; otherwise, a dealer may reassign
298 the title certificate by using the dealer reassignment form in
299 the manner prescribed in subsection (3), and, at the time of
300 physical transfer of the vehicle, the original power of attorney
301 shall be delivered to the person designated as the transferee of
302 the dealer on the dealer reassignment form. A copy of the
303 executed power of attorney shall be submitted to the department
304 with a copy of the executed dealer reassignment form within 5
305 business days after the certificate of title and dealer
306 reassignment form are delivered by the dealer to its transferee.
307 (b) If the certificate of title is lost or otherwise
308 unavailable, the transferor may give a power of attorney to his

309 or her transferee for the purpose of odometer disclosure. The
310 power of attorney must be on a form issued or authorized by the
311 department, which form must be in compliance with 49 C.F.R. ss.
312 580.4 and 580.13. The department shall not require the signature
313 of the transferor to be notarized on the form; however, in lieu
314 of notarization, the form shall include an affidavit with the
315 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
316 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
317 ARE TRUE. The transferee shall sign the power of attorney form,
318 print his or her name, and return a copy of the power of
319 attorney form to the transferor. Upon receipt of the title
320 certificate or a duplicate title certificate, the transferee
321 shall complete the space for mileage disclosure on the title
322 certificate exactly as the mileage was disclosed by the
323 transferor on the power of attorney form. If the transferee is a
324 licensed motor vehicle dealer who is transferring the vehicle to
325 a retail purchaser, the dealer shall make application on behalf
326 of the retail purchaser as provided in s. 319.23(6) and shall
327 submit the original power of attorney form to the department
328 with the application for title and the transferor's title
329 certificate or duplicate title certificate; otherwise, a dealer
330 may reassign the title certificate by using the dealer
331 reassignment form in the manner prescribed in subsection (3),
332 and, at the time of physical transfer of the vehicle, the
333 original power of attorney shall be delivered to the person
334 designated as the transferee of the dealer on the dealer
335 reassignment form. A copy of the executed power of attorney
336 shall be submitted to the department with a copy of the executed

337 dealer reassignment form within 5 business days after the
338 duplicate certificate of title and dealer reassignment form are
339 delivered by the dealer to its transferee.

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

342 319.23 Application for, and issuance of, certificate of
343 title.—

344 (6) (a) In the case of the sale of a motor vehicle or
345 mobile home by a licensed dealer to a general purchaser, the
346 certificate of title must be obtained in the name of the
347 purchaser by the dealer upon application signed by the
348 purchaser, and in each other case such certificate must be
349 obtained by the purchaser. In each case of transfer of a motor
350 vehicle or mobile home, the application for a certificate of
351 title, a ~~or~~ corrected certificate, or an assignment or
352 reassignment, ~~must~~ be filed within 30 days after ~~from~~ the
353 delivery of the motor vehicle or mobile home to the purchaser.
354 An applicant must pay a fee of \$20, in addition to all other
355 fees and penalties required by law, for failing to file such
356 application within the specified time. In the case of the sale
357 of a motor vehicle by a licensed motor vehicle dealer to a
358 general purchaser who resides in another state or country, the
359 dealer is not required to apply for a certificate of title for
360 the motor vehicle; however, the dealer must transfer ownership
361 and reassign the certificate of title or manufacturer's
362 certificate of origin to the purchaser, and the purchaser must
363 sign an affidavit, as approved by the department, that the
364 purchaser will title and register the motor vehicle in another

365 state or country.

366 (b) If a licensed dealer acquires a motor vehicle or
367 mobile home as a trade-in, the dealer must file with the
368 department, within 30 days, a notice of sale signed by the
369 seller. The department shall update its database for that title
370 record to indicate "sold." A licensed dealer need not apply for
371 a certificate of title for any motor vehicle or mobile home in
372 stock acquired for stock purposes except as provided in s.
373 319.225.

374 Section 8. Section 319.241, Florida Statutes, is amended
375 to read:

376 319.241 Removal of lien from records.—The owner of a motor
377 vehicle or mobile home upon which a lien has been filed with the
378 department or noted upon a certificate of title for a period of
379 5 years may apply to the department in writing for such lien to
380 be removed from the department files or from the certificate of
381 title. The application shall be accompanied by evidence
382 satisfactory to the department that the applicant has notified
383 the lienholder by certified mail, not less than 20 days prior to
384 the date of the application, of his or her intention to apply to
385 the department for removal of the lien. Ten days after receipt
386 of the application, the department may remove the lien from its
387 files or from the certificate of title, as the case may be, if
388 no statement in writing protesting removal of the lien is
389 received by the department from the lienholder within the 10-day
390 period. If, however, the lienholder files with the department
391 within the 10-day period a written statement that the lien is
392 still outstanding, the department shall not remove the lien

393 until the lienholder presents a satisfaction of lien to the
 394 department. Ten days after the receipt of an application for a
 395 derelict motor vehicle certificate and notification to the
 396 lienholder, the department may remove the lien from the derelict
 397 motor vehicle record if a written statement protesting removal
 398 of the lien is not received by the department from the
 399 lienholder within the 10-day period.

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

403 319.30 Definitions; dismantling, destruction, change of
 404 identity of motor vehicle or mobile home; salvage.—

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

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

408 (b) "Certificate of registration number" means the
 409 certificate of registration number issued by the Department of
 410 Revenue of the State of Florida pursuant to s. 538.25.

411 (c) "Certificate of title" means a record that serves as
 412 evidence of ownership of a vehicle, whether such record is a
 413 paper certificate authorized by the department or by a motor
 414 vehicle department authorized to issue titles in another state
 415 or a certificate consisting of information stored in electronic
 416 form in the department's database.

417 (d) "Derelict" means any material which is or may have
 418 been a motor vehicle or mobile home, which is not a major part
 419 or major component part, which is inoperable, and which is in
 420 such condition that its highest or primary value is in its sale

421 or transfer as scrap metal.

422 (e) "Derelict motor vehicle" means:

423 1. Any motor vehicle as defined in s. 320.01(1) or mobile
424 home as defined in s. 320.01(2), with or without all parts,
425 major parts, or major component parts, which is valued under
426 \$1,000, is at least 10 model years old, beginning with the model
427 year of the vehicle as year one, and is in such condition that
428 its highest or primary value is for sale, transport, or delivery
429 to a licensed salvage motor vehicle dealer or registered
430 secondary metals recycler for dismantling its component parts or
431 conversion to scrap metal; or

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

440 (f) "Derelict motor vehicle certificate" means a
441 certificate issued by the department which serves as evidence
442 that a derelict motor vehicle will be dismantled or converted to
443 scrap metal. This certificate may be obtained by completing a
444 derelict motor vehicle certificate application authorized by the
445 department ~~completed by the derelict motor vehicle owner, the~~
446 ~~owner's authorized transporter when different from the owner,~~
447 ~~and the licensed salvage motor vehicle dealer or the registered~~
448 ~~secondary metals recycler and submitted to the department for~~

449 ~~cancellation of the title record of the derelict motor vehicle.~~
450 A derelict motor vehicle certificate may be reassigned only one
451 time if the derelict motor vehicle certificate was completed by
452 a licensed salvage motor vehicle dealer and the derelict motor
453 vehicle was sold to another licensed salvage motor vehicle
454 dealer or a secondary metals recycler.

455 (g) "Junk" means any material which is or may have been a
456 motor vehicle or mobile home, with or without all component
457 parts, which is inoperable and which material is in such
458 condition that its highest or primary value is either in its
459 sale or transfer as scrap metal or for its component parts, or a
460 combination of the two, except when sold or delivered to or when
461 purchased, possessed, or received by a secondary metals recycler
462 or salvage motor vehicle dealer.

463 (h) "Major component parts" means:

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

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

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

475 4. For mobile homes, the frame.

476 (i) "Major part" means the front-end assembly, cowl

477 assembly, or rear body section.

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

480 (k) "Mobile home" means mobile home as defined in s.
481 320.01(2).

482 (l) "Motor vehicle" means motor vehicle as defined in s.
483 320.01(1).

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

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

488 (n)~~(o)~~ "Prepared materials" means motor vehicles, mobile
489 homes, derelict motor vehicles, major parts, or parts that have
490 been processed by mechanically flattening or crushing, or
491 otherwise processed such that they are not the motor vehicle or
492 mobile home described in the certificate of title, or their only
493 value is as scrap metal.

494 (o)~~(p)~~ "Processing" means the business of performing the
495 manufacturing process by which ferrous metals or nonferrous
496 metals are converted into raw material products consisting of
497 prepared grades and having an existing or potential economic
498 value, or the purchase of materials, prepared materials, or
499 parts therefor.

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

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

504 (r)~~(s)~~ "Salvage certificate of title" means a salvage

505 certificate of title issued by the department or by another
 506 motor vehicle department authorized to issue titles in another
 507 state.

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

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

512 (u) "Seller" means the owner of record or a person who has
 513 physical possession and responsibility for a derelict motor
 514 vehicle and attests that possession of the vehicle was obtained
 515 through lawful means along with all ownership rights. A seller
 516 does not include a towing company, repair shop, or landlord
 517 unless the towing company, repair shop, or landlord has obtained
 518 title, salvage title, or a certificate of destruction in the
 519 name of the towing company, repair shop, or landlord.

520 (2) (a) Each person mentioned as owner in the last issued
 521 certificate of title, when such motor vehicle or mobile home is
 522 dismantled, destroyed, or changed in such manner that it is not
 523 the motor vehicle or mobile home described in the certificate of
 524 title, shall surrender his or her certificate of title to the
 525 department, and thereupon the department shall, with the consent
 526 of any lienholders noted thereon, enter a cancellation upon its
 527 records. Upon cancellation of a certificate of title in the
 528 manner prescribed by this section, the department may cancel and
 529 destroy all certificates in that chain of title. Any person who
 530 knowingly ~~willfully and deliberately~~ violates this paragraph
 531 commits a misdemeanor of the second degree, punishable as
 532 provided in s. 775.082 or s. 775.083.

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

536 a. A valid certificate of title issued in the name of the
537 seller or properly endorsed, as required in s. 319.22, over to
538 the seller;

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

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

544 2. Any person who knowingly ~~willfully and deliberately~~
545 violates this paragraph by selling, transporting, delivering,
546 purchasing, or receiving a motor vehicle, recreational vehicle,
547 or mobile home without obtaining a properly endorsed certificate
548 of title, salvage certificate of title, or certificate of
549 destruction from the owner commits a felony of the third degree,
550 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

551 (c)1. When a derelict motor vehicle is sold, transported,
552 or delivered to a licensed salvage motor vehicle dealer, the
553 purchaser shall record the date of purchase and the name,
554 address, and valid Florida driver's license number or valid
555 Florida identification card number, or a valid driver's license
556 number or identification card number issued by another state,
557 ~~personal identification card number~~ of the person selling the
558 derelict motor vehicle, and it shall be accompanied by:

559 a. A valid certificate of title issued in the name of the
560 seller or properly endorsed over to the seller;

561 b. A valid salvage certificate of title issued in the name
562 of the seller or properly endorsed over to the seller; or

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

565 2. If a valid ~~the~~ certificate of title, salvage
566 certificate of title, or certificate of destruction is not
567 available, a derelict motor vehicle certificate application
568 shall be completed by the seller or owner of the motor vehicle
569 or mobile home, the seller's or owner's authorized transporter,
570 and the licensed salvage motor vehicle dealer at the time of
571 sale, transport, or delivery to the licensed salvage motor
572 vehicle dealer. The derelict motor vehicle certificate
573 application shall be used by the seller or owner, the seller's
574 or owner's authorized transporter, and the licensed salvage
575 motor vehicle dealer to obtain a derelict motor vehicle
576 certificate from the department. The derelict motor vehicle
577 certificate application must be accompanied by a legible copy of
578 the seller's or owner's valid Florida driver's license or
579 Florida identification card, or a valid driver's license or
580 identification card issued by another state. If the seller is
581 not the owner of record of the vehicle being sold, the dealer
582 shall, at the time of sale, ensure that a smudge-free right
583 thumbprint, or other digit if the seller has no right thumb, of
584 the seller is imprinted upon the derelict motor vehicle
585 certificate application and that a legible copy of the seller's
586 driver's license or identification card is affixed to the
587 application and transmitted to the department. The licensed
588 salvage motor vehicle dealer shall secure the derelict motor

589 vehicle ~~or mobile home~~ for 3 full business days, excluding
590 weekends and holidays, if there is no active lien or a lien of 3
591 years or more on the department's records before destroying or
592 dismantling the derelict motor vehicle and shall follow all
593 reporting procedures established by the department, including
594 electronic notification to the department or delivery of the
595 original derelict motor vehicle certificate application to an
596 agent of the department within 24 hours after receiving the
597 derelict motor vehicle. If there is an active lien of less than
598 3 years on the derelict motor vehicle, the licensed salvage
599 motor vehicle dealer shall secure the derelict motor vehicle for
600 10 days. The department shall notify the lienholder that a
601 derelict motor vehicle certificate has been issued and shall
602 notify the lienholder of its intention to remove the lien. Ten
603 days after receipt of the motor vehicle derelict certificate
604 application, the department may remove the lien from its records
605 if a written statement protesting removal of the lien is not
606 received by the department from the lienholder within the 10-day
607 period. However, if the lienholder files with the department and
608 the licensed salvage motor vehicle dealer within the 10-day
609 period a written statement that the lien is still outstanding,
610 the department shall not remove the lien and shall place an
611 administrative hold on the record for 30 days to allow the
612 lienholder to apply for title to the vehicle or a repossession
613 certificate under s. 319.28. The licensed salvage motor vehicle
614 dealer must secure the derelict motor vehicle until the
615 department's administrative stop is removed, the lienholder
616 submits a lien satisfaction, or the lienholder takes possession

617 of the vehicle.

618 3. Any person who knowingly ~~willfully and deliberately~~
619 violates this paragraph by selling, transporting, delivering,
620 purchasing, or receiving a derelict motor vehicle without
621 obtaining a certificate of title, salvage certificate of title,
622 certificate of destruction, or derelict motor vehicle
623 certificate application; enters false or fictitious information
624 on a derelict motor vehicle certificate application; does not
625 complete the derelict motor vehicle certificate application as
626 required; does not obtain a legible copy of the seller's or
627 owner's valid driver's license or identification card when
628 required; ~~or~~ does not make the required notification to the
629 department; or destroys or dismantles a derelict motor vehicle
630 without waiting the required time as set forth in subparagraph
631 2. 3 full business days commits a felony of the third degree,
632 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

633 (3)

634 (b) The owner, including persons who are self-insured, of
635 any motor vehicle or mobile home which is considered to be
636 salvage shall, within 72 hours after the motor vehicle or mobile
637 home becomes salvage, forward the title to the motor vehicle or
638 mobile home to the department for processing. However, an
639 insurance company which pays money as compensation for total
640 loss of a motor vehicle or mobile home shall obtain the
641 certificate of title for the motor vehicle or mobile home and,
642 within 72 hours after receiving such certificate of title, shall
643 forward such title to the department for processing. The owner
644 or insurance company, as the case may be, may not dispose of a

645 vehicle or mobile home that is a total loss before it has
646 obtained a salvage certificate of title or certificate of
647 destruction from the department. When applying for a salvage
648 certificate of title or certificate of destruction, the owner or
649 insurance company must provide the department with an estimate
650 of the costs of repairing the physical and mechanical damage
651 suffered by the vehicle for which a salvage certificate of title
652 or certificate of destruction is sought. If the estimated costs
653 of repairing the physical and mechanical damage to the vehicle
654 are equal to 80 percent or more of the current retail cost of
655 the vehicle, as established in any official used car or used
656 mobile home guide, the department shall declare the vehicle
657 unbuildable and print a certificate of destruction, which
658 authorizes the dismantling or destruction of the motor vehicle
659 or mobile home described therein. However, if the damaged motor
660 vehicle is equipped with custom-lowered floors for wheelchair
661 access or a wheelchair lift, the insurance company may, upon
662 determining that the vehicle is repairable to a condition that
663 is safe for operation on public roads, submit the certificate of
664 title to the department for reissuance as a salvage rebuildable
665 title and the addition of a title brand of "insurance-declared
666 total loss." The certificate of destruction shall be
667 reassignable a maximum of two times before dismantling or
668 destruction of the vehicle shall be required, and shall
669 accompany the motor vehicle or mobile home for which it is
670 issued, when such motor vehicle or mobile home is sold for such
671 purposes, in lieu of a certificate of title, and, thereafter,
672 the department shall refuse issuance of any certificate of title

673 for that vehicle. Nothing in this subsection shall be applicable
674 when a vehicle is worth less than \$1,500 retail in undamaged
675 condition in any official used motor vehicle guide or used
676 mobile home guide or when a stolen motor vehicle or mobile home
677 is recovered in substantially intact condition and is readily
678 resalable without extensive repairs to or replacement of the
679 frame or engine. Any person who knowingly ~~willfully and~~
680 ~~deliberately~~ violates this paragraph or falsifies any document
681 to avoid the requirements of this paragraph commits a
682 misdemeanor of the first degree, punishable as provided in s.
683 775.082 or s. 775.083.

684 (7) (a) In the event of a purchase by a secondary metals
685 recycler, that has been issued a certificate of registration
686 number, of:

687 1. Materials, prepared materials, or parts from any seller
688 for purposes other than the processing of such materials,
689 prepared materials, or parts, the purchaser shall obtain such
690 documentation as may be required by this section and shall
691 record the seller's name and address, date of purchase, and the
692 personal identification card number of the person delivering
693 such items.

694 2. Parts or prepared materials from any seller for
695 purposes of the processing of such parts or prepared materials,
696 the purchaser shall record the seller's name and address and
697 date of purchase and, in the event of a purchase transaction
698 consisting primarily of parts or prepared materials, the
699 personal identification card number of the person delivering
700 such items.

701 3. Materials from another secondary metals recycler for
 702 purposes of the processing of such materials, the purchaser
 703 shall record the seller's name and address and date of purchase.

704 4.a. Motor vehicles, recreational vehicles, mobile homes,
 705 or derelict motor vehicles from other than a secondary metals
 706 recycler for purposes of the processing of such motor vehicles,
 707 recreational vehicles, mobile homes, or derelict motor vehicles,
 708 the purchaser shall record the date of purchase and the name,
 709 address, and personal identification card number of the person
 710 selling such items and shall obtain the following documentation
 711 from the seller with respect to each item purchased:

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

715 (II) A valid salvage certificate of title issued in the
 716 name of the seller or properly endorsed, as required in s.
 717 319.22, over to the seller;

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

720 (IV) ~~(III)~~ A valid derelict motor vehicle certificate
 721 obtained from the department ~~completed~~ by a licensed salvage
 722 motor vehicle dealer and properly reassigned to the secondary
 723 metals recycler.

724 b. If a valid certificate of title, salvage certificate of
 725 title, certificate of destruction, or derelict motor vehicle
 726 certificate is not available and the motor vehicle or mobile
 727 home is a derelict motor vehicle, a derelict motor vehicle
 728 certificate application shall be completed by the seller or

729 owner of the motor vehicle or mobile home, the seller's or
730 owner's authorized transporter, and the registered secondary
731 metals recycler at the time of sale, transport, or delivery to
732 the registered secondary metals recycler to obtain a derelict
733 motor vehicle certificate from the department. The derelict
734 motor vehicle certificate application must be accompanied by a
735 legible copy of the seller's or owner's valid Florida driver's
736 license or Florida identification card, or a valid driver's
737 license or identification card from another state. If the seller
738 is not the owner of record of the vehicle being sold, the
739 recycler shall, at the time of sale, ensure that a smudge-free
740 right thumbprint, or other digit if the seller has no right
741 thumb, of the seller is imprinted upon the derelict motor
742 vehicle certificate application and that the legible copy of the
743 seller's driver's license or identification card is affixed to
744 the application and transmitted to the department. The derelict
745 motor vehicle certificate shall be used by the owner, the
746 owner's authorized transporter, and the registered secondary
747 metals recycler. The registered secondary metals recycler shall
748 secure the derelict motor vehicle for 3 full business days,
749 excluding weekends and holidays, if there is no active lien or a
750 lien of 3 years or more on the department's records before
751 destroying or dismantling the derelict motor vehicle and shall
752 follow all reporting procedures established by the department,
753 including electronic notification to the department or delivery
754 of the original derelict motor vehicle certificate application
755 to an agent of the department within 24 hours after receiving
756 the derelict motor vehicle. If there is an active lien of less

757 than 3 years on the derelict motor vehicle, the registered
758 secondary metals recycler shall secure the derelict motor
759 vehicle for 10 days. The department shall notify the lienholder
760 of the application for a derelict motor vehicle certificate and
761 shall notify the lienholder of its intention to remove the lien.
762 Ten days after receipt of the motor vehicle derelict
763 application, the department may remove the lien from its records
764 if a written statement protesting removal of the lien is not
765 received by the department from the lienholder within the 10-day
766 period. However, if the lienholder files with the department and
767 the registered secondary metals recycler within the 10-day
768 period a written statement that the lien is still outstanding,
769 the department shall not remove the lien and shall place an
770 administrative hold on the record for 30 days to allow the
771 lienholder to apply for title to the vehicle or a repossession
772 certificate under s. 319.28. The registered secondary metals
773 recycler must secure the derelict motor vehicle until the
774 department's administrative stop is removed, the lienholder
775 submits a lien satisfaction, or the lienholder takes possession
776 of the vehicle.

777 c. Any person who knowingly ~~willfully and deliberately~~
778 violates this subparagraph by selling, transporting, delivering,
779 purchasing, or receiving a motor vehicle, recreational motor
780 vehicle, mobile home, or derelict motor vehicle without
781 obtaining a certificate of title, salvage certificate of title,
782 certificate of destruction, or derelict motor vehicle
783 certificate; enters false or fictitious information on a
784 derelict motor vehicle certificate application; does not

785 complete the derelict motor vehicle certificate application as
 786 required or does not make the required notification to the
 787 department; does not obtain a legible copy of the seller's or
 788 owner's driver's license or identification card when required;
 789 or destroys or dismantles a derelict motor vehicle without
 790 waiting the required time as set forth in sub-subparagraph b. 3
 791 ~~full business days~~ commits a felony of the third degree,
 792 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

793 5. Major parts from other than a secondary metals recycler
 794 for purposes of the processing of such major parts, the
 795 purchaser shall record the seller's name, address, date of
 796 purchase, and the personal identification card number of the
 797 person delivering such items, as well as the vehicle
 798 identification number, if available, of each major part
 799 purchased.

800 (8) (a) Secondary metals recyclers and salvage motor
 801 vehicle dealers shall return to the department on a monthly
 802 basis all certificates of title and salvage certificates of
 803 title that are required by this section to be obtained.
 804 Secondary metals recyclers and salvage motor vehicle dealers may
 805 elect to notify the department electronically through procedures
 806 established by the department when they receive each motor
 807 vehicle or mobile home, salvage motor vehicle or mobile home, or
 808 derelict motor vehicle with a certificate of title or salvage
 809 certificate of title through procedures established by the
 810 department. The department may adopt rules and establish fees as
 811 it deems necessary or proper for the administration of the
 812 electronic notification service.

813 (b) Secondary metals recyclers and salvage motor vehicle
814 dealers shall keep originals, or a copy in the event the
815 original was returned to the department, of all certificates of
816 title, salvage certificates of title, certificates of
817 destruction, derelict motor vehicle certificates, and all other
818 information required by this section to be recorded or obtained,
819 on file in the offices of such secondary metals recyclers or
820 salvage motor vehicle dealers for a period of 3 years after the
821 date of purchase of the items reflected in such certificates of
822 title, salvage certificates of title, certificates of
823 destruction, or derelict motor vehicle certificates. These
824 records shall be maintained in chronological order.

825 (c) For the purpose of enforcement of this section, the
826 department or its agents and employees have the same right of
827 inspection as law enforcement officers as provided in s.
828 812.055.

829 (d) Whenever the department, its agent or employee, or any
830 law enforcement officer has reason to believe that a stolen or
831 fraudulently titled motor vehicle, mobile home, recreational
832 vehicle, salvage motor vehicle, or derelict motor vehicle is in
833 the possession of a salvage motor vehicle dealer or secondary
834 metals recycler, the department, its agent or employee, or the
835 law enforcement officer may issue an extended ~~a~~ hold notice, not
836 to exceed 5 additional business days, excluding weekends and
837 holidays, to the salvage motor vehicle dealer or registered
838 secondary metals recycler.

839 (e) Whenever a salvage motor vehicle dealer or registered
840 secondary metals recycler is notified by the department, its

841 agent or employee, or any law enforcement officer to hold a
842 motor vehicle, mobile home, recreational vehicle, salvage motor
843 vehicle, or derelict motor vehicle that is believed to be stolen
844 or fraudulently titled, the salvage motor vehicle dealer or
845 registered secondary metals recycler shall hold the motor
846 vehicle, mobile home, recreational vehicle, salvage motor
847 vehicle, or derelict motor vehicle and may not dismantle or
848 destroy the motor vehicle, mobile home, recreational vehicle,
849 salvage motor vehicle, or derelict motor vehicle until it is
850 recovered by a law enforcement officer, the hold is released by
851 the department or the law enforcement officer placing the hold,
852 or the 5 additional business ~~working~~ days have passed since
853 being notified of the hold.

854 (f) This section does not authorize any person who is
855 engaged in the business of recovering, towing, or storing
856 vehicles pursuant to s. 713.78, and who is claiming a lien for
857 performing labor or services on a motor vehicle or mobile home
858 pursuant to s. 713.58, or is claiming that a motor vehicle or
859 mobile home has remained on any premises after tenancy has
860 terminated pursuant to s. 715.104, to use a derelict motor
861 vehicle certificate application for the purpose of transporting,
862 selling, disposing, or delivering a motor vehicle to a salvage
863 motor vehicle dealer or secondary metals recycler without
864 obtaining the title or certificate of destruction required under
865 s. 713.58, s. 713.78, or s. 715.104.

866 (g) The department shall accept all properly endorsed and
867 completed derelict motor vehicle certificate applications and
868 shall issue a derelict motor vehicle certificate having an

869 effective date that authorizes when a derelict motor vehicle is
870 eligible for dismantling or destruction. The electronic
871 information obtained from the derelict motor vehicle certificate
872 application shall be stored electronically and shall be made
873 available to authorized persons after issuance of the derelict
874 motor vehicle certificate in the Florida Real Time Vehicle
875 Information System.

876 (h)~~(f)~~ The department is authorized to adopt rules
877 pursuant to ss. 120.536(1) and 120.54 establishing policies and
878 procedures to administer and enforce this section.

879 (i)~~(g)~~ The department shall charge a fee of \$3 for each
880 derelict motor vehicle certificate delivered to the department
881 or one of its agents for processing and shall mark the title
882 record canceled. A service charge may be collected under s.
883 320.04.

884 (j) The licensed salvage motor vehicle dealer or
885 registered secondary metals recycler shall make all payments for
886 the purchase of any derelict motor vehicle that is sold by a
887 seller who is not the owner of record on file with the
888 department by check or money order made payable to the seller
889 and may not make payment to the authorized transporter. The
890 licensed salvage motor vehicle dealer or registered secondary
891 metals recycler may not cash the check that such dealer or
892 recycler issued to the seller.

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

895 320.02 Registration required; application for
896 registration; forms.—

897 (16) The department is authorized to withhold registration
898 or re-registration of a motor vehicle if the name of the owner
899 or of a coowner appears on a list submitted to the department by
900 a licensed motor vehicle dealer for a previous registration of
901 that vehicle. The department shall place the name of the
902 registered owner of that vehicle on the list of those persons
903 who may not be issued a license plate, revalidation sticker, or
904 replacement plate for the vehicle purchased from the licensed
905 motor vehicle dealer. The motor vehicle dealer must maintain
906 signed evidence that the owner or coowner acknowledged the
907 dealer's authority to submit the list to the department if he or
908 she failed to pay and must note the amount for which the owner
909 or coowner would be responsible for the vehicle registration.
910 The dealer must maintain the necessary documentation required in
911 this subsection or face penalties as provided in s. 320.27. This
912 subsection does not affect the issuance of a title to a motor
913 vehicle.

914 (a) The motor vehicle owner or coowner may dispute the
915 claim that money is owed to a dealer for registration fees by
916 submitting a form to the department if the motor vehicle owner
917 or coowner has documentary proof that the registration fees have
918 been paid to the dealer for the disputed amount. Without clear
919 evidence of the amounts owed for the vehicle registration and
920 repayment, the department will assume initial payments are
921 applied to government-assessed fees first.

922 (b) If the registered owner's dispute complies with
923 paragraph (a), the department shall immediately remove the motor
924 vehicle owner or coowner's name from the list, thereby allowing

925 the issuance of a license plate or revalidation sticker.

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

929 320.27 Motor vehicle dealers.—

930 (4) LICENSE CERTIFICATE.—

931 (a) A license certificate shall be issued by the
 932 department in accordance with such application when the
 933 application is regular in form and in compliance with the
 934 provisions of this section. The license certificate may be in
 935 the form of a document or a computerized card as determined by
 936 the department. The actual cost of each original, additional, or
 937 replacement computerized card shall be borne by the licensee and
 938 is in addition to the fee for licensure. Such license, when so
 939 issued, entitles the licensee to carry on and conduct the
 940 business of a motor vehicle dealer. Each license issued to a
 941 franchise motor vehicle dealer expires annually on December 31
 942 unless revoked or suspended prior to that date. Each license
 943 issued to an independent or wholesale dealer or auction expires
 944 annually on April 30 unless revoked or suspended prior to that
 945 date. Not less than 60 days prior to the license expiration
 946 date, the department shall deliver or mail to each licensee the
 947 necessary renewal forms. Each independent dealer shall certify
 948 that the dealer (owner, partner, officer, or director of the
 949 licensee, or a full-time employee of the licensee that holds a
 950 responsible management-level position) has completed 8 hours of
 951 continuing education prior to filing the renewal forms with the
 952 department. Such certification shall be filed once every 2 years

953 ~~commencing with the 2006 renewal period.~~ The continuing
954 education shall include at least 2 hours of legal or legislative
955 issues, 1 hour of department issues, and 5 hours of relevant
956 motor vehicle industry topics. Continuing education shall be
957 provided by dealer schools licensed under paragraph (b) either
958 in a classroom setting or by correspondence. Such schools shall
959 provide certificates of completion to the department and the
960 customer which shall be filed with the license renewal form, and
961 such schools may charge a fee for providing continuing
962 education. Any licensee who does not file his or her application
963 and fees and any other requisite documents, as required by law,
964 with the department at least 30 days prior to the license
965 expiration date shall cease to engage in business as a motor
966 vehicle dealer on the license expiration date. A renewal filed
967 with the department within 45 days after the expiration date
968 shall be accompanied by a delinquent fee of \$100. Thereafter, a
969 new application is required, accompanied by the initial license
970 fee. A license certificate duly issued by the department may be
971 modified by endorsement to show a change in the name of the
972 licensee, provided, as shown by affidavit of the licensee, the
973 majority ownership interest of the licensee has not changed or
974 the name of the person appearing as franchisee on the sales and
975 service agreement has not changed. Modification of a license
976 certificate to show any name change as herein provided shall not
977 require initial licensure or reissuance of dealer tags; however,
978 any dealer obtaining a name change shall transact all business
979 in and be properly identified by that name. All documents
980 relative to licensure shall reflect the new name. In the case of

981 a franchise dealer, the name change shall be approved by the
982 manufacturer, distributor, or importer. A licensee applying for
983 a name change endorsement shall pay a fee of \$25 which fee shall
984 apply to the change in the name of a main location and all
985 additional locations licensed under the provisions of subsection
986 (5). Each initial license application received by the department
987 shall be accompanied by verification that, within the preceding
988 6 months, the applicant, or one or more of his or her designated
989 employees, has attended a training and information seminar
990 conducted by a licensed motor vehicle dealer training school.
991 Any applicant for a new franchised motor vehicle dealer license
992 who has held a valid franchised motor vehicle dealer license
993 continuously for the past 2 years and who remains in good
994 standing with the department is exempt from the prelicensing
995 training requirement. Such seminar shall include, but is not
996 limited to, statutory dealer requirements, which requirements
997 include required bookkeeping and recordkeeping procedures,
998 requirements for the collection of sales and use taxes, and such
999 other information that in the opinion of the department will
1000 promote good business practices. No seminar may exceed 8 hours
1001 in length.

1002 (b) Each initial license application received by the
1003 department for licensure under subparagraph (1)(c)2. shall ~~must~~
1004 be accompanied by verification that, within the preceding 6
1005 months, the applicant (owner, partner, officer, or director of
1006 the applicant, or a full-time employee of the applicant that
1007 holds a responsible management-level position) has successfully
1008 completed training conducted by a licensed motor vehicle dealer

1009 training school. Such training must include training in titling
 1010 and registration of motor vehicles, laws relating to unfair and
 1011 deceptive trade practices, laws relating to financing with
 1012 regard to buy-here, pay-here operations, and such other
 1013 information that in the opinion of the department will promote
 1014 good business practices. Successful completion of this training
 1015 shall be determined by examination administered at the end of
 1016 the course and attendance of no less than 90 percent of the
 1017 total hours required by such school. Any applicant who had held
 1018 a valid motor vehicle dealer's license continuously within the
 1019 past 2 years and who remains in good standing with the
 1020 department is exempt from the prelicensing requirements of this
 1021 section ~~paragraph~~. The department shall have the authority to
 1022 adopt any rule necessary for establishing the training
 1023 curriculum; length of training, which shall not exceed 8 hours
 1024 for required department topics and shall not exceed an
 1025 additional 24 hours for topics related to other regulatory
 1026 agencies' instructor qualifications; and any other requirements
 1027 under this section. The curriculum for other subjects shall be
 1028 approved by any and all other regulatory agencies having
 1029 jurisdiction over specific subject matters; however, the overall
 1030 administration of the licensing of these dealer schools and
 1031 their instructors shall remain with the department. Such schools
 1032 are authorized to charge a fee. ~~This privatized method for~~
 1033 ~~training applicants for dealer licensing pursuant to~~
 1034 ~~subparagraph (1)(c)2. is a pilot program that shall be evaluated~~
 1035 ~~by the department after it has been in operation for a period of~~
 1036 ~~2 years.~~

1037 (6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall
1038 keep a book or record in either paper or electronic ~~such~~ form as
1039 ~~shall be~~ prescribed or approved by the department for a period
1040 of 5 years, in which the licensee shall keep a record of the
1041 purchase, sale, or exchange, or receipt for the purpose of sale,
1042 of any motor vehicle, the date upon which any temporary tag was
1043 issued, the date of title transfer, and a description of such
1044 motor vehicle together with the name and address of the seller,
1045 the purchaser, and the alleged owner or other person from whom
1046 such motor vehicle was purchased or received or to whom it was
1047 sold or delivered, as the case may be. Such description shall
1048 include the identification or engine number, maker's number, if
1049 any, chassis number, if any, and such other numbers or
1050 identification marks as may be thereon and shall also include a
1051 statement that a number has been obliterated, defaced, or
1052 changed, if such is the fact. When a licensee chooses to
1053 maintain electronic records, the original paper documents may be
1054 destroyed after the licensee successfully transfers title and
1055 registration to the purchaser as required by chapter 319 for any
1056 purchaser who titles and registers the motor vehicle in this
1057 state. In the case of a sale to a purchaser who will title and
1058 register the motor vehicle in another state or country, the
1059 licensee may destroy the original paper documents after
1060 successfully delivering a lawfully reassigned title or
1061 manufacturer's certificate or statement of origin to the
1062 purchaser and after producing electronic images of all documents
1063 related to the sale.

1064 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1065 (a) The department may deny, suspend, or revoke any
 1066 license issued hereunder or under the provisions of s. 320.77 or
 1067 s. 320.771~~7~~, upon proof that an applicant or a licensee has
 1068 ~~committed any of the following activities:~~

1069 1. Committed ~~Commission of~~ fraud or willful
 1070 misrepresentation in application for or in obtaining a license.

1071 2. Been convicted ~~Conviction~~ of a felony.

1072 3. Failed ~~Failure~~ to honor a bank draft or check given to
 1073 a motor vehicle dealer for the purchase of a motor vehicle by
 1074 another motor vehicle dealer within 10 days after notification
 1075 that the bank draft or check has been dishonored. If the
 1076 transaction is disputed, the maker of the bank draft or check
 1077 shall post a bond in accordance with the provisions of s.
 1078 559.917, and no proceeding for revocation or suspension shall be
 1079 commenced until the dispute is resolved.

1080 4.a. Failed to provide payment within 10 business days to
 1081 the department for a check payable to the department that was
 1082 dishonored due to insufficient funds in the amount due plus any
 1083 statutorily authorized fee for uttering a worthless check. The
 1084 department shall notify an applicant or licensee when the
 1085 applicant or licensee makes payment to the department by a check
 1086 that is subsequently dishonored by the bank due to insufficient
 1087 funds. The applicant or licensee shall, within 10 business days
 1088 after receiving the notice, provide payment to the department in
 1089 the form of cash in the amount due plus any statutorily
 1090 authorized fee. If the applicant or licensee fails to make such
 1091 payment within 10 business days, the department may deny,
 1092 suspend, or revoke the applicant's or licensee's motor vehicle

1093 dealer license.

1094 b. Stopped payment on a check payable to the department,
1095 issued a check payable to the department from an account that
1096 has been closed, or charged back a credit card transaction to
1097 the department. If an applicant or licensee commits any such
1098 act, the department may deny, suspend, or revoke the applicant's
1099 or licensee's motor vehicle dealer license.

1100 5.a. Failed to provide payment in the amount of tuition
1101 due plus any statutorily authorized fee within 10 business days
1102 to a licensed motor vehicle dealer training school for a check
1103 payable to the school that was dishonored due to insufficient
1104 funds in the amount of tuition due plus any statutorily
1105 authorized fee for uttering a worthless check. A licensed motor
1106 vehicle dealer training school shall notify a student when the
1107 student makes payment to the school by a check that is
1108 subsequently dishonored by the bank due to insufficient funds.
1109 The student shall, within 10 business days after receiving the
1110 notice, provide payment to the school in a manner designated by
1111 the school in the amount of tuition due plus any statutorily
1112 authorized fee. If the student fails to make such payment within
1113 10 business days, the motor vehicle dealer training school may
1114 cancel the training certificate issued to the student and notify
1115 the department of the cancellation of the training certificate.

1116 b. Stopped payment on a check payable to a licensed motor
1117 vehicle dealer training school, issued a check payable to a
1118 licensed motor vehicle dealer training school from an account
1119 that has been closed, or charged back a credit card transaction
1120 to a licensed motor vehicle dealer training school. If a student

1121 commits any such act, the motor vehicle dealer training school
 1122 may cancel the training certificate issued to the student and
 1123 notify the department of the cancellation of the training
 1124 certificate.

1125 Section 12. Subsection (4) of section 322.0261, Florida
 1126 Statutes, is amended to read:

1127 322.0261 Driver improvement course; requirement to
 1128 maintain driving privileges; failure to complete; department
 1129 approval of course.—

1130 (4) The department shall identify any operator convicted
 1131 of, or who pleaded nolo contendere to, a violation of s.
 1132 316.074(1), s. 316.075~~(1)(e)1.~~, s. 316.172, s. 316.191, or s.
 1133 316.192 and, unless the court has withheld adjudication, shall
 1134 require that operator, in addition to other applicable
 1135 penalties, to attend a department-approved driver improvement
 1136 course in order to maintain driving privileges. The department
 1137 shall, within 10 days after receiving a notice of judicial
 1138 disposition, send notice to the operator of the requirement to
 1139 attend a driver improvement course. If the operator fails to
 1140 complete the course within 90 days after receiving notice from
 1141 the department, the operator's driver license shall be canceled
 1142 by the department until the course is successfully completed.

1143 Section 13. This act shall take effect July 1, 2010.