

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; amending s. 322.0261, F.S.; revising
96 provisions requiring persons who were convicted of or who
97 pleaded nolo contendere to specified traffic infractions
98 to attend a driver improvement course; providing that the
99 department shall not require a person to attend a driver
100 improvement course for specified traffic violations when
101 adjudication has been withheld by the court in certain
102 circumstances; requiring the department to send notice of
103 a requirement to attend a driver improvement course within
104 a certain time period after receiving a report of an
105 adjudication; amending s. 627.7295, F.S.; revising
106 application of certain provisions relating to motor
107 vehicle insurance contracts; providing an effective date.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Subsection (9) of section 261.03, Florida
112 Statutes, is amended to read:

113 261.03 Definitions.—As used in this chapter, the term:
 114 (9) "ROV" means any motorized recreational off-highway
 115 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
 116 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
 117 nonhighway tires, having nonstraddle seating and a steering
 118 wheel, and manufactured for recreational use by one or more
 119 persons. The term "ROV" does not include a golf cart as defined
 120 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
 121 defined in s. 320.01(42).

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

124 317.0003 Definitions.—As used in this chapter, the term:
 125 (9) "ROV" means any motorized recreational off-highway
 126 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
 127 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
 128 nonhighway tires, having nonstraddle seating and a steering
 129 wheel, and manufactured for recreational use by one or more
 130 persons. The term "ROV" does not include a golf cart as defined
 131 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
 132 defined in s. 320.01(42).

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

135 316.1951 Parking for certain purposes prohibited; sale of
 136 motor vehicles; prohibited acts.—

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

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

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

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

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

169 (4)-(5) A local government may adopt an ordinance to allow
170 the towing of a motor vehicle parked in violation of this
171 section. A law enforcement officer, compliance officer, code
172 enforcement officer from any local government agency, or
173 supervisor of the department may issue a citation and cause to
174 be immediately removed at the owner's expense any motor vehicle
175 found in violation of subsection (1), except as provided in
176 subsections (2) and (3), or in violation of subsection (5),
177 subsection (6), subsection (7), or subsection (8), and the owner
178 shall be assessed a penalty as provided in s. 318.18(21) by the
179 government agency or authority that orders immediate removal of
180 the motor vehicle. A motor vehicle removed under this section
181 shall not be released from an impound or towing and storage
182 facility before a release form prescribed by the department has
183 been completed verifying that the fine has been paid to the
184 government agency or authority that ordered immediate removal of
185 the motor vehicle. However, the owner may pay towing and storage
186 charges to the towing and storage facility pursuant to s. 713.78
187 before payment of the fine or before the release form has been
188 completed which has been parked in one location for more than 24
189 hours after a written notice has been issued. Every written
190 notice issued pursuant to this section shall be affixed in a
191 conspicuous place upon a vehicle by a law enforcement officer,
192 compliance officer, or supervisor of the department. Any vehicle
193 found in violation of subsection (1) within 30 days after a
194 previous violation and written notice is subject to immediate
195 removal without an additional waiting period.

196 (5)-(6) It is unlawful to offer a vehicle for sale if the

197 vehicle identification number has been destroyed, removed,
198 covered, altered, or defaced, as described in s. 319.33(1)(d). A
199 vehicle found in violation of this subsection is subject to
200 immediate removal without warning.

201 ~~(6)-(7)~~ It is unlawful to knowingly attach to any motor
202 vehicle a registration that was not assigned or lawfully
203 transferred to the vehicle pursuant to s. 320.261. A vehicle
204 found in violation of this subsection is subject to immediate
205 removal without warning.

206 ~~(7)-(8)~~ It is unlawful to display or offer for sale a
207 vehicle that does not have a valid registration as provided in
208 s. 320.02. A vehicle found in violation of this subsection is
209 subject to immediate removal without warning. This subsection
210 does not apply to vehicles and recreational vehicles being
211 offered for sale through motor vehicle auctions as defined in s.
212 320.27(1)(c)4.

213 ~~(8)-(9)~~ A vehicle is subject to immediate removal without
214 warning if it bears a telephone number that has been displayed
215 on three or more vehicles offered for sale within a 12-month
216 period.

217 ~~(9)-(10)~~ Any other provision of law to the contrary
218 notwithstanding, a violation of subsection (1), subsection (5),
219 subsection (6), subsection (7), or subsection (8) shall subject
220 the owner of such motor vehicle to towing fees reasonably
221 necessitated by removal and storage of the motor vehicle and a
222 fine as required by s. 318.18.

223 ~~(10)-(11)~~ This section does not prohibit the governing body
224 of a municipality or county, with respect to streets, highways,

225 or other property under its jurisdiction, from regulating the
226 parking of motor vehicles for any purpose.

227 (11)~~(12)~~ A violation of this section is a noncriminal
228 traffic infraction, punishable as a nonmoving violation as
229 provided in chapter 318, unless otherwise mandated by general
230 law.

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

233 318.14 Noncriminal traffic infractions; exception;
234 procedures.—

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

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

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

261 318.18 Amount of penalties.—The penalties required for a
 262 noncriminal disposition pursuant to s. 318.14 or a criminal
 263 offense listed in s. 318.17 are as follows:

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

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

273 319.225 Transfer and reassignment forms; odometer
 274 disclosure statements.—

275 (6) (a) If the certificate of title is physically held by a
 276 lienholder, the transferor may give a power of attorney to his
 277 or her transferee for the purpose of odometer disclosure. The
 278 power of attorney must be on a form issued or authorized by the
 279 department, which form must be in compliance with 49 C.F.R. ss.
 280 580.4 and 580.13. The department shall not require the signature

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

309 power of attorney must be on a form issued or authorized by the
310 department, which form must be in compliance with 49 C.F.R. ss.
311 580.4 and 580.13. The department shall not require the signature
312 of the transferor to be notarized on the form; however, in lieu
313 of notarization, the form shall include an affidavit with the
314 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
315 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
316 ARE TRUE. The transferee shall sign the power of attorney form,
317 print his or her name, and return a copy of the power of
318 attorney form to the transferor. Upon receipt of the title
319 certificate or a duplicate title certificate, the transferee
320 shall complete the space for mileage disclosure on the title
321 certificate exactly as the mileage was disclosed by the
322 transferor on the power of attorney form. If the transferee is a
323 licensed motor vehicle dealer who is transferring the vehicle to
324 a retail purchaser, the dealer shall make application on behalf
325 of the retail purchaser as provided in s. 319.23(6) and shall
326 submit the original power of attorney form to the department
327 with the application for title and the transferor's title
328 certificate or duplicate title certificate; otherwise, a dealer
329 may reassign the title certificate by using the dealer
330 reassignment form in the manner prescribed in subsection (3),
331 and, at the time of physical transfer of the vehicle, the
332 original power of attorney shall be delivered to the person
333 designated as the transferee of the dealer on the dealer
334 reassignment form. A copy of the executed power of attorney
335 shall be submitted to the department with a copy of the executed
336 dealer reassignment form within 5 business days after the

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

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

341 319.23 Application for, and issuance of, certificate of
342 title.-

343 (6) (a) In the case of the sale of a motor vehicle or
344 mobile home by a licensed dealer to a general purchaser, the
345 certificate of title must be obtained in the name of the
346 purchaser by the dealer upon application signed by the
347 purchaser, and in each other case such certificate must be
348 obtained by the purchaser. In each case of transfer of a motor
349 vehicle or mobile home, the application for a certificate of
350 title, a ~~or~~ corrected certificate, or an assignment or
351 reassignment, ~~7~~ must be filed within 30 days after ~~from~~ the
352 delivery of the motor vehicle or mobile home to the purchaser.
353 An applicant must pay a fee of \$20, in addition to all other
354 fees and penalties required by law, for failing to file such
355 application within the specified time. In the case of the sale
356 of a motor vehicle by a licensed motor vehicle dealer to a
357 general purchaser who resides in another state or country, the
358 dealer is not required to apply for a certificate of title for
359 the motor vehicle; however, the dealer must transfer ownership
360 and reassign the certificate of title or manufacturer's
361 certificate of origin to the purchaser, and the purchaser must
362 sign an affidavit, as approved by the department, that the
363 purchaser will title and register the motor vehicle in another
364 state or country.

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

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

375 319.241 Removal of lien from records.—The owner of a motor
376 vehicle or mobile home upon which a lien has been filed with the
377 department or noted upon a certificate of title for a period of
378 5 years may apply to the department in writing for such lien to
379 be removed from the department files or from the certificate of
380 title. The application shall be accompanied by evidence
381 satisfactory to the department that the applicant has notified
382 the lienholder by certified mail, not less than 20 days prior to
383 the date of the application, of his or her intention to apply to
384 the department for removal of the lien. Ten days after receipt
385 of the application, the department may remove the lien from its
386 files or from the certificate of title, as the case may be, if
387 no statement in writing protesting removal of the lien is
388 received by the department from the lienholder within the 10-day
389 period. If, however, the lienholder files with the department
390 within the 10-day period a written statement that the lien is
391 still outstanding, the department shall not remove the lien
392 until the lienholder presents a satisfaction of lien to the

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

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

402 319.30 Definitions; dismantling, destruction, change of
 403 identity of motor vehicle or mobile home; salvage.—

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

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

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

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

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

421 (e) "Derelict motor vehicle" means:

422 1. Any motor vehicle as defined in s. 320.01(1) or mobile

423 home as defined in s. 320.01(2), with or without all parts,

424 major parts, or major component parts, which is valued under

425 \$1,000, is at least 10 model years old, beginning with the model

426 year of the vehicle as year one, and is in such condition that

427 its highest or primary value is for sale, transport, or delivery

428 to a licensed salvage motor vehicle dealer or registered

429 secondary metals recycler for dismantling its component parts or

430 conversion to scrap metal; or

431 2. Any trailer as defined in s. 320.01(1), with or without

432 all parts, major parts, or major component parts, which is

433 valued under \$5,000, is at least 10 model years old, beginning

434 with the model year of the vehicle as year one, and is in such

435 condition that its highest or primary value is for sale,

436 transport, or delivery to a licensed salvage motor vehicle

437 dealer or registered secondary metals recycler for conversion to

438 scrap metal.

439 (f) "Derelict motor vehicle certificate" means a

440 certificate issued by the department which serves as evidence

441 that a derelict motor vehicle will be dismantled or converted to

442 scrap metal. This certificate may be obtained by completing a

443 derelict motor vehicle certificate application authorized by the

444 department ~~completed by the derelict motor vehicle owner, the~~

445 ~~owner's authorized transporter when different from the owner,~~

446 ~~and the licensed salvage motor vehicle dealer or the registered~~

447 ~~secondary metals recycler and submitted to the department for~~

448 ~~cancellation of the title record of the derelict motor vehicle.~~

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

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

462 (h) "Major component parts" means:

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

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

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

474 4. For mobile homes, the frame.

475 (i) "Major part" means the front-end assembly, cowl
476 assembly, or rear body section.

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

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

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

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

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

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

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

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

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

503 (r) ~~(s)~~ "Salvage certificate of title" means a salvage
504 certificate of title issued by the department or by another

505 motor vehicle department authorized to issue titles in another
506 state.

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

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

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

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

532 (b)1. When a motor vehicle, recreational vehicle, or

533 mobile home is sold, transported, ~~or~~ delivered to, or received
 534 by a salvage motor vehicle dealer, it shall be accompanied by:

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

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

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

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

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

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

560 b. A valid salvage certificate of title issued in the name

561 of the seller or properly endorsed over to the seller; or
562 c. A valid certificate of destruction issued in the name
563 of the seller or properly endorsed over to the seller.
564 2. If a valid ~~the~~ certificate of title, salvage
565 certificate of title, or certificate of destruction is not
566 available, a derelict motor vehicle certificate application
567 shall be completed by the seller or owner of the motor vehicle
568 or mobile home, the seller's or owner's authorized transporter,
569 and the licensed salvage motor vehicle dealer at the time of
570 sale, transport, or delivery to the licensed salvage motor
571 vehicle dealer. The derelict motor vehicle certificate
572 application shall be used by the seller or owner, the seller's
573 or owner's authorized transporter, and the licensed salvage
574 motor vehicle dealer to obtain a derelict motor vehicle
575 certificate from the department. The derelict motor vehicle
576 certificate application must be accompanied by a legible copy of
577 the seller's or owner's valid Florida driver's license or
578 Florida identification card, or a valid driver's license or
579 identification card issued by another state. If the seller is
580 not the owner of record of the vehicle being sold, the dealer
581 shall, at the time of sale, ensure that a smudge-free right
582 thumbprint, or other digit if the seller has no right thumb, of
583 the seller is imprinted upon the derelict motor vehicle
584 certificate application and that a legible copy of the seller's
585 driver's license or identification card is affixed to the
586 application and transmitted to the department. The licensed
587 salvage motor vehicle dealer shall secure the derelict motor
588 vehicle ~~or mobile home~~ for 3 full business days, excluding

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

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

632 (3)

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

645 obtained a salvage certificate of title or certificate of
646 destruction from the department. When applying for a salvage
647 certificate of title or certificate of destruction, the owner or
648 insurance company must provide the department with an estimate
649 of the costs of repairing the physical and mechanical damage
650 suffered by the vehicle for which a salvage certificate of title
651 or certificate of destruction is sought. If the estimated costs
652 of repairing the physical and mechanical damage to the vehicle
653 are equal to 80 percent or more of the current retail cost of
654 the vehicle, as established in any official used car or used
655 mobile home guide, the department shall declare the vehicle
656 unbuildable and print a certificate of destruction, which
657 authorizes the dismantling or destruction of the motor vehicle
658 or mobile home described therein. However, if the damaged motor
659 vehicle is equipped with custom-lowered floors for wheelchair
660 access or a wheelchair lift, the insurance company may, upon
661 determining that the vehicle is repairable to a condition that
662 is safe for operation on public roads, submit the certificate of
663 title to the department for reissuance as a salvage buildable
664 title and the addition of a title brand of "insurance-declared
665 total loss." The certificate of destruction shall be
666 reassignable a maximum of two times before dismantling or
667 destruction of the vehicle shall be required, and shall
668 accompany the motor vehicle or mobile home for which it is
669 issued, when such motor vehicle or mobile home is sold for such
670 purposes, in lieu of a certificate of title, and, thereafter,
671 the department shall refuse issuance of any certificate of title
672 for that vehicle. Nothing in this subsection shall be applicable

673 when a vehicle is worth less than \$1,500 retail in undamaged
674 condition in any official used motor vehicle guide or used
675 mobile home guide or when a stolen motor vehicle or mobile home
676 is recovered in substantially intact condition and is readily
677 resalable without extensive repairs to or replacement of the
678 frame or engine. Any person who knowingly ~~willfully and~~
679 ~~deliberately~~ violates this paragraph or falsifies any document
680 to avoid the requirements of this paragraph commits a
681 misdemeanor of the first degree, punishable as provided in s.
682 775.082 or s. 775.083.

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

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

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

700 3. Materials from another secondary metals recycler for

701 purposes of the processing of such materials, the purchaser
 702 shall record the seller's name and address and date of purchase.

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

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

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

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

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

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

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

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

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

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

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

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

812 (b) Secondary metals recyclers and salvage motor vehicle

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

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

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

838 (e) Whenever a salvage motor vehicle dealer or registered
 839 secondary metals recycler is notified by the department, its
 840 agent or employee, or any law enforcement officer to hold a

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

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

865 (g) The department shall accept all properly endorsed and
866 completed derelict motor vehicle certificate applications and
867 shall issue a derelict motor vehicle certificate having an
868 effective date that authorizes when a derelict motor vehicle is

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

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

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

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

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

894 320.02 Registration required; application for
895 registration; forms.—

896 (16) The department is authorized to withhold registration

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

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

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

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

928 320.27 Motor vehicle dealers.—

929 (4) LICENSE CERTIFICATE.—

930 (a) A license certificate shall be issued by the
 931 department in accordance with such application when the
 932 application is regular in form and in compliance with the
 933 provisions of this section. The license certificate may be in
 934 the form of a document or a computerized card as determined by
 935 the department. The actual cost of each original, additional, or
 936 replacement computerized card shall be borne by the licensee and
 937 is in addition to the fee for licensure. Such license, when so
 938 issued, entitles the licensee to carry on and conduct the
 939 business of a motor vehicle dealer. Each license issued to a
 940 franchise motor vehicle dealer expires annually on December 31
 941 unless revoked or suspended prior to that date. Each license
 942 issued to an independent or wholesale dealer or auction expires
 943 annually on April 30 unless revoked or suspended prior to that
 944 date. Not less than 60 days prior to the license expiration
 945 date, the department shall deliver or mail to each licensee the
 946 necessary renewal forms. Each independent dealer shall certify
 947 that the dealer (owner, partner, officer, or director of the
 948 licensee, or a full-time employee of the licensee that holds a
 949 responsible management-level position) has completed 8 hours of
 950 continuing education prior to filing the renewal forms with the
 951 department. Such certification shall be filed once every 2 years
 952 ~~commencing with the 2006 renewal period.~~ The continuing

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

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

1001 (b) Each initial license application received by the
 1002 department for licensure under subparagraph (1)(c)2. shall ~~must~~
 1003 be accompanied by verification that, within the preceding 6
 1004 months, the applicant (owner, partner, officer, or director of
 1005 the applicant, or a full-time employee of the applicant that
 1006 holds a responsible management-level position) has successfully
 1007 completed training conducted by a licensed motor vehicle dealer
 1008 training school. Such training must include training in titling

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

1036 (6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall

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

1063 | (9) DENIAL, SUSPENSION, OR REVOCATION.—

1064 | (a) The department may deny, suspend, or revoke any

1065 license issued hereunder or under the provisions of s. 320.77 or
 1066 s. 320.771~~7~~, upon proof that an applicant or a licensee has
 1067 ~~committed any of the following activities:~~

1068 1. Committed ~~Commission of~~ fraud or willful
 1069 misrepresentation in application for or in obtaining a license.

1070 2. Been convicted ~~Conviction~~ of a felony.

1071 3. Failed ~~Failure~~ to honor a bank draft or check given to
 1072 a motor vehicle dealer for the purchase of a motor vehicle by
 1073 another motor vehicle dealer within 10 days after notification
 1074 that the bank draft or check has been dishonored. If the
 1075 transaction is disputed, the maker of the bank draft or check
 1076 shall post a bond in accordance with the provisions of s.
 1077 559.917, and no proceeding for revocation or suspension shall be
 1078 commenced until the dispute is resolved.

1079 4.a. Failed to provide payment within 10 business days to
 1080 the department for a check payable to the department that was
 1081 dishonored due to insufficient funds in the amount due plus any
 1082 statutorily authorized fee for uttering a worthless check. The
 1083 department shall notify an applicant or licensee when the
 1084 applicant or licensee makes payment to the department by a check
 1085 that is subsequently dishonored by the bank due to insufficient
 1086 funds. The applicant or licensee shall, within 10 business days
 1087 after receiving the notice, provide payment to the department in
 1088 the form of cash in the amount due plus any statutorily
 1089 authorized fee. If the applicant or licensee fails to make such
 1090 payment within 10 business days, the department may deny,
 1091 suspend, or revoke the applicant's or licensee's motor vehicle
 1092 dealer license.

1093 b. Stopped payment on a check payable to the department,
 1094 issued a check payable to the department from an account that
 1095 has been closed, or charged back a credit card transaction to
 1096 the department. If an applicant or licensee commits any such
 1097 act, the department may deny, suspend, or revoke the applicant's
 1098 or licensee's motor vehicle dealer license.

1099 Section 12. Subsection (4) of section 322.0261, Florida
 1100 Statutes, is amended to read:

1101 322.0261 Driver improvement course; requirement to
 1102 maintain driving privileges; failure to complete; department
 1103 approval of course.—

1104 (4) (a) The department shall identify any operator
 1105 convicted of, or who pleaded nolo contendere to, a violation of
 1106 s. 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
 1107 316.192 and shall require that operator, in addition to other
 1108 applicable penalties, to attend a department-approved driver
 1109 improvement course in order to maintain driving privileges. The
 1110 department shall, within 10 days after receiving a notice of
 1111 judicial disposition, send notice to the operator of the
 1112 requirement to attend a driver improvement course. If the
 1113 operator fails to complete the course within 90 days after
 1114 receiving notice from the department, the operator's driver
 1115 license shall be canceled by the department until the course is
 1116 successfully completed.

1117 (b) Any operator who receives a traffic citation for a
 1118 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or
 1119 s. 316.192, for which the court withholds adjudication, is not
 1120 required to attend a driver improvement course, unless the court

1121 finds that the nature or severity of the violation is such that
 1122 attendance to a driver improvement course is necessary. The
 1123 department shall, within 10 days after receiving a notice of
 1124 judicial disposition, send notice to the operator of the
 1125 requirement to attend a driver improvement course. If the
 1126 operator fails to complete the course within 90 days after
 1127 receiving notice from the department, the operator's driver
 1128 license shall be canceled by the department until the course is
 1129 successfully completed.

1130 (c) Any operator who receives a traffic citation for a
 1131 violation of s. 316.172, for which the court withholds
 1132 adjudication, is required to attend a driver improvement course.
 1133 The department shall, within 10 days after receiving a notice of
 1134 judicial disposition, send notice to the operator of the
 1135 requirement to attend a driver improvement course. If the
 1136 operator fails to complete the course within 90 days after
 1137 receiving notice from the department, the operator's driver
 1138 license shall be canceled by the department until the course is
 1139 successfully completed.

1140 Section 13. Subsection (7) of section 627.7295, Florida
 1141 Statutes, is amended to read:

1142 627.7295 Motor vehicle insurance contracts.—

1143 (7) A policy of private passenger motor vehicle insurance
 1144 or a binder for such a policy may be initially issued in this
 1145 state only if the insurer or agent has collected from the
 1146 insured an amount equal to 2 months' premium. An insurer, agent,
 1147 or premium finance company may not, directly or indirectly, take
 1148 any action resulting in the insured having paid from the

1149 insured's own funds an amount less than the 2 months' premium
1150 required by this subsection. This subsection applies without
1151 regard to whether the premium is financed by a premium finance
1152 company or is paid pursuant to a periodic payment plan of an
1153 insurer or an insurance agent. This subsection does not apply if
1154 an insured or member of the insured's family is renewing or
1155 replacing a policy or a binder for such policy written by the
1156 same insurer or a member of the same insurer group. This
1157 subsection does not apply to an insurer that issues private
1158 passenger motor vehicle coverage primarily to active duty or
1159 former military personnel or their dependents. This subsection
1160 does not apply if all policy payments are paid pursuant to a
1161 payroll deduction plan or an automatic electronic funds transfer
1162 payment plan from the policyholder, provided that the first
1163 policy payment is made by cash, cashier's check, check, or a
1164 money order. This subsection and subsection (4) do not apply if
1165 all policy payments to an insurer are paid pursuant to an
1166 automatic electronic funds transfer payment plan from an agent,
1167 ~~or~~ a managing general agent, or a premium finance company and if
1168 the policy includes, at a minimum, personal injury protection
1169 pursuant to ss. 627.730-627.7405; motor vehicle property damage
1170 liability pursuant to s. 627.7275; and bodily injury liability
1171 in at least the amount of \$10,000 because of bodily injury to,
1172 or death of, one person in any one accident and in the amount of
1173 \$20,000 because of bodily injury to, or death of, two or more
1174 persons in any one accident. This subsection and subsection (4)
1175 do not apply if an insured has had a policy in effect for at
1176 least 6 months, the insured's agent is terminated by the insurer

1177 | that issued the policy, and the insured obtains coverage on the
1178 | policy's renewal date with a new company through the terminated
1179 | agent.

1180 | Section 14. This act shall take effect July 1, 2010.