

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Transportation & Economic  
 2 Development Appropriations Subcommittee  
 3 Representative Raburn offered the following:

**Amendment (with title amendment)**

Between lines 902 and 903, insert:

Section 15. Section 319.225, Florida Statutes, is amended  
to read:

319.225 Transfer and reassignment forms; odometer  
disclosure statements.—

(1) Every certificate of title issued by the department  
must contain the following statement on its reverse side:  
"Federal and state law require the completion of the odometer  
statement set out below. Failure to complete or providing false  
information may result in fines, imprisonment, or both."

(2) Each certificate of title issued by the department  
must contain on its front ~~reverse~~ side a form for transfer of  
title by the titleholder of record, which form must contain an  
odometer disclosure statement in the form required by 49 C.F.R.  
s. 580.5.

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21 (3) Each certificate of title issued by the department  
22 must contain on its reverse side as many forms as space allows  
23 for reassignment of title by a licensed dealer as permitted by  
24 s. 319.21(3), which form or forms shall contain an odometer  
25 disclosure statement in the form required by 49 C.F.R. s. 580.5.  
26 When all dealer reassignment forms provided on the back of the  
27 title certificate have been filled in, a dealer may reassign the  
28 title certificate by using a separate dealer reassignment form  
29 issued by the department in compliance with 49 C.F.R. ss. 580.4  
30 and 580.5, which form shall contain an original that ~~two carbon~~  
31 ~~copies one of which~~ shall be submitted ~~directly~~ to the  
32 department by the dealer ~~within 5 business days after the~~  
33 ~~transfer~~ and a copy that ~~one of which~~ shall be retained by the  
34 dealer in his or her records for 5 years. The provisions of this  
35 subsection shall also apply to vehicles not previously titled in  
36 this state and vehicles whose title certificates do not contain  
37 the forms required by this section.

38 (4) Upon transfer or reassignment of a certificate of  
39 title to a used motor vehicle, the transferor shall complete the  
40 odometer disclosure statement provided for by this section and  
41 the transferee shall acknowledge the disclosure by signing and  
42 printing his or her name in the spaces provided. This subsection  
43 does not apply to a vehicle that has a gross vehicle rating of  
44 more than 16,000 pounds, a vehicle that is not self-propelled,  
45 or a vehicle that is 10 years old or older. A lessor who  
46 transfers title to his or her vehicle without obtaining  
47 possession of the vehicle shall make odometer disclosure as  
48 provided by 49 C.F.R. s. 580.7. Any person who fails to complete

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49 or acknowledge a disclosure statement as required by this  
50 subsection is guilty of a misdemeanor of the second degree,  
51 punishable as provided in s. 775.082 or s. 775.083. The  
52 department may not issue a certificate of title unless this  
53 subsection has been complied with.

54 (5) The same person may not sign a disclosure statement as  
55 both the transferor and the transferee in the same transaction  
56 except as provided in subsection (6).

57 (6) (a) If the certificate of title is physically held by a  
58 lienholder, the transferor may give a power of attorney to his  
59 or her transferee for the purpose of odometer disclosure. The  
60 power of attorney must be on a form issued or authorized by the  
61 department, which form must be in compliance with 49 C.F.R. ss.  
62 580.4 and 580.13. The department shall not require the signature  
63 of the transferor to be notarized on the form; however, in lieu  
64 of notarization, the form shall include an affidavit with the  
65 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
66 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
67 ARE TRUE. The transferee shall sign the power of attorney form,  
68 print his or her name, and return a copy of the power of  
69 attorney form to the transferor. Upon receipt of a title  
70 certificate, the transferee shall complete the space for mileage  
71 disclosure on the title certificate exactly as the mileage was  
72 disclosed by the transferor on the power of attorney form. If  
73 the transferee is a licensed motor vehicle dealer who is  
74 transferring the vehicle to a retail purchaser, the dealer shall  
75 make application on behalf of the retail purchaser as provided  
76 in s. 319.23(6) and shall submit the original power of attorney

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77 form to the department with the application for title and the  
78 transferor's title certificate; otherwise, a dealer may reassign  
79 the title certificate by using the dealer reassignment form in  
80 the manner prescribed in subsection (3), and, at the time of  
81 physical transfer of the vehicle, the original power of attorney  
82 shall be delivered to the person designated as the transferee of  
83 the dealer on the dealer reassignment form. ~~A copy of the  
84 executed power of attorney shall be submitted to the department  
85 with a copy of the executed dealer reassignment form within 5  
86 business days after the certificate of title and dealer  
87 reassignment form are delivered by the dealer to its transferee.~~

88 (b) If the certificate of title is lost or otherwise  
89 unavailable, the transferor may give a power of attorney to his  
90 or her transferee for the purpose of odometer disclosure. The  
91 power of attorney must be on a form issued or authorized by the  
92 department, which form must be in compliance with 49 C.F.R. ss.  
93 580.4 and 580.13. The department shall not require the signature  
94 of the transferor to be notarized on the form; however, in lieu  
95 of notarization, the form shall include an affidavit with the  
96 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I  
97 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT  
98 ARE TRUE. The transferee shall sign the power of attorney form,  
99 print his or her name, and return a copy of the power of  
100 attorney form to the transferor. Upon receipt of the title  
101 certificate or a duplicate title certificate, the transferee  
102 shall complete the space for mileage disclosure on the title  
103 certificate exactly as the mileage was disclosed by the  
104 transferor on the power of attorney form. If the transferee is a

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105 licensed motor vehicle dealer who is transferring the vehicle to  
106 a retail purchaser, the dealer shall make application on behalf  
107 of the retail purchaser as provided in s. 319.23(6) and shall  
108 submit the original power of attorney form to the department  
109 with the application for title and the transferor's title  
110 certificate or duplicate title certificate; otherwise, a dealer  
111 may reassign the title certificate by using the dealer  
112 reassignment form in the manner prescribed in subsection (3),  
113 and, at the time of physical transfer of the vehicle, the  
114 original power of attorney shall be delivered to the person  
115 designated as the transferee of the dealer on the dealer  
116 reassignment form. If the dealer sells the vehicle to an out-of-  
117 state resident or an out-of-state dealer and the power of  
118 attorney form is applicable to the transaction, the dealer must  
119 photocopy the completed original of the form and mail directly  
120 to the department within 5 business days after the certificate  
121 of title and dealer reassignment form are delivered by the  
122 dealer to its purchaser. ~~A copy of the executed power of~~  
123 ~~attorney shall be submitted to the department with a copy of the~~  
124 ~~executed dealer reassignment form within 5 business days after~~  
125 ~~the duplicate certificate of title and dealer reassignment form~~  
126 ~~are delivered by the dealer to its transferee.~~

127 (c) If the mechanics of the transfer of title to a motor  
128 vehicle in accordance with the provisions of paragraph (a) or  
129 paragraph (b) are determined to be incompatible with and  
130 unlawful under the provisions of 49 C.F.R. part 580, the  
131 transfer of title to a motor vehicle by operation of this  
132 subsection can be effected in any manner not inconsistent with

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133 49 C.F.R. part 580 and Florida law; provided, any power of  
134 attorney form issued or authorized by the department under this  
135 subsection shall contain an original that ~~two carbon copies, one~~  
136 ~~of which~~ shall be submitted ~~directly~~ to the department by the  
137 dealer ~~within 5 business days of use by the dealer~~ to effect  
138 transfer of a title certificate as provided in paragraphs (a)  
139 and (b) and a copy that ~~one of which~~ shall be retained by the  
140 dealer in its records for 5 years.

141 (d) Any person who fails to complete the information  
142 required by this subsection or to file with the department the  
143 forms required by this subsection is guilty of a misdemeanor of  
144 the second degree, punishable as provided in s. 775.082 or s.  
145 775.083. The department shall not issue a certificate of title  
146 unless this subsection has been complied with.

147 (7) If a title is held electronically and the transferee  
148 agrees to maintain the title electronically, the transferor and  
149 transferee shall complete a secure reassignment document which  
150 discloses the odometer reading and is signed by both the  
151 transferor and transferee at the tax collector office or license  
152 plate agency. Each certificate of title issued by the department  
153 must contain on its reverse side a minimum of ~~four~~ spaces for  
154 notation of the name and license number of any auction through  
155 which the vehicle is sold and the date the vehicle was  
156 auctioned. Each separate dealer reassignment form issued by the  
157 department must also have the space referred to in this section.  
158 When a transfer of title is made at a motor vehicle auction, the  
159 reassignment must note the name and address of the auction, but  
160 the auction shall not thereby be deemed to be the owner, seller,

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161 transferor, or assignor of title. A motor vehicle auction is  
162 required to execute a dealer reassignment only when it is the  
163 owner of a vehicle being sold.

164 (8) Upon transfer or reassignment of a used motor vehicle  
165 through the services of an auction, the auction shall complete  
166 the information in the space provided for by subsection (7). Any  
167 person who fails to complete the information as required by this  
168 subsection is guilty of a misdemeanor of the second degree,  
169 punishable as provided in s. 775.082 or s. 775.083. The  
170 department shall not issue a certificate of title unless this  
171 subsection has been complied with.

172 (9) This section shall be construed to conform to 49  
173 C.F.R. part 580.

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**T I T L E A M E N D M E N T**

Remove line 71 and insert:

s. 319.225, F.S.; revising provisions for certificates of title,  
reassignment of title, and forms; revising procedures for  
transfer of title; amending s. 319.23, F.S.; revising  
requirements for content of