

Amendment No. 1.

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WITHDRAWN	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 & Highway  
 2 Safety Subcommittee  
 3 Representative Broxson offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (17) of section 320.02, Florida  
 8 Statutes, is amended to read:

9 320.02 Registration required; application for  
 10 registration; forms.—

11 (17) If an ~~any~~ applicant's name appears on a list of  
 12 persons who may not be issued a license plate, revalidation  
 13 sticker, or replacement license plate after a written notice to  
 14 surrender a vehicle was submitted to the department by a lienor  
 15 as provided in s. 320.1316, the department shall ~~may~~ withhold  
 16 renewal of registration or replacement registration of the ~~any~~  
 17 motor vehicle identified in ~~owned by the applicant at the time~~

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18 the notice ~~was~~ submitted by the lienor. The lienor must maintain  
19 proof that written notice to surrender the vehicle was sent to  
20 each registered owner pursuant to s. 320.1316(1). A revalidation  
21 sticker or replacement license plate may not be issued for the  
22 identified vehicle until the ~~that~~ person's name no longer  
23 appears on the list, ~~or until~~ the person presents documentation  
24 from the lienor that the vehicle has been surrendered to the  
25 lienor, or a court orders the person's name removed from the  
26 list as provided in s. 320.1316. The department may ~~shall~~ not  
27 withhold an initial registration in connection with an  
28 applicant's purchase or lease of a motor vehicle solely because  
29 the applicant's name is on the list created by s. 320.1316.

30 Section 2. Section 320.1316, Florida Statutes, is amended  
31 to read:

32 320.1316 Failure to surrender vehicle or vessel.—

33 (1) Upon receipt from a lienor who claims a lien on a  
34 vehicle pursuant to s. 319.27 by the Department of Highway  
35 Safety and Motor Vehicles of written notice to surrender a  
36 vehicle or vessel that has been disposed of, concealed, removed,  
37 or destroyed by the lienee, the department shall place the name  
38 of the registered owner of that vehicle on the list of those  
39 persons who may not be issued a license plate, revalidation  
40 sticker, or replacement license plate ~~for any motor vehicle~~  
41 ~~under s. 320.03(8) owned by the lienee at the time the notice~~  
42 ~~was given by the lienor~~. Pursuant to s. 320.03(8), the  
43 department may not issue a license plate or revalidation sticker

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44 for the vehicle or vessel owned by the lienee which is  
45 identified in the claim by the lienor. If the vehicle is owned  
46 jointly ~~by more than one person~~, the name of each registered  
47 owner shall be placed on the list.

48 (2) The notice to surrender the vehicle shall be signed  
49 under oath by the lienor and submitted on forms developed by the  
50 department, which must include:

51 (a) The name, address, and telephone number of the lienor.

52 (b) The name of the registered owner of the vehicle and  
53 the address to which the lienor provided notice to surrender the  
54 vehicle to the registered owner.

55 (c) A general description of the vehicle, including its  
56 color, make, model, body style, and year.

57 (d) The vehicle identification number, registration  
58 license plate number, if known, or other identification number,  
59 as applicable.

60 (3) The registered owner of the vehicle may dispute a  
61 notice to surrender the vehicle or his or her inclusion on the  
62 list of those persons who may not be issued a license plate,  
63 revalidation sticker, or replacement license plate under s.  
64 320.03(8) by bringing a civil action in the county in which he  
65 or she resides ~~by notifying the department of the dispute in~~  
66 ~~writing on forms provided by the department and presenting proof~~  
67 ~~that the vehicle was sold to a motor vehicle dealer licensed~~  
68 ~~under s. 320.27, a mobile home dealer licensed under s. 320.77,~~  
69 ~~or a recreational vehicle dealer licensed under s. 320.771.~~

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70       (4) In an action brought pursuant to subsection (3), the  
71 petitioner is entitled to the summary procedure specified in s.  
72 51.011, and the court shall advance the cause on its calendar if  
73 requested by the petitioner.

74       (5) At a hearing challenging the refusal to issue a  
75 license plate, revalidation sticker, or replacement license  
76 plate under s. 320.03(8), the court shall first determine  
77 whether the lienor has a recorded lien on the vehicle or vessel  
78 and whether the lienor properly made a demand for the surrender  
79 of the vehicle or vessel in accordance with this section. If the  
80 court determines that the lien was recorded and that such a  
81 demand was properly made, the court shall determine whether good  
82 cause exists for the lienee's failure to surrender the vehicle  
83 or vessel. As used in this section, the term "good cause" is  
84 limited to proof that:

85       (a) The vehicle that was the subject of the demand for  
86 surrender was traded in to a licensed motor vehicle dealer  
87 before the date of the surrender demand;

88       (b) The lien giving rise to the inclusion on the list has  
89 been paid in full or otherwise satisfied;

90       (c) There is ongoing litigation relating to the validity  
91 or enforceability of the lien;

92       (d) The petitioner was in compliance with all of his or  
93 her contractual obligations with the lienholder at the time of  
94 the demand for surrender;

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95       (e) The vehicle or vessel was reported to law enforcement  
96 as stolen by the registered owner of the vehicle or vessel  
97 before the demand for surrender; or

98       (f) The petitioner no longer has possession of the vehicle  
99 or vessel, and the loss of possession occurred pursuant to  
100 operation of law. If the petitioner's loss of possession did not  
101 occur pursuant to operation of law, the fact that a third party  
102 has physical possession of the vehicle or vessel does not  
103 constitute good cause for the failure to surrender the vehicle  
104 or vessel.

105       (6) If the petitioner establishes good cause for his or  
106 her failure to surrender the vehicle or vessel, the court shall  
107 enter an order removing the petitioner's name from the list of  
108 those persons who may not be issued a license plate,  
109 revalidation sticker, or replacement license plate under s.  
110 320.03(8) and shall award the petitioner reasonable attorney  
111 fees and costs actually incurred for the proceeding.

112       (7) If the court finds that the demand for surrender was  
113 properly made by the lienor and the petitioner fails to  
114 establish good cause for the failure to surrender the vehicle or  
115 vessel, the court shall award the lienor reasonable attorney  
116 fees and costs actually incurred for the proceeding.

117       Section 3. This act shall take effect October 1, 2014.  
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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to license plates; amending s. 320.02, F.S.;  
requiring, rather than authorizing, the Department of Highway  
Safety and Motor Vehicles to withhold the renewal of  
registration or replacement registration of a motor vehicle  
identified in a notice submitted by a lienor for failure to  
surrender the vehicle if the applicant's name is on the list of  
persons who may not be issued a license plate or revalidation  
sticker; revising the conditions under which a revalidation  
sticker or replacement license plate may be issued; amending s.  
320.1316, F.S.; prohibiting the department from issuing a  
license plate, revalidation sticker, or replacement license  
plate for a vehicle or vessel identified in a notice from a  
lienor; requiring that a notice to surrender a vehicle or vessel  
be signed under oath by the lienor; authorizing a registered  
owner of a vehicle to bring a civil action, rather than to  
notify the department and present certain proof, to dispute a  
notice to surrender a vehicle or vessel or his or her inclusion  
on the list of persons who may not be issued a license plate or  
revalidation sticker; providing a procedure for such a civil  
action; providing for the award of attorney fees and costs;  
providing an effective date.