

1 A bill to be entitled
2 An act relating to the advertisement of vehicle and
3 metals purchasing; amending s. 320.27, F.S.; revising
4 the definition of the term "motor vehicle dealer";
5 defining the term "advertise"; requiring a person to
6 be licensed by the Department of Highway Safety and
7 Motor Vehicles as a motor vehicle dealer to advertise
8 for the purchase or sale of motor vehicles; requiring
9 motor vehicle dealer advertisements to include certain
10 information; prohibiting an unlicensed person from
11 using certain vehicles to transport certain vehicles;
12 providing for the impoundment of a wrecker or tow
13 truck used in violation of licensure requirements;
14 providing penalties; amending s. 538.18, F.S.;
15 defining the term "advertise" as used in provisions
16 relating to secondary metals recyclers; amending s.
17 538.25, F.S.; requiring persons who advertise to
18 provide services as a secondary metals recycler to be
19 registered with the Department of Revenue; requiring
20 secondary metals recycler advertisements to include
21 certain information; prohibiting a person not
22 registered as a secondary metals recycler from using a
23 wrecker or tow truck to transport certain metals;
24 providing for the impoundment of a wrecker or tow
25 truck used in violation of registration requirements;
26 providing penalties; amending s. 320.131, F.S.;

27 conforming a cross-reference; providing an effective
 28 date.

29
 30 Be It Enacted by the Legislature of the State of Florida:

31
 32 Section 1. Subsections (8) through (14) of section 320.27,
 33 Florida Statutes, are renumbered as subsections (9) through
 34 (15), respectively, paragraph (c) of subsection (1), subsection
 35 (2), and present subsections (8) and (9) are amended, paragraph
 36 (g) is added to subsection (1), and a new subsection (8) is
 37 added to that section, to read:

38 320.27 Motor vehicle dealers.—

39 (1) DEFINITIONS.—The following words, terms, and phrases
 40 when used in this section have the meanings respectively
 41 ascribed to them in this subsection, except where the context
 42 clearly indicates a different meaning:

43 (c) "Motor vehicle dealer" means any person engaged in the
 44 business of buying, selling, or dealing in motor vehicles or
 45 offering or displaying motor vehicles for sale at wholesale or
 46 retail, or who may service and repair motor vehicles pursuant to
 47 an agreement as defined in s. 320.60(1). Any person who buys,
 48 sells, or deals in three or more motor vehicles in any 12-month
 49 period or who offers or displays for purchase or sale ~~for sale~~
 50 three or more motor vehicles in any 12-month period shall be
 51 prima facie presumed to be engaged in such business. The terms
 52 "selling" and "sale" include lease-purchase transactions. A

53 | motor vehicle dealer may, at retail or wholesale, sell a
54 | recreational vehicle as described in s. 320.01(1)(b)1.-6. and
55 | 8., acquired in exchange for the sale of a motor vehicle,
56 | provided such acquisition is incidental to the principal
57 | business of being a motor vehicle dealer. However, a motor
58 | vehicle dealer may not buy a recreational vehicle for the
59 | purpose of resale unless licensed as a recreational vehicle
60 | dealer pursuant to s. 320.771. A motor vehicle dealer may apply
61 | for a certificate of title to a motor vehicle required to be
62 | registered under s. 320.08(2)(b), (c), and (d), using a
63 | manufacturer's statement of origin as permitted by s. 319.23(1),
64 | only if such dealer is authorized by a franchised agreement as
65 | defined in s. 320.60(1), to buy, sell, or deal in such vehicle
66 | and is authorized by such agreement to perform delivery and
67 | preparation obligations and warranty defect adjustments on the
68 | motor vehicle; provided this limitation shall not apply to
69 | recreational vehicles, van conversions, or any other motor
70 | vehicle manufactured on a truck chassis. The transfer of a motor
71 | vehicle by a dealer not meeting these qualifications shall be
72 | titled as a used vehicle. The classifications of motor vehicle
73 | dealers are defined as follows:

74 | 1. "Franchised motor vehicle dealer" means any person who
75 | engages in the business of repairing, servicing, buying,
76 | selling, or dealing in motor vehicles pursuant to an agreement
77 | as defined in s. 320.60(1).

78 | 2. "Independent motor vehicle dealer" means any person

79 other than a franchised or wholesale motor vehicle dealer who
80 engages in the business of buying, selling, or dealing in motor
81 vehicles, and who may service and repair motor vehicles.

82 3. "Wholesale motor vehicle dealer" means any person who
83 engages exclusively in the business of buying, selling, or
84 dealing in motor vehicles at wholesale or with motor vehicle
85 auctions. Such person shall be licensed to do business in this
86 state, shall not sell or auction a vehicle to any person who is
87 not a licensed dealer, and shall not have the privilege of the
88 use of dealer license plates. Any person who buys, sells, or
89 deals in motor vehicles at wholesale or with motor vehicle
90 auctions on behalf of a licensed motor vehicle dealer and as a
91 bona fide employee of such licensed motor vehicle dealer is not
92 required to be licensed as a wholesale motor vehicle dealer. In
93 such cases it shall be prima facie presumed that a bona fide
94 employer-employee relationship exists. A wholesale motor vehicle
95 dealer shall be exempt from the display provisions of this
96 section but shall maintain an office wherein records are kept in
97 order that those records may be inspected.

98 4. "Motor vehicle auction" means any person offering motor
99 vehicles or recreational vehicles for sale to the highest bidder
100 where buyers are licensed motor vehicle dealers. Such person
101 shall not sell a vehicle to anyone other than a licensed motor
102 vehicle dealer.

103 5. "Salvage motor vehicle dealer" means any person who
104 engages in the business of acquiring salvaged or wrecked motor

105 | vehicles for the purpose of reselling them and their parts.
 106 |
 107 | The term "motor vehicle dealer" does not include persons not
 108 | engaged in the purchase or sale of motor vehicles as a business
 109 | who are disposing of vehicles acquired for their own use or for
 110 | use in their business or acquired by foreclosure or by operation
 111 | of law, provided such vehicles are acquired and sold in good
 112 | faith and not for the purpose of avoiding the provisions of this
 113 | law; persons who buy or sell vehicles titled in their own names;
 114 | persons engaged in the business of manufacturing, selling, or
 115 | offering or displaying for sale at wholesale or retail no more
 116 | than 25 trailers in a 12-month period; public officers while
 117 | performing their official duties; receivers; trustees,
 118 | administrators, executors, guardians, or other persons appointed
 119 | by, or acting under the judgment or order of, any court; banks,
 120 | finance companies, or other loan agencies that acquire motor
 121 | vehicles as an incident to their regular business; motor vehicle
 122 | brokers; ~~and~~ motor vehicle rental and leasing companies that
 123 | sell motor vehicles to motor vehicle dealers licensed under this
 124 | section, and nonprofit organizations recognized as exempt from
 125 | federal income tax under s. 501(c)(3) of the Internal Revenue
 126 | Code. Vehicles owned under circumstances described in this
 127 | paragraph may be disposed of at retail, wholesale, or auction,
 128 | unless otherwise restricted. A manufacturer of fire trucks,
 129 | ambulances, or school buses may sell such vehicles directly to
 130 | governmental agencies or to persons who contract to perform or

131 provide firefighting, ambulance, or school transportation
 132 services exclusively to governmental agencies without processing
 133 such sales through dealers if such fire trucks, ambulances,
 134 school buses, or similar vehicles are not presently available
 135 through motor vehicle dealers licensed by the department.

136 (g) "Advertise" means the act of offering to buy, sell, or
 137 deal in motor vehicles, or to offer or display motor vehicles
 138 for sale at wholesale or retail, or to service and repair motor
 139 vehicles pursuant to an agreement as defined in s. 320.60(1), by
 140 use of a paid or unpaid announcement to the public, in any form,
 141 including print, televised, radio, or online advertisements, or
 142 by using permanent or temporary signs.

143 (2) LICENSE REQUIRED.—No person shall engage in business
 144 as, serve in the capacity of, advertise to provide services as,
 145 or act as a motor vehicle dealer in this state without first
 146 obtaining a license therefor in the appropriate classification
 147 as provided in this section. With the exception of transactions
 148 with motor vehicle auctions, no person other than a licensed
 149 motor vehicle dealer may advertise for sale any motor vehicle
 150 belonging to another party unless as a direct result of a bona
 151 fide legal proceeding, court order, settlement of an estate, or
 152 by operation of law. However, owners of motor vehicles titled in
 153 their names may advertise and offer vehicles for sale on their
 154 own behalf and are exempt from the requirements of this section.
 155 It shall be unlawful for a licensed motor vehicle dealer to
 156 allow any person other than a bona fide employee to use the

157 motor vehicle dealer license for the purpose of acting in the
 158 capacity of or conducting motor vehicle sales transactions as a
 159 motor vehicle dealer. Any person selling or offering a motor
 160 vehicle for sale in violation of the licensing requirements of
 161 this subsection, or who misrepresents to any person its
 162 relationship with any manufacturer, importer, or distributor, in
 163 addition to the penalties provided herein, shall be deemed
 164 guilty of an unfair and deceptive trade practice as defined in
 165 part II of chapter 501 and shall be subject to the provisions of
 166 subsections ~~(8) and~~ (9) and (10).

167 (8) ADVERTISING.—If a licensee chooses to advertise, the
 168 licensee shall provide, on all advertisements, in clear text,
 169 his or her company name as filed with the Department of State
 170 pursuant to chapter 607, the physical address and telephone
 171 number as provided to the department, and his or her motor
 172 vehicle dealer license number. This subsection does not apply to
 173 signage physically attached to the outside of a dealership or
 174 located on dealership property or on an easement directly
 175 adjacent to dealership property.

176 (9) ~~(8)~~ PENALTY.—

177 (a) Any person found guilty of violating any of the
 178 provisions of this section is guilty of a misdemeanor of the
 179 second degree, punishable as provided in s. 775.082 or s.
 180 775.083.

181 (b)1. A person who is not licensed as or employed by a
 182 licensed motor vehicle dealer may not use a wrecker, tow truck,

183 trailer, dolly, or other vehicle to transport motor vehicles
 184 purchased, sold, or dealt with in violation of this section or
 185 to offer or display motor vehicles for sale at wholesale or
 186 retail. A law enforcement officer from any local governmental
 187 agency or state law enforcement agency may cause to be
 188 immediately removed and impounded, at the owner's expense, a
 189 wrecker, tow truck, trailer, dolly, or other vehicle used in
 190 violation of this subsection. The impounded wrecker, tow truck,
 191 trailer, dolly, or other vehicle must be stored at an authorized
 192 law enforcement impound facility and may not be released from
 193 such facility before a release form is completed by the
 194 authority that ordered the removal and impoundment which
 195 verifies that the cost recovery fine, as provided for in s.
 196 323.002(3)(b), has been paid to the authority. Except as
 197 provided in subparagraph 2., the vehicle must remain impounded
 198 until the fine is paid or until the vehicle is sold at public
 199 sale pursuant to s. 713.78(6).

200 2. The owner of a vehicle impounded under this section may
 201 request a hearing with the local jurisdiction within 10 business
 202 days after the impoundment. If, at the hearing, the owner shows
 203 that he or she had no knowledge that the vehicle was being used
 204 in violation of this section, the vehicle shall be released to
 205 the owner.

206 (10)-(9) DENIAL, SUSPENSION, OR REVOCATION.-

207 (a) The department may deny, suspend, or revoke any
 208 license issued hereunder or under the provisions of s. 320.77 or

209 s. 320.771 upon proof that an applicant or a licensee has:
210 1. Committed fraud or willful misrepresentation in
211 application for or in obtaining a license.
212 2. Been convicted of a felony.
213 3. Failed to honor a bank draft or check given to a motor
214 vehicle dealer for the purchase of a motor vehicle by another
215 motor vehicle dealer within 10 days after notification that the
216 bank draft or check has been dishonored. If the transaction is
217 disputed, the maker of the bank draft or check shall post a bond
218 in accordance with the provisions of s. 559.917, and no
219 proceeding for revocation or suspension shall be commenced until
220 the dispute is resolved.
221 4.a. Failed to provide payment within 10 business days to
222 the department for a check payable to the department that was
223 dishonored due to insufficient funds in the amount due plus any
224 statutorily authorized fee for uttering a worthless check. The
225 department shall notify an applicant or licensee when the
226 applicant or licensee makes payment to the department by a check
227 that is subsequently dishonored by the bank due to insufficient
228 funds. The applicant or licensee shall, within 10 business days
229 after receiving the notice, provide payment to the department in
230 the form of cash in the amount due plus any statutorily
231 authorized fee. If the applicant or licensee fails to make such
232 payment within 10 business days, the department may deny,
233 suspend, or revoke the applicant's or licensee's motor vehicle
234 dealer license.

235 b. Stopped payment on a check payable to the department,
 236 issued a check payable to the department from an account that
 237 has been closed, or charged back a credit card transaction to
 238 the department. If an applicant or licensee commits any such
 239 act, the department may deny, suspend, or revoke the applicant's
 240 or licensee's motor vehicle dealer license.

241 (b) The department may deny, suspend, or revoke any
 242 license issued hereunder or under the provisions of s. 320.77 or
 243 s. 320.771 upon proof that a licensee has committed, with
 244 sufficient frequency so as to establish a pattern of wrongdoing
 245 on the part of a licensee, violations of one or more of the
 246 following activities:

247 1. Representation that a demonstrator is a new motor
 248 vehicle, or the attempt to sell or the sale of a demonstrator as
 249 a new motor vehicle without written notice to the purchaser that
 250 the vehicle is a demonstrator. For the purposes of this section,
 251 a "demonstrator," a "new motor vehicle," and a "used motor
 252 vehicle" shall be defined as under s. 320.60.

253 2. Unjustifiable refusal to comply with a licensee's
 254 responsibility under the terms of the new motor vehicle warranty
 255 issued by its respective manufacturer, distributor, or importer.
 256 However, if such refusal is at the direction of the
 257 manufacturer, distributor, or importer, such refusal shall not
 258 be a ground under this section.

259 3. Misrepresentation or false, deceptive, or misleading
 260 statements with regard to the sale or financing of motor

261 vehicles which any motor vehicle dealer has, or causes to have,
 262 advertised, printed, displayed, published, distributed,
 263 broadcast, televised, or made in any manner with regard to the
 264 sale or financing of motor vehicles.

265 4. Failure by any motor vehicle dealer to provide a
 266 customer or purchaser with an odometer disclosure statement and
 267 a copy of any bona fide written, executed sales contract or
 268 agreement of purchase connected with the purchase of the motor
 269 vehicle purchased by the customer or purchaser.

270 5. Failure of any motor vehicle dealer to comply with the
 271 terms of any bona fide written, executed agreement, pursuant to
 272 the sale of a motor vehicle.

273 6. Failure to apply for transfer of a title as prescribed
 274 in s. 319.23(6).

275 7. Use of the dealer license identification number by any
 276 person other than the licensed dealer or his or her designee.

277 8. Failure to continually meet the requirements of the
 278 licensure law.

279 9. Representation to a customer or any advertisement to
 280 the public representing or suggesting that a motor vehicle is a
 281 new motor vehicle if such vehicle lawfully cannot be titled in
 282 the name of the customer or other member of the public by the
 283 seller using a manufacturer's statement of origin as permitted
 284 in s. 319.23(1).

285 10. Requirement by any motor vehicle dealer that a
 286 customer or purchaser accept equipment on his or her motor

287 | vehicle which was not ordered by the customer or purchaser.

288 | 11. Requirement by any motor vehicle dealer that any
289 | customer or purchaser finance a motor vehicle with a specific
290 | financial institution or company.

291 | 12. Requirement by any motor vehicle dealer that the
292 | purchaser of a motor vehicle contract with the dealer for
293 | physical damage insurance.

294 | 13. Perpetration of a fraud upon any person as a result of
295 | dealing in motor vehicles, including, without limitation, the
296 | misrepresentation to any person by the licensee of the
297 | licensee's relationship to any manufacturer, importer, or
298 | distributor.

299 | 14. Violation of any of the provisions of s. 319.35 by any
300 | motor vehicle dealer.

301 | 15. Sale by a motor vehicle dealer of a vehicle offered in
302 | trade by a customer prior to consummation of the sale, exchange,
303 | or transfer of a newly acquired vehicle to the customer, unless
304 | the customer provides written authorization for the sale of the
305 | trade-in vehicle prior to delivery of the newly acquired
306 | vehicle.

307 | 16. Willful failure to comply with any administrative rule
308 | adopted by the department or the provisions of s. 320.131(8).

309 | 17. Violation of chapter 319, this chapter, or ss.
310 | 559.901-559.9221, which has to do with dealing in or repairing
311 | motor vehicles or mobile homes. Additionally, in the case of
312 | used motor vehicles, the willful violation of the federal law

313 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 314 the consumer sales window form.

315 18. Failure to maintain evidence of notification to the
 316 owner or coowner of a vehicle regarding registration or titling
 317 fees owed as required in s. 320.02(16).

318 19. Failure to register a mobile home salesperson with the
 319 department as required by this section.

320 20. Failure to comply with the advertising requirements
 321 set forth in subsection (8).

322 (c) When a motor vehicle dealer is convicted of a crime
 323 which results in his or her being prohibited from continuing in
 324 that capacity, the dealer may not continue in any capacity
 325 within the industry. The offender shall have no financial
 326 interest, management, sales, or other role in the operation of a
 327 dealership. Further, the offender may not derive income from the
 328 dealership beyond reasonable compensation for the sale of his or
 329 her ownership interest in the business.

330 Section 2. Subsections (1) through (12) of 538.18, Florida
 331 Statutes, are renumbered as subsections (2) through (13),
 332 respectively, and a new subsection (1) is added to that section
 333 to read:

334 538.18 Definitions.—As used in this part, the term:

335 (1) "Advertise" means the act of offering to provide
 336 services as a secondary metals recycler by use of a paid or
 337 unpaid announcement to the public, in any form, including print,
 338 televised, radio, or online advertisements, or by using

339 permanent or temporary signs.

340 Section 3. Section 538.25, Florida Statutes, is amended to
341 read:

342 538.25 Registration.—

343 (1) A person may not engage in business or advertise to
344 provide services as a secondary metals recycler at any location
345 without registering with the department. The department shall
346 accept applications only from a fixed business address. The
347 department may not accept an application that provides an
348 address of a hotel room or motel room, a vehicle, or a post
349 office box.

350 (a) A fee equal to the federal and state costs for
351 processing required fingerprints must be submitted to the
352 department with each application for registration. One
353 application is required for each secondary metals recycler. If a
354 secondary metals recycler is the owner of more than one
355 secondary metals recycling location, the application must list
356 each location, and the department shall issue a duplicate
357 registration for each location. For purposes of subsections (3),
358 (4), and (5), these duplicate registrations shall be deemed
359 individual registrations. A secondary metals recycler shall pay
360 a fee of \$6 per location at the time of registration and an
361 annual renewal fee of \$6 per location on October 1 of each year.
362 All fees collected, less costs of administration, shall be
363 transferred into the Operating Trust Fund.

364 (b) The department shall forward the full set of

365 fingerprints to the Department of Law Enforcement for state and
366 federal processing, provided the federal service is available,
367 to be processed for any criminal justice information as defined
368 in s. 943.045. The cost of processing such fingerprints shall be
369 payable to the Department of Law Enforcement by the department.
370 The department may issue a temporary registration to each
371 location pending completion of the background check by state and
372 federal law enforcement agencies but shall revoke such temporary
373 registration if the completed background check reveals a
374 prohibited criminal background. The Department of Law
375 Enforcement shall report its findings to the Department of
376 Revenue within 30 days after the date the fingerprints are
377 submitted for criminal justice information.

378 (c) An applicant for a secondary metals recycler
379 registration must be a natural person who has reached the age of
380 18 years or a corporation organized or qualified to do business
381 in the state.

382 1. If the applicant is a natural person, the registration
383 must include a complete set of her or his fingerprints,
384 certified by an authorized law enforcement officer, and a recent
385 fullface photographic identification card of herself or himself.

386 2. If the applicant is a partnership, all the partners
387 must make application for registration.

388 3. If the applicant is a corporation, the registration
389 must include the name and address of such corporation's
390 registered agent for service of process in the state and a

391 certified copy of statement from the Secretary of State that the
392 corporation is duly organized in the state or, if the
393 corporation is organized in a state other than Florida, a
394 certified copy of the statement that the corporation is duly
395 qualified to do business in this state.

396 (2) A secondary metals recycler's registration shall be
397 conspicuously displayed at the place of business set forth on
398 the registration. A secondary metals recycler shall not dispose
399 of property at any location until any holding period has
400 expired.

401 (3) If a registered secondary metals recycler chooses to
402 advertise, the registered secondary metals recycler shall
403 provide, on all advertisements, in clear text, his or her
404 company name as filed with the Department of State pursuant to
405 chapter 607, the physical address and telephone number as
406 provided to the department, and secondary metals recycler
407 registration number. This subsection does not apply to signage
408 physically attached to the outside of a secondary metals
409 recycler's facilities or located on the registrant's property or
410 on an easement directly adjacent to the registrant's property.

411 (4)~~(3)~~ The Department of Revenue may impose a civil fine
412 of up to \$10,000 for each knowing and intentional violation of
413 this section, which fine shall be transferred into the General
414 Revenue Fund. If the fine is not paid within 60 days, the
415 department may bring a civil action under s. 120.69 to recover
416 the fine.

417 (5)~~(4)~~ In addition to the fine provided in subsection
 418 (4)~~(3)~~, registration under this section may be denied or any
 419 registration granted may be revoked, restricted, or suspended by
 420 the department if, after October 2, 1989, and within a 24-month
 421 period immediately preceding such denial, revocation,
 422 restriction, or suspension:

423 (a) The applicant or registrant has been convicted of
 424 knowingly and intentionally:

- 425 1. Violating s. 538.20 or s. 538.21;
- 426 2. Engaging in a pattern of failing to keep records as
 427 required by s. 538.19;
- 428 3. Making a material false statement in the application
 429 for registration; or
- 430 4. Engaging in a fraudulent act in connection with any
 431 purchase or sale of regulated metals property;

432 (b) The applicant or registrant has been convicted of, or
 433 entered a plea of guilty or nolo contendere to, a felony
 434 committed by the secondary metals recycler against the laws of
 435 the state or of the United States involving theft, larceny,
 436 dealing in stolen property, receiving stolen property, burglary,
 437 embezzlement, obtaining property by false pretenses, possession
 438 of altered property, or any felony drug offense or of knowingly
 439 and intentionally violating the laws of the state relating to
 440 registration as a secondary metals recycler; or

441 (c) The applicant has, after receipt of written notice
 442 from the department of failure to pay sales tax, failed or

443 refused to pay, within 30 days after the secondary metals
444 recycler's receipt of such written notice, any sales tax owed to
445 the department.

446 (d) The applicant has, with sufficient frequency so as to
447 establish a pattern of wrongdoing on the part of a registrant,
448 failed to comply with the advertising requirements set forth in
449 subsection (3).

450 ~~(6)~~~~(5)~~ A denial of an application, or a revocation,
451 restriction, or suspension of a registration, by the department
452 shall be probationary for a period of 12 months in the event
453 that the secondary metals recycler subject to such action has
454 not had any other application for registration denied, or any
455 registration revoked, restricted, or suspended, by the
456 department within the previous 24-month period.

457 (a) If, during the 12-month probationary period, the
458 department does not again deny an application or revoke,
459 restrict, or suspend the registration of the secondary metals
460 recycler, the action of the department shall be dismissed and
461 the record of the secondary metals recycler cleared thereof.

462 (b) If, during the 12-month probationary period, the
463 department, for reasons other than those existing prior to the
464 original denial or revocation, restriction, or suspension, again
465 denies an application or revokes, restricts, or suspends the
466 registration of the secondary metals recycler, the probationary
467 nature of such original action shall terminate and both the
468 original action of the department and the action of the

469 department causing the termination of the probationary nature
470 thereof shall immediately be reinstated against the secondary
471 metals recycler.

472 ~~(7)(6)~~ Upon the request of a law enforcement official, the
473 Department of Revenue shall release to the official the name and
474 address of any secondary metals recycler registered to do
475 business within the official's jurisdiction.

476 (8) A person may not use a wrecker, tow truck, trailer,
477 dolly, or other vehicle to obtain or transport ferrous or
478 nonferrous metals purchased by the individual without being
479 registered as or employed by a registered secondary metals
480 recycler. A law enforcement officer from any local governmental
481 agency or state law enforcement agency may cause to be
482 immediately removed and impounded, at the owner's expense, a
483 wrecker, tow truck, trailer, dolly, or other vehicle used in
484 violation of this section.

485 (a) The impounded wrecker, tow truck, trailer, dolly, or
486 other vehicle must be stored at an authorized law enforcement
487 impound facility and may not be released from such facility
488 before a release form is completed by the authority that ordered
489 the removal and impoundment which verifies that the cost
490 recovery fine, as provided for in s. 323.002(3)(b), has been
491 paid to the authority. Except as provided in subparagraph 2.,
492 the vehicle must remain impounded until the fine is paid or
493 until the vehicle is sold at public sale pursuant to s.
494 713.78(6).

495 (b) The owner of a vehicle impounded under this section
496 may request a hearing with the local jurisdiction within 10
497 business days after the impoundment. If, at the hearing, the
498 owner shows that he or she had no knowledge that the vehicle was
499 being used in violation of this section, the vehicle shall be
500 released to the owner.

501 Section 4. Subsection (8) of section 320.131, Florida
502 Statutes, is amended to read:

503 320.131 Temporary tags.—

504 (8) The department shall administer an electronic system
505 for licensed motor vehicle dealers to use for issuing temporary
506 tags. If a dealer fails to comply with the department's
507 requirements for issuing temporary tags using the electronic
508 system, the department may deny, suspend, or revoke a license
509 under s. 320.27(10)(b)16. ~~320.27(9)(b)16.~~ upon proof that the
510 licensee has failed to comply with the department's
511 requirements. The department may adopt rules to administer this
512 section.

513 Section 5. This act shall take effect July 1, 2016.