

By the Committee on Appropriations; and Senators Rouson and Rader

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1 A bill to be entitled
2 An act relating to motor vehicle registration
3 applications; amending s. 320.02, F.S.; requiring the
4 application form for motor vehicle registration to
5 include language to indicate an applicant is deaf or
6 hard of hearing; requiring such information to be
7 included in certain databases; requiring the
8 application form for motor vehicle registration to
9 include language permitting a certain voluntary
10 contribution to be quarterly distributed by the
11 Department of Highway Safety and Motor Vehicles to
12 Preserve Vision Florida, instead of to Prevent
13 Blindness Florida; conforming a provision to changes
14 made by the act; amending s. 320.27, F.S.; conforming
15 a cross-reference; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsections (14) through (19) of section 320.02,
20 Florida Statutes, are renumbered as subsections (15) through
21 (20), respectively, a new subsection (14) is added to that
22 section, and paragraph (a) of present subsection (15) of that
23 section is amended, to read:

24 320.02 Registration required; application for registration;
25 forms.—

26 (14) The application form for motor vehicle registration
27 must include language allowing an applicant who is deaf or hard
28 of hearing to voluntarily indicate that he or she is deaf or
29 hard of hearing. If the applicant indicates on the application

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30 form that he or she is deaf or hard of hearing, such information
31 shall be included through the Driver and Vehicle Information
32 Database and available through the Florida Crime Information
33 Center system.

34 (16) ~~(15)~~ (a) The application form for motor vehicle
35 registration must ~~shall~~ include language permitting the
36 voluntary contribution of \$1 per applicant, to be quarterly
37 distributed by the department to Preserve Vision ~~Prevent~~
38 ~~Blindness~~ Florida, a not-for-profit organization, to prevent
39 blindness and preserve the sight of the residents of this state.
40 A statement providing an explanation of the purpose of the funds
41 shall be included with the application form. Prior to the
42 department distributing the funds collected pursuant to this
43 paragraph, Preserve Vision ~~Prevent Blindness~~ Florida must submit
44 a report to the department that identifies how such funds were
45 used during the preceding year.

46
47 For the purpose of applying the service charge provided in s.
48 215.20, contributions received under this subsection are not
49 income of a revenue nature.

50 Section 2. Paragraph (b) of subsection (9) of section
51 320.27, Florida Statutes, is amended to read:

52 320.27 Motor vehicle dealers.—

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

54 (b) The department may deny, suspend, or revoke any license
55 issued hereunder or under the provisions of s. 320.77 or s.
56 320.771 upon proof that a licensee has committed, with
57 sufficient frequency so as to establish a pattern of wrongdoing
58 on the part of a licensee, violations of one or more of the

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59 following activities:

60 1. Representation that a demonstrator is a new motor
61 vehicle, or the attempt to sell or the sale of a demonstrator as
62 a new motor vehicle without written notice to the purchaser that
63 the vehicle is a demonstrator. For the purposes of this section,
64 a "demonstrator," a "new motor vehicle," and a "used motor
65 vehicle" shall be defined as under s. 320.60.

66 2. Unjustifiable refusal to comply with a licensee's
67 responsibility under the terms of the new motor vehicle warranty
68 issued by its respective manufacturer, distributor, or importer.
69 However, if such refusal is at the direction of the
70 manufacturer, distributor, or importer, such refusal shall not
71 be a ground under this section.

72 3. Misrepresentation or false, deceptive, or misleading
73 statements with regard to the sale or financing of motor
74 vehicles which any motor vehicle dealer has, or causes to have,
75 advertised, printed, displayed, published, distributed,
76 broadcast, televised, or made in any manner with regard to the
77 sale or financing of motor vehicles.

78 4. Failure by any motor vehicle dealer to provide a
79 customer or purchaser with an odometer disclosure statement and
80 a copy of any bona fide written, executed sales contract or
81 agreement of purchase connected with the purchase of the motor
82 vehicle purchased by the customer or purchaser.

83 5. Failure of any motor vehicle dealer to comply with the
84 terms of any bona fide written, executed agreement, pursuant to
85 the sale of a motor vehicle.

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

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

90 8. Failure to continually meet the requirements of the
91 licensure law.

92 9. Representation to a customer or any advertisement to the
93 public representing or suggesting that a motor vehicle is a new
94 motor vehicle if such vehicle lawfully cannot be titled in the
95 name of the customer or other member of the public by the seller
96 using a manufacturer's statement of origin as permitted in s.
97 319.23(1).

98 10. Requirement by any motor vehicle dealer that a customer
99 or purchaser accept equipment on his or her motor vehicle which
100 was not ordered by the customer or purchaser.

101 11. Requirement by any motor vehicle dealer that any
102 customer or purchaser finance a motor vehicle with a specific
103 financial institution or company.

104 12. Requirement by any motor vehicle dealer that the
105 purchaser of a motor vehicle contract with the dealer for
106 physical damage insurance.

107 13. Perpetration of a fraud upon any person as a result of
108 dealing in motor vehicles, including, without limitation, the
109 misrepresentation to any person by the licensee of the
110 licensee's relationship to any manufacturer, importer, or
111 distributor.

112 14. Violation of any of the provisions of s. 319.35 by any
113 motor vehicle dealer.

114 15. Sale by a motor vehicle dealer of a vehicle offered in
115 trade by a customer prior to consummation of the sale, exchange,
116 or transfer of a newly acquired vehicle to the customer, unless

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117 the customer provides written authorization for the sale of the
118 trade-in vehicle prior to delivery of the newly acquired
119 vehicle.

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

122 17. Violation of chapter 319, this chapter, or ss. 559.901-
123 559.9221, which has to do with dealing in or repairing motor
124 vehicles or mobile homes. Additionally, in the case of used
125 motor vehicles, the willful violation of the federal law and
126 rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the
127 consumer sales window form.

128 18. Failure to maintain evidence of notification to the
129 owner or coowner of a vehicle regarding registration or titling
130 fees owed as required in s. 320.02(17) ~~s. 320.02(16)~~.

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

133 Section 3. This act shall take effect October 1, 2018.