

By Senator Wright

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1                   A bill to be entitled  
2       An act relating to motor vehicles; amending s. 319.23,  
3       F.S.; providing that motor vehicle dealers or mobile  
4       home dealers should apply for, rather than are  
5       required to obtain, certificates of title in the name  
6       of purchasers; providing that certain applications  
7       relating to transfers of motor vehicles or mobile  
8       homes should, rather than must, be filed within a  
9       certain timeframe; revising a condition under which  
10      the timeframe begins; deleting an authorization for  
11      certain penalties; amending s. 320.131, F.S.;  
12      conforming a cross-reference; amending s. 320.27,  
13      F.S.; revising grounds on which the Department of  
14      Highway Safety and Motor Vehicles may deny, suspend,  
15      or revoke a motor vehicle dealer license; providing an  
16      effective date.

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

19  
20       Section 1. Paragraph (a) of subsection (6) of section  
21       319.23, Florida Statutes, is amended to read:

22       319.23 Application for, and issuance of, certificate of  
23       title.—

24       (6) (a) In the case of the sale of a motor vehicle or mobile  
25       home by a licensed dealer to a general purchaser, the  
26       certificate of title should ~~must~~ be applied for ~~obtained~~ in the  
27       name of the purchaser by the dealer upon application signed by  
28       the purchaser, and in each other case the certificate must be  
29       obtained by the purchaser. In each case of transfer of a motor

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30 vehicle or mobile home, the application for a certificate of  
31 title, a corrected certificate, or an assignment or reassignment  
32 should ~~must~~ be filed within 30 days after the delivery of the  
33 motor vehicle and receipt from the lender of satisfaction of the  
34 lien or after consummation of the sale of the mobile home to the  
35 purchaser. An applicant must pay a fee of \$20, in addition to  
36 all other fees ~~and penalties~~ required by law, for failing to  
37 file such application within the specified time. In the case of  
38 the sale of a motor vehicle by a licensed motor vehicle dealer  
39 to a general purchaser who resides in another state or country,  
40 the dealer is not required to apply for a certificate of title  
41 for the motor vehicle; however, the dealer must transfer  
42 ownership and reassign the certificate of title or  
43 manufacturer's certificate of origin to the purchaser, and the  
44 purchaser must sign an affidavit, as approved by the department,  
45 that the purchaser will title and register the motor vehicle in  
46 another state or country.

47 Section 2. Subsection (8) of section 320.131, Florida  
48 Statutes, is amended to read:

49 320.131 Temporary tags.—

50 (8) The department shall administer an electronic system  
51 for licensed motor vehicle dealers to use for issuing temporary  
52 tags. If a dealer fails to comply with the department's  
53 requirements for issuing temporary tags using the electronic  
54 system, the department may deny, suspend, or revoke a license  
55 under s. 320.27(9)(b)15. ~~s. 320.27(9)(b)16.~~ upon proof that the  
56 licensee has failed to comply with the department's  
57 requirements. The department may adopt rules to administer this  
58 section.

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59 Section 3. Paragraph (b) of subsection (9) of section  
60 320.27, Florida Statutes, is amended to read:

61 320.27 Motor vehicle dealers.—

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

63 (b) The department may deny, suspend, or revoke any license  
64 issued hereunder or under ~~the provisions of~~ s. 320.77 or s.  
65 320.771 upon proof that a licensee has committed, with  
66 sufficient frequency so as to establish a pattern of wrongdoing  
67 on the part of a licensee, violations of one or more of the  
68 following activities:

69 1. Representation that a demonstrator is a new motor  
70 vehicle, or the attempt to sell or the sale of a demonstrator as  
71 a new motor vehicle without written notice to the purchaser that  
72 the vehicle is a demonstrator. For the purposes of this section,  
73 a "demonstrator," a "new motor vehicle," and a "used motor  
74 vehicle" shall be defined as under s. 320.60.

75 2. Unjustifiable refusal to comply with a licensee's  
76 responsibility under the terms of the new motor vehicle warranty  
77 issued by its respective manufacturer, distributor, or importer.  
78 However, if such refusal is at the direction of the  
79 manufacturer, distributor, or importer, such refusal shall not  
80 be a ground under this section.

81 3. Misrepresentation or false, deceptive, or misleading  
82 statements with regard to the sale or financing of motor  
83 vehicles which any motor vehicle dealer has, or causes to have,  
84 advertised, printed, displayed, published, distributed,  
85 broadcast, televised, or made in any manner with regard to the  
86 sale or financing of motor vehicles.

87 4. Failure by any motor vehicle dealer to provide a

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88 customer or purchaser with an odometer disclosure statement and  
89 a copy of any bona fide written, executed sales contract or  
90 agreement of purchase connected with the purchase of the motor  
91 vehicle purchased by the customer or purchaser.

92 5. Failure of any motor vehicle dealer to comply with the  
93 terms of any bona fide written, executed agreement, pursuant to  
94 the sale of a motor vehicle.

95 ~~6. Failure to apply for transfer of a title as prescribed~~  
96 ~~in s. 319.23(6).~~

97 ~~7.~~ Use of the dealer license identification number by any  
98 person other than the licensed dealer or his or her designee.

99 ~~7.8.~~ Intentional failure to continually meet the  
100 requirements of the licensure law.

101 ~~8.9.~~ Representation to a customer or any advertisement to  
102 the public representing or suggesting that a motor vehicle is a  
103 new motor vehicle if such vehicle lawfully cannot be titled in  
104 the name of the customer or other member of the public by the  
105 seller using a manufacturer's statement of origin as permitted  
106 in s. 319.23(1).

107 ~~9.10.~~ Requirement by any motor vehicle dealer that a  
108 customer or purchaser accept equipment on his or her motor  
109 vehicle which was not ordered by the customer or purchaser.

110 ~~10.11.~~ Requirement by any motor vehicle dealer that any  
111 customer or purchaser finance a motor vehicle with a specific  
112 financial institution or company.

113 ~~11.12.~~ Requirement by any motor vehicle dealer that the  
114 purchaser of a motor vehicle contract with the dealer for  
115 physical damage insurance.

116 ~~12.13.~~ Perpetration of a fraud upon any person as a result

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117 of dealing in motor vehicles, including, without limitation, the  
118 misrepresentation to any person by the licensee of the  
119 licensee's relationship to any manufacturer, importer, or  
120 distributor.

121 ~~13.14.~~ Violation of any of the provisions of s. 319.35 by  
122 any motor vehicle dealer.

123 ~~14.15.~~ Sale by a motor vehicle dealer of a vehicle offered  
124 in trade by a customer prior to consummation of the sale,  
125 exchange, or transfer of a newly acquired vehicle to the  
126 customer, unless the customer provides written authorization for  
127 the sale of the trade-in vehicle prior to delivery of the newly  
128 acquired vehicle.

129 ~~15.16.~~ Willful failure to comply with any administrative  
130 rule adopted by the department or the provisions of s.  
131 320.131(8).

132 ~~16.17.~~ Violation of chapter 319, this chapter, or ss.  
133 559.901-559.9221, which has to do with dealing in or repairing  
134 motor vehicles or mobile homes. Additionally, in the case of  
135 used motor vehicles, the willful violation of the federal law  
136 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to  
137 the consumer sales window form.

138 ~~17.18.~~ Failure to maintain evidence of notification to the  
139 owner or co-owner of a vehicle regarding registration or titling  
140 fees owed as required in s. 320.02(17).

141 ~~18.19.~~ Failure to register a mobile home salesperson with  
142 the department as required by this section.

143 Section 4. This act shall take effect July 1, 2022.