

By Senator Wright

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1 A bill to be entitled
2 An act relating to the sale of motor vehicles;
3 creating s. 319.255, F.S.; authorizing certain parties
4 to rescind or cancel the sale of a motor vehicle under
5 certain circumstances; requiring the motor vehicle
6 dealer to certify upon a form the rescinded or
7 canceled sale and that certain moneys were returned
8 under certain circumstances; specifying requirements
9 for the form; specifying the duties of the Department
10 of Highway Safety and Motor Vehicles upon receiving
11 such forms; prohibiting the motor vehicle dealer from
12 selling a vehicle until such form is received;
13 authorizing a motor vehicle dealer to request a
14 certain refund of fees and taxes; providing
15 construction; providing an effective date.

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

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19 Section 1. Section 319.255, Florida Statutes, is created to
20 read:

21 319.255 Dealer sale rescission.-

22 (1) A motor vehicle dealer, purchaser, and any lienholders,
23 by concurrence of all parties, may rescind or cancel the sale of
24 a motor vehicle not later than the 30th day following the date
25 of sale. A rescinded or canceled sale requires return by the
26 motor vehicle dealer to the rightful parties of all fees, taxes,
27 and other moneys provided to the motor vehicle dealer as part of
28 the sale. The concurrence of all parties to cancel or rescind
29 the sale must be acknowledged in a return agreement, which must

8-00885A-23

20231636__

30 be retained by the dealer with the vehicle sales records, and
31 invalidates any subsequent requirements imposed upon the motor
32 vehicle dealer to submit an application or remit any fees or
33 taxes if the application, fees, and taxes have not been
34 remitted.

35 (2) If an application has been submitted or tax or fees
36 remitted or the motor vehicle dealer requires a certificate of
37 title for resale purposes, the rescinded or canceled sale and
38 the return to the rightful parties of all fees, taxes, and other
39 moneys must be certified by the motor vehicle dealer upon a form
40 prescribed by the department. The form must be completed and
41 submitted to the department within 15 days after the date the
42 parties agree to cancel the sale and must have attached to it a
43 copy of the dealer's return agreement. If a certificate of title
44 has been issued, the certificate of title must be attached or a
45 certification made on the form that the certificate of title has
46 been lost or destroyed.

47 (3) Within 7 days after receipt of the form, the department
48 shall rescind, cancel, or revoke any application for title or
49 issued title; refund to the motor vehicle dealer any fees and
50 taxes paid or remitted to the department, less fees paid in
51 accordance with s. 319.32; return a department-acknowledged and
52 dated copy of the form; and issue a certificate of title to the
53 dealer reflecting the name of the motor vehicle dealer and the
54 odometer reading as recorded at the time of sale that was
55 rescinded or canceled. A motor vehicle dealer may not offer for
56 retail sale a vehicle that is the subject of an application
57 submitted or tax or fees remitted pursuant to subsection (2)
58 until the dealer has received the title from the department.

8-00885A-23

20231636__

59 (4) Within 30 days after the date on the department-
60 acknowledged copy of the form, a motor vehicle dealer may
61 request, by submitting a copy of the department-acknowledged
62 form to the county tax collector, a refund of fees and taxes
63 retained by the county tax collector, less fees paid in
64 accordance with s. 319.32.

65 (5) Any rescission, cancellation, or revocation under this
66 section does not negate that the vehicle has been the subject of
67 a previous retail sale.

68 Section 2. This act shall take effect July 1, 2023.