

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WITHDRAWN	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: Ways & Means Committee
 2 Representative Botana offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (d) is added to subsection (1) of
 7 section 212.17, Florida Statutes, to read:

8 212.17 Tax credits or refunds.—

9 (1)

10 (d) If, pursuant to s. 319.255, a motor vehicle sale is
 11 rescinded or canceled and the application for a certificate of
 12 title is rescinded, canceled, or revoked, the motor vehicle
 13 dealer must be reimbursed, in a manner prescribed by the
 14 department, the amount of tax collected or charged by the motor
 15 vehicle dealer for the sale or application, so long as the motor
 16 vehicle dealer has returned to the motor vehicle purchaser the

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17 amount of such tax collected or charged.

18 Section 2. Section 319.255, Florida Statutes, is created
19 to read:

20 319.255 Rescission or cancellation of used motor vehicle
21 sale.-

22 (1) An authorized representative of a motor vehicle
23 dealer, a motor vehicle purchaser, and any person claiming a
24 lien on a motor vehicle, by written concurrence signed by all
25 such parties, may rescind or cancel a motor vehicle sale before
26 an application for a certificate of title is submitted. The
27 written concurrence among the parties to rescind or cancel the
28 sale shall invalidate any subsequent requirements imposed upon
29 the motor vehicle dealer to submit an application or remit any
30 fees or taxes if all fees, taxes, and other moneys associated
31 with the rescinded or canceled sale are returned to the rightful
32 parties. A motor vehicle dealer may obtain a duplicate
33 certificate of origin or a duplicate certificate of title or
34 obtain a new certificate of title in accordance with subsection
35 (2).

36 (2) The department shall rescind, cancel, or revoke an
37 application for a certificate of title or a title that has been
38 issued if, within 60 days after the sale of a motor vehicle, a
39 notarized affidavit signed by an authorized representative of
40 the motor vehicle dealer, the motor vehicle purchaser, and any
41 person claiming a lien on the motor vehicle is executed on a

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42 form prescribed by the department stating that the motor vehicle
43 dealer, the motor vehicle purchaser, and any person claiming a
44 lien on the motor vehicle have rescinded or canceled the sale of
45 the motor vehicle and that all moneys associated with the
46 transfer of the motor vehicle have been or will be returned to
47 the relevant parties.

48 (a) Sales taxes refunded or credited to the motor vehicle
49 purchaser shall be refunded or credited to the motor vehicle
50 dealer in the manner prescribed by the Department of Revenue.

51 (b) If a certificate of title has been issued, the motor
52 vehicle dealer must obtain and surrender the certificate of
53 title to the department or certify that the certificate of title
54 has been lost or destroyed or will be obtained and destroyed
55 upon receipt.

56 (c) The affidavit must be filed no later than 30 days
57 after the date of execution of the affidavit by the motor
58 vehicle dealer, the motor vehicle purchaser, or any person
59 claiming a lien on the motor vehicle, whichever date is latest.

60 (d) The department shall process the affidavit within 7
61 days after receipt and issue a certificate of title to the motor
62 vehicle dealer reflecting the name of the motor vehicle dealer
63 and the odometer reading reflected on the most recent assignment
64 before the rescinded, canceled, or revoked sale.

65 (e) A motor vehicle dealer may not offer a motor vehicle
66 subject to this subsection for retail sale until the motor

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67 vehicle dealer has received a certificate of title from the
68 department.

69 (3) This section shall only apply to the sale or
70 subsequent rescission, cancellation, or revocation of sale of a
71 used motor vehicle as defined in s. 319.001.

72 Section 3. This act shall take effect July 1, 2023.

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75 **T I T L E A M E N D M E N T**

76 Remove lines 9-32 and insert:

77 authorizing an authorized representative of a motor vehicle
78 dealer, a motor vehicle purchaser, and any person claiming a
79 lien on a motor vehicle, by written concurrence of all parties
80 signed by specified persons, to rescind or cancel a motor
81 vehicle sale before an application for a certificate of title is
82 submitted; providing for invalidation of certain subsequent
83 requirements imposed on a motor vehicle dealer under certain
84 circumstances; authorizing the motor vehicle dealer to obtain a
85 duplicate certificate of origin, duplicate certificate of title,
86 or new certificate of title; requiring the Department of Highway
87 Safety and Motor Vehicles to rescind, cancel, or revoke an
88 application for a certificate of title or an issued certificate
89 of title after execution of a certain affidavit; providing
90 requirements for the return or payment of certain sales taxes;
91 providing for the surrender or destruction of a certificate of

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92 title; providing requirements for filing and processing the
93 affidavit; prohibiting a motor vehicle dealer from offering for
94 retail sale a motor vehicle the sale of which has been rescinded
95 or canceled until receipt of a certificate of title from the
96 department; providing construction; providing that the section
97 only applies with respect to used motor vehicles; providing an
98 effective date.