

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WITHDRAWN	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: Transportation & Modals  
 2 Subcommittee

3 Representative Botana offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 39-67 and insert:

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 8 rescinded or canceled and the application for a certificate of  
 9 title is rescinded, canceled, or revoked, the motor vehicle  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

15 Section 2. Section 319.255, Florida Statutes, is created  
 16 to read:

Amendment No. 1

17       319.255 Rescission or cancellation of motor vehicle sale.-

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27 associated with the rescinded or canceled sale are returned to  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

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

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Amendment No. 1

**T I T L E   A M E N D M E N T**

42  
43       Remove lines 4-11 and insert:  
44       requiring that a motor vehicle dealer be reimbursed in  
45       a specified manner under certain circumstances for tax  
46       collected or charged by the motor vehicle dealer for a  
47       motor vehicle sale or for an application for  
48       certificate of title; creating s. 319.255, F.S.;  
49       authorizing a motor vehicle dealer, a motor vehicle  
50       purchaser, and any person claiming a lien on a motor  
51       vehicle, by written concurrence of all parties signed  
52       by specified persons, to rescind or cancel a motor