

By the Committees on Transportation and Economic Development
Appropriations; and Community Affairs; and Senator Crist

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1 A bill to be entitled
2 An act relating to motor vehicles; amending s. 261.03,
3 F.S.; redefining the term "ROV"; amending s. 316.1905,
4 F.S.; authorizing the use of speed calculating
5 devices; requiring evidence of certain violations to
6 be based upon the use of such devices; providing
7 exceptions; conforming provisions; amending s.
8 316.1951, F.S.; removing a requirement that the
9 Department of Highway Safety and Motor Vehicles adopt
10 a uniform written notice to be used to enforce
11 provisions that prohibit parking a motor vehicle on
12 certain property for the purpose of displaying the
13 motor vehicle as being for sale, hire, or rental;
14 removing a requirement that each law enforcement
15 agency provide its own notice for such enforcement;
16 authorizing a code enforcement officer from any local
17 government agency to enforce such provisions;
18 providing that the owner of a vehicle parked in
19 violation of such provisions is subject to a fine in
20 addition to towing and storage fees; providing
21 procedures for the release of an impounded vehicle;
22 amending s. 317.0003, F.S.; redefining the term "ROV";
23 amending s. 318.14, F.S.; providing a lifetime
24 limitation on the number of times a person may elect
25 to attend a driver improvement course in lieu of a
26 court appearance; amending s. 318.18, F.S.; specifying
27 a fine for a vehicle that is displayed for sale, hire,
28 or rental in violation of such provisions; providing
29 for the disposition of such fines; amending s.

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30 319.225, F.S.; prohibiting the department from
31 requiring the signature of the transferor to be
32 notarized on certain motor vehicle title transfer
33 forms relating to mileage of the vehicle; requiring
34 the forms to include an affidavit declaring facts in
35 the document to be true; amending s. 319.23, F.S.;
36 providing that, under certain circumstances, a motor
37 vehicle dealer is not required to apply for a
38 certificate of title for a motor vehicle sold to a
39 general purchaser who resides outside the state;
40 amending s. 320.02, F.S.; directing the department to
41 place the name of the owner of a motor vehicle on the
42 list of persons who may not be issued a license plate
43 or revalidation sticker if that person is on a list
44 submitted to the department by a licensed dealer;
45 amending s. 320.27, F.S.; clarifying an exemption from
46 certain dealer prelicensing requirements; removing a
47 requirement for evaluation of privatized applicant
48 training methods; limiting the issuance to a licensed
49 dealer of supplemental off-premises sale licenses;
50 authorizing dealer records to be kept in either paper
51 or electronic form; providing procedures for transfer
52 of documents to electronic form; authorizing a dealer
53 training school to cancel the training certificate
54 issued to a student for certain actions relating to
55 payments made to the school; amending s. 322.0261,
56 F.S.; providing an exemption from a requirement to
57 attend a driver improvement course for drivers if
58 adjudication is withheld by the court; providing an

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59 effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Subsection (9) of section 261.03, Florida
64 Statutes, is amended to read:

65 261.03 Definitions.—As used in this chapter, the term:

66 (9) "ROV" means any motorized recreational off-highway
67 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
68 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
69 nonhighway tires, having nonstraddle seating and a steering
70 wheel, and manufactured for recreational use by one or more
71 persons. The term "ROV" does not include a golf cart as defined
72 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
73 defined in s. 320.01(42).

74 Section 2. Subsection (3) of section 316.1905, Florida
75 Statutes, is amended to read:

76 316.1905 Electrical, mechanical, or other speed calculating
77 devices; power of arrest; evidence.—

78 (3) (a) Citations for violations of ss. 316.183, 316.187,
79 316.189, 316.1893, and 316.1895, shall be issued upon a police
80 officer's use of an electrical, mechanical, or other speed
81 calculating device, approved and tested pursuant to subsection
82 (1). Evidence presented in court shall be based only upon
83 evidence that was obtained through the use of such device. This
84 subsection does not apply to speed determinations made as a
85 result of crash investigations, nor does it preclude a police
86 officer from lawfully stopping a vehicle suspected of speeding,
87 based only upon the officer's visual and aural perceptions.

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88 (b) A witness otherwise qualified to testify shall be
89 competent to give testimony against an accused violator of the
90 motor vehicle laws of this state when such testimony is derived
91 from the use of such an electronic, electrical, mechanical, or
92 other device used in the calculation of speed, upon showing that
93 the speed calculating device which was used had been tested.
94 However, the operator of any visual average speed computer
95 device shall first be certified as a competent operator of such
96 device by the department.

97 (c)~~(b)~~ Upon the production of a certificate, signed and
98 witnessed, showing that such device was tested within the time
99 period specified and that such device was working properly, a
100 presumption is established to that effect unless the contrary
101 shall be established by competent evidence.

102 (d)~~(e)~~ Any person accused pursuant to the provisions of
103 this section shall be entitled to have the officer actually
104 operating the device appear in court and testify upon oral or
105 written motion.

106 Section 3. Section 316.1951, Florida Statutes, is amended
107 to read:

108 316.1951 Parking for certain purposes prohibited; sale of
109 motor vehicles; prohibited acts.—

110 (1) It is unlawful for any person to park a motor vehicle,
111 as defined in s. 320.01, upon a public street or highway, ~~upon~~ a
112 public parking lot, or other public property, or upon private
113 property where the public has the right to travel by motor
114 vehicle, for the principal purpose and intent of displaying the
115 motor vehicle thereon for sale, hire, or rental unless the sale,
116 hire, or rental of the motor vehicle is specifically authorized

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117 on such property by municipal or county regulation and the
118 person is in compliance with all municipal or county licensing
119 regulations.

120 (2) The provisions of subsection (1) do not prohibit a
121 person from parking his or her own motor vehicle or his or her
122 other personal property on any private real property which the
123 person owns or leases or on private real property which the
124 person does not own or lease, but for which he or she obtains
125 the permission of the owner, or on the public street immediately
126 adjacent thereto, for the principal purpose and intent of sale,
127 hire, or rental.

128 (3) Subsection (1) does not prohibit a licensed motor
129 vehicle dealer from displaying for sale or offering for sale
130 motor vehicles at locations other than the dealer's licensed
131 location if the dealer has been issued a supplemental license
132 for off-premises sales, as provided in s. 320.27(5), and has
133 complied with the requirements in subsection (1). A vehicle
134 displayed for sale by a licensed dealer at any location other
135 than the dealer's licensed location is subject to immediate
136 removal without warning.

137 ~~(4) The Department of Highway Safety and Motor Vehicles~~
138 ~~shall adopt by rule a uniform written notice to be used to~~
139 ~~enforce this section. Each law enforcement agency in this state~~
140 ~~shall provide, at each agency's expense, the notice forms~~
141 ~~necessary to enforce this section.~~

142 (4)-(5) A law enforcement officer, compliance officer, code
143 enforcement officer from any local government agency, or
144 supervisor of the department may cause to be removed at the
145 owner's expense any motor vehicle found in violation of

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146 subsections ~~subsection~~ (1), (5), (6), (7), and (8) or will be
147 assessed a penalty as prescribed in s. 318.18(21), by the
148 governing authority ordering the vehicle's removal. Before the
149 vehicle can be released from an impound or tow facility, a
150 release form, prescribed by the Department of Highway Safety and
151 Motor Vehicles, must be completed signifying that the fine has
152 been paid to the governing authority that ordered the vehicle's
153 removal. The towing and storage entity may collect towing or
154 storage fees prior to the payment of the fine or before the
155 release form has been completed ~~which has been parked in one~~
156 ~~location for more than 24 hours after a written notice has been~~
157 ~~issued. Every written notice issued pursuant to this section~~
158 ~~shall be affixed in a conspicuous place upon a vehicle by a law~~
159 ~~enforcement officer, compliance officer, or supervisor of the~~
160 ~~department. Any vehicle found in violation of subsection (1)~~
161 ~~within 30 days after a previous violation and written notice is~~
162 ~~subject to immediate removal without an additional waiting~~
163 ~~period.~~

164 (5)~~(6)~~ It is unlawful to offer a vehicle for sale if the
165 vehicle identification number has been destroyed, removed,
166 covered, altered, or defaced, as described in s. 319.33(1)(d). A
167 vehicle found in violation of this subsection is subject to
168 immediate removal without warning.

169 (6)~~(7)~~ It is unlawful to knowingly attach to any motor
170 vehicle a registration that was not assigned or lawfully
171 transferred to the vehicle pursuant to s. 320.261. A vehicle
172 found in violation of this subsection is subject to immediate
173 removal without warning.

174 (7)~~(8)~~ It is unlawful to display or offer for sale a

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175 vehicle that does not have a valid registration as provided in
176 s. 320.02. A vehicle found in violation of this subsection is
177 subject to immediate removal without warning. This subsection
178 does not apply to vehicles and recreational vehicles being
179 offered for sale through motor vehicle auctions as defined in s.
180 320.27(1)(c)4.

181 (8)~~(9)~~ A vehicle is subject to immediate removal without
182 warning if it bears a telephone number that has been displayed
183 on three or more vehicles offered for sale within a 12-month
184 period.

185 (9)~~(10)~~ Any other provision of law to the contrary
186 notwithstanding, a violation of subsection (1) shall subject the
187 owner of such motor vehicle to towing fees reasonably
188 necessitated by removal and storage of the motor vehicle and a
189 fine as required by s. 318.18.

190 (10)~~(11)~~ This section does not prohibit the governing body
191 of a municipality or county, with respect to streets, highways,
192 or other property under its jurisdiction, from regulating the
193 parking of motor vehicles for any purpose.

194 (11)~~(12)~~ A violation of this section is a noncriminal
195 traffic infraction, punishable as a nonmoving violation as
196 provided in chapter 318, unless otherwise mandated by general
197 law.

198 Section 4. Subsection (9) of section 317.0003, Florida
199 Statutes, is amended to read:

200 317.0003 Definitions.—As used in this chapter, the term:

201 (9) "ROV" means any motorized recreational off-highway
202 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
203 2,000 ~~1,500~~ pounds or less, designed to travel on four or more

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204 nonhighway tires, having nonstraddle seating and a steering
205 wheel, and manufactured for recreational use by one or more
206 persons. The term "ROV" does not include a golf cart as defined
207 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
208 defined in s. 320.01(42).

209 Section 5. Subsection (9) of section 318.14, Florida
210 Statutes, is amended to read:

211 318.14 Noncriminal traffic infractions; exception;
212 procedures.—

213 (9) Any person who does not hold a commercial driver's
214 license and who is cited for an infraction under this section
215 other than a violation of s. 316.183(2), s. 316.187, or s.
216 316.189 when the driver exceeds the posted limit by 30 miles per
217 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
218 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
219 appearance, elect to attend in the location of his or her choice
220 within this state a basic driver improvement course approved by
221 the Department of Highway Safety and Motor Vehicles. In such a
222 case, adjudication must be withheld and points, as provided by
223 s. 322.27, may not be assessed. However, a person may not make
224 an election under this subsection if the person has made an
225 election under this subsection in the preceding 12 months. A
226 person may make no more than five elections within his or her
227 lifetime ~~10 years~~ under this subsection. The requirement for
228 community service under s. 318.18(8) is not waived by a plea of
229 nolo contendere or by the withholding of adjudication of guilt
230 by a court. If a person makes an election to attend a basic
231 driver improvement course under this subsection, 18 percent of
232 the civil penalty imposed under s. 318.18(3) shall be deposited

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233 in the State Courts Revenue Trust Fund; however, that portion is
234 not revenue for purposes of s. 28.36 and may not be used in
235 establishing the budget of the clerk of the court under that
236 section or s. 28.35.

237 Section 6. Subsection (21) is added to section 318.18,
238 Florida Statutes, to read:

239 318.18 Amount of penalties.—The penalties required for a
240 noncriminal disposition pursuant to s. 318.14 or a criminal
241 offense listed in s. 318.17 are as follows:

242 (21) One hundred dollars for a violation of s. 316.1951 for
243 a vehicle that is unlawfully displayed for sale, hire, or
244 rental. This fine shall be retained by the governing authority
245 authorizing the vehicle to be towed. Fines collected by the
246 Department of Highway Safety and Motor Vehicles shall be
247 deposited into the Highway Safety Operating Trust Fund.

248 Section 7. Paragraphs (a) and (b) of subsection (6) of
249 section 319.225, Florida Statutes, are amended to read:

250 319.225 Transfer and reassignment forms; odometer
251 disclosure statements.—

252 (6) (a) If the certificate of title is physically held by a
253 lienholder, the transferor may give a power of attorney to his
254 or her transferee for the purpose of odometer disclosure. The
255 power of attorney must be on a form issued or authorized by the
256 department, which form must be in compliance with 49 C.F.R. ss.
257 580.4 and 580.13. The department shall not require the signature
258 of the transferor to be notarized on the form; however, in lieu
259 of notarization, the form shall include an affidavit with the
260 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
261 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT

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262 ARE TRUE. The transferee shall sign the power of attorney form,
263 print his or her name, and return a copy of the power of
264 attorney form to the transferor. Upon receipt of a title
265 certificate, the transferee shall complete the space for mileage
266 disclosure on the title certificate exactly as the mileage was
267 disclosed by the transferor on the power of attorney form. If
268 the transferee is a licensed motor vehicle dealer who is
269 transferring the vehicle to a retail purchaser, the dealer shall
270 make application on behalf of the retail purchaser as provided
271 in s. 319.23(6) and shall submit the original power of attorney
272 form to the department with the application for title and the
273 transferor's title certificate; otherwise, a dealer may reassign
274 the title certificate by using the dealer reassignment form in
275 the manner prescribed in subsection (3), and, at the time of
276 physical transfer of the vehicle, the original power of attorney
277 shall be delivered to the person designated as the transferee of
278 the dealer on the dealer reassignment form. A copy of the
279 executed power of attorney shall be submitted to the department
280 with a copy of the executed dealer reassignment form within 5
281 business days after the certificate of title and dealer
282 reassignment form are delivered by the dealer to its transferee.

283 (b) If the certificate of title is lost or otherwise
284 unavailable, the transferor may give a power of attorney to his
285 or her transferee for the purpose of odometer disclosure. The
286 power of attorney must be on a form issued or authorized by the
287 department, which form must be in compliance with 49 C.F.R. ss.
288 580.4 and 580.13. The department shall not require the signature
289 of the transferor to be notarized on the form; however, in lieu
290 of notarization, the form shall include an affidavit with the

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291 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
292 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
293 ARE TRUE. The transferee shall sign the power of attorney form,
294 print his or her name, and return a copy of the power of
295 attorney form to the transferor. Upon receipt of the title
296 certificate or a duplicate title certificate, the transferee
297 shall complete the space for mileage disclosure on the title
298 certificate exactly as the mileage was disclosed by the
299 transferor on the power of attorney form. If the transferee is a
300 licensed motor vehicle dealer who is transferring the vehicle to
301 a retail purchaser, the dealer shall make application on behalf
302 of the retail purchaser as provided in s. 319.23(6) and shall
303 submit the original power of attorney form to the department
304 with the application for title and the transferor's title
305 certificate or duplicate title certificate; otherwise, a dealer
306 may reassign the title certificate by using the dealer
307 reassignment form in the manner prescribed in subsection (3),
308 and, at the time of physical transfer of the vehicle, the
309 original power of attorney shall be delivered to the person
310 designated as the transferee of the dealer on the dealer
311 reassignment form. A copy of the executed power of attorney
312 shall be submitted to the department with a copy of the executed
313 dealer reassignment form within 5 business days after the
314 duplicate certificate of title and dealer reassignment form are
315 delivered by the dealer to its transferee.

316 Section 8. Subsection (6) of section 319.23, Florida
317 Statutes, is amended to read:

318 319.23 Application for, and issuance of, certificate of
319 title.-

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320 (6) (a) In the case of the sale of a motor vehicle or mobile
321 home by a licensed dealer to a general purchaser, the
322 certificate of title must be obtained in the name of the
323 purchaser by the dealer upon application signed by the
324 purchaser, and in each other case such certificate must be
325 obtained by the purchaser. In each case of transfer of a motor
326 vehicle or mobile home, the application for a certificate of
327 title, a ~~or~~ corrected certificate, or an assignment or
328 reassignment, must be filed within 30 days after ~~from~~ the
329 delivery of the motor vehicle or mobile home to the purchaser.
330 An applicant must pay a fee of \$20, in addition to all other
331 fees and penalties required by law, for failing to file such
332 application within the specified time. In the case of the sale
333 of a motor vehicle by a licensed motor vehicle dealer to a
334 general purchaser who resides in another state or country, the
335 dealer is not required to apply for a certificate of title for
336 the motor vehicle; however, the dealer must transfer ownership
337 and reassign the certificate of title or manufacturer's
338 certificate of origin to the purchaser, and the purchaser must
339 sign an affidavit, as approved by the department, that the
340 purchaser will title and register the motor vehicle in another
341 state or country.

342 (b) If a licensed dealer acquires a motor vehicle or mobile
343 home as a trade-in, the dealer must file with the department,
344 within 30 days, a notice of sale signed by the seller. The
345 department shall update its database for that title record to
346 indicate "sold." A licensed dealer need not apply for a
347 certificate of title for any motor vehicle or mobile home in
348 stock acquired for stock purposes except as provided in s.

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349 319.225.

350 Section 9. Subsection (16) of section 320.02, Florida
351 Statutes, is amended to read:

352 320.02 Registration required; application for registration;
353 forms.—

354 (16) The department is authorized to withhold registration
355 or re-registration of a motor vehicle if the name of the owner
356 or of a coowner appears on a list submitted to the department by
357 a licensed motor vehicle dealer for a previous registration of
358 that vehicle. The department shall place the name of the
359 registered owner of that vehicle on the list of those persons
360 who may not be issued a license plate, revalidation sticker, or
361 replacement plate for the vehicle purchased from the licensed
362 motor vehicle dealer. The motor vehicle dealer must maintain
363 signed evidence that the owner or coowner acknowledged the
364 dealer's authority to submit the list to the department if he or
365 she failed to pay and must note the amount for which the owner
366 or coowner would be responsible for the vehicle registration.
367 The dealer must maintain the necessary documentation required in
368 this subsection or face penalties as provided in s. 320.27. This
369 subsection does not affect the issuance of a title to a motor
370 vehicle.

371 (a) The motor vehicle owner or coowner may dispute the
372 claim that money is owed to a dealer for registration fees by
373 submitting a form to the department if the motor vehicle owner
374 or coowner has documentary proof that the registration fees have
375 been paid to the dealer for the disputed amount. Without clear
376 evidence of the amounts owed for the vehicle registration and
377 repayment, the department will assume initial payments are

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378 applied to government-assessed fees first.

379 (b) If the registered owner's dispute complies with
380 paragraph (a), the department shall immediately remove the motor
381 vehicle owner or coowner's name from the list, thereby allowing
382 the issuance of a license plate or revalidation sticker.

383 Section 10. Subsections (4), (5), and (6) and paragraph (a)
384 of subsection (9) of section 320.27, Florida Statutes, are
385 amended to read:

386 320.27 Motor vehicle dealers.—

387 (4) LICENSE CERTIFICATE.—

388 (a) A license certificate shall be issued by the department
389 in accordance with such application when the application is
390 regular in form and in compliance with the provisions of this
391 section. The license certificate may be in the form of a
392 document or a computerized card as determined by the department.
393 The actual cost of each original, additional, or replacement
394 computerized card shall be borne by the licensee and is in
395 addition to the fee for licensure. Such license, when so issued,
396 entitles the licensee to carry on and conduct the business of a
397 motor vehicle dealer. Each license issued to a franchise motor
398 vehicle dealer expires annually on December 31 unless revoked or
399 suspended prior to that date. Each license issued to an
400 independent or wholesale dealer or auction expires annually on
401 April 30 unless revoked or suspended prior to that date. Not
402 less than 60 days prior to the license expiration date, the
403 department shall deliver or mail to each licensee the necessary
404 renewal forms. Each independent dealer shall certify that the
405 dealer (owner, partner, officer, or director of the licensee, or
406 a full-time employee of the licensee that holds a responsible

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407 management-level position) has completed 8 hours of continuing
408 education prior to filing the renewal forms with the department.
409 Such certification shall be filed once every 2 years ~~commencing~~
410 ~~with the 2006 renewal period~~. The continuing education shall
411 include at least 2 hours of legal or legislative issues, 1 hour
412 of department issues, and 5 hours of relevant motor vehicle
413 industry topics. Continuing education shall be provided by
414 dealer schools licensed under paragraph (b) either in a
415 classroom setting or by correspondence. Such schools shall
416 provide certificates of completion to the department and the
417 customer which shall be filed with the license renewal form, and
418 such schools may charge a fee for providing continuing
419 education. Any licensee who does not file his or her application
420 and fees and any other requisite documents, as required by law,
421 with the department at least 30 days prior to the license
422 expiration date shall cease to engage in business as a motor
423 vehicle dealer on the license expiration date. A renewal filed
424 with the department within 45 days after the expiration date
425 shall be accompanied by a delinquent fee of \$100. Thereafter, a
426 new application is required, accompanied by the initial license
427 fee. A license certificate duly issued by the department may be
428 modified by endorsement to show a change in the name of the
429 licensee, provided, as shown by affidavit of the licensee, the
430 majority ownership interest of the licensee has not changed or
431 the name of the person appearing as franchisee on the sales and
432 service agreement has not changed. Modification of a license
433 certificate to show any name change as herein provided shall not
434 require initial licensure or reissuance of dealer tags; however,
435 any dealer obtaining a name change shall transact all business

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436 in and be properly identified by that name. All documents
437 relative to licensure shall reflect the new name. In the case of
438 a franchise dealer, the name change shall be approved by the
439 manufacturer, distributor, or importer. A licensee applying for
440 a name change endorsement shall pay a fee of \$25 which fee shall
441 apply to the change in the name of a main location and all
442 additional locations licensed under the provisions of subsection
443 (5). Each initial license application received by the department
444 shall be accompanied by verification that, within the preceding
445 6 months, the applicant, or one or more of his or her designated
446 employees, has attended a training and information seminar
447 conducted by a licensed motor vehicle dealer training school.
448 Any applicant for a new franchised motor vehicle dealer license
449 who has held a valid franchised motor vehicle dealer license
450 continuously for the past 2 years and who remains in good
451 standing with the department is exempt from the prelicensing
452 training requirement. Such seminar shall include, but is not
453 limited to, statutory dealer requirements, which requirements
454 include required bookkeeping and recordkeeping procedures,
455 requirements for the collection of sales and use taxes, and such
456 other information that in the opinion of the department will
457 promote good business practices. No seminar may exceed 8 hours
458 in length.

459 (b) Each initial license application received by the
460 department for licensure under subparagraph (1)(c)2. shall ~~must~~
461 be accompanied by verification that, within the preceding 6
462 months, the applicant (owner, partner, officer, or director of
463 the applicant, or a full-time employee of the applicant that
464 holds a responsible management-level position) has successfully

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465 completed training conducted by a licensed motor vehicle dealer
466 training school. Such training must include training in titling
467 and registration of motor vehicles, laws relating to unfair and
468 deceptive trade practices, laws relating to financing with
469 regard to buy-here, pay-here operations, and such other
470 information that in the opinion of the department will promote
471 good business practices. Successful completion of this training
472 shall be determined by examination administered at the end of
473 the course and attendance of no less than 90 percent of the
474 total hours required by such school. Any applicant who had held
475 a valid motor vehicle dealer's license continuously within the
476 past 2 years and who remains in good standing with the
477 department is exempt from the prelicensing requirements of this
478 section paragraph. The department shall have the authority to
479 adopt any rule necessary for establishing the training
480 curriculum; length of training, which shall not exceed 8 hours
481 for required department topics and shall not exceed an
482 additional 24 hours for topics related to other regulatory
483 agencies' instructor qualifications; and any other requirements
484 under this section. The curriculum for other subjects shall be
485 approved by any and all other regulatory agencies having
486 jurisdiction over specific subject matters; however, the overall
487 administration of the licensing of these dealer schools and
488 their instructors shall remain with the department. Such schools
489 are authorized to charge a fee. ~~This privatized method for~~
490 ~~training applicants for dealer licensing pursuant to~~
491 ~~subparagraph (1)(c)2. is a pilot program that shall be evaluated~~
492 ~~by the department after it has been in operation for a period of~~
493 ~~2 years.~~

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494 (5) SUPPLEMENTAL LICENSE.—Any person licensed hereunder
495 shall obtain a supplemental license for each permanent
496 additional place or places of business not contiguous to the
497 premises for which the original license is issued, on a form to
498 be furnished by the department, and upon payment of a fee of \$50
499 for each such additional location. Upon making renewal
500 applications for such supplemental licenses, such applicant
501 shall pay \$50 for each additional location. A supplemental
502 license authorizing off-premises sales shall be issued, at no
503 charge to the dealer, for a period not to exceed 10 consecutive
504 calendar days at the authorized location; however, an off-
505 premises sale supplemental license under this subsection shall
506 not be issued more often than five times in any calendar month.
507 To obtain such a temporary supplemental license for off-premises
508 sales, the applicant must be a licensed dealer; must notify the
509 applicable local department office of the specific dates and
510 location for which such license is requested, display a sign at
511 the licensed location clearly identifying the dealer, and
512 provide staff to work at the temporary location for the duration
513 of the off-premises sale; must meet any local government
514 permitting requirements; and must have permission of the
515 property owner to sell at that location. In the case of an off-
516 premises sale by a motor vehicle dealer licensed under
517 subparagraph (1)(c)1. for the sale of new motor vehicles, the
518 applicant must also include documentation notifying the
519 applicable licensee licensed under s. 320.61 of the intent to
520 engage in an off-premises sale 5 working days prior to the date
521 of the off-premises sale. The licensee shall either approve or
522 disapprove of the off-premises sale within 2 working days after

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523 receiving notice; otherwise, it will be deemed approved. This
524 section does not apply to a nonselling motor vehicle show or
525 public display of new motor vehicles.

526 (6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall
527 keep a book or record in either paper or electronic ~~such~~ form as
528 ~~shall be~~ prescribed or approved by the department for a period
529 of 5 years, in which the licensee shall keep a record of the
530 purchase, sale, or exchange, or receipt for the purpose of sale,
531 of any motor vehicle, the date upon which any temporary tag was
532 issued, the date of title transfer, and a description of such
533 motor vehicle together with the name and address of the seller,
534 the purchaser, and the alleged owner or other person from whom
535 such motor vehicle was purchased or received or to whom it was
536 sold or delivered, as the case may be. Such description shall
537 include the identification or engine number, maker's number, if
538 any, chassis number, if any, and such other numbers or
539 identification marks as may be thereon and shall also include a
540 statement that a number has been obliterated, defaced, or
541 changed, if such is the fact. When a licensee chooses to
542 maintain electronic records, the original paper documents may be
543 destroyed after the licensee successfully transfers title and
544 registration to the purchaser as required by chapter 319 for any
545 purchaser who titles and registers the motor vehicle in this
546 state. In the case of a sale to a purchaser who will title and
547 register the motor vehicle in another state or country, the
548 licensee may destroy the original paper documents after
549 successfully delivering a lawfully reassigned title or
550 manufacturer's certificate or statement of origin to the
551 purchaser and after producing electronic images of all documents

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552 related to the sale.

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

554 (a) The department may deny, suspend, or revoke any license
555 issued hereunder or under the provisions of s. 320.77 or s.
556 320.771~~7~~, upon proof that an applicant or a licensee has
557 ~~committed any of the following activities:~~

558 1. Committed ~~Commission of~~ fraud or willful
559 misrepresentation in application for or in obtaining a license.

560 2. Been convicted ~~Conviction~~ of a felony.

561 3. Failed ~~Failure~~ to honor a bank draft or check given to a
562 motor vehicle dealer for the purchase of a motor vehicle by
563 another motor vehicle dealer within 10 days after notification
564 that the bank draft or check has been dishonored. If the
565 transaction is disputed, the maker of the bank draft or check
566 shall post a bond in accordance with the provisions of s.
567 559.917, and no proceeding for revocation or suspension shall be
568 commenced until the dispute is resolved.

569 4.a. Failed to provide payment within 10 business days to
570 the department for a check payable to the department that was
571 dishonored due to insufficient funds in the amount due plus any
572 statutorily authorized fee for uttering a worthless check. The
573 department shall notify an applicant or licensee when the
574 applicant or licensee makes payment to the department by a check
575 that is subsequently dishonored by the bank due to insufficient
576 funds. The applicant or licensee shall, within 10 business days
577 after receiving the notice, provide payment to the department in
578 the form of cash in the amount due plus any statutorily
579 authorized fee.

580 b. Stopped payment on a check payable to the department,

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581 issued a check payable to the department from an account that
582 has been closed, or charged back a credit card transaction to
583 the department.

584 5.a. Failed to provide payment in the amount of tuition due
585 plus any statutorily authorized fee within 10 business days to a
586 licensed motor vehicle dealer training school for a check
587 payable to the school that was dishonored due to insufficient
588 funds in the amount of tuition due plus any statutorily
589 authorized fee for uttering a worthless check. A licensed motor
590 vehicle dealer training school shall notify a student when the
591 student makes payment to the school by a check that is
592 subsequently dishonored by the bank due to insufficient funds.
593 The student shall, within 10 business days after receiving the
594 notice, provide payment to the school in a manner designated by
595 the school in the amount of tuition due plus any statutorily
596 authorized fee. If the student fails to make such payment within
597 10 business days, the motor vehicle dealer training school may
598 cancel the training certificate issued to the student and notify
599 the department of the cancellation of the training certificate.

600 b. Stopped payment on a check payable to a licensed motor
601 vehicle dealer training school, issued a check payable to a
602 licensed motor vehicle dealer training school from an account
603 that has been closed, or charged back a credit card transaction
604 to a licensed motor vehicle dealer training school. If a student
605 commits any such act, the motor vehicle dealer training school
606 may cancel the training certificate issued to the student and
607 notify the department of the cancellation of the training
608 certificate.

609 Section 11. Subsection (4) of section 322.0261, Florida

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610 Statutes, is amended to read:

611 322.0261 Driver improvement course; requirement to maintain
612 driving privileges; failure to complete; department approval of
613 course.-

614 (4) The department shall identify any operator convicted
615 of, or who pleaded nolo contendere to, a violation of s.
616 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
617 316.192 and shall require that operator, unless the court
618 withholds adjudication, in addition to other applicable
619 penalties, to attend a department-approved driver improvement
620 course in order to maintain driving privileges. If the operator
621 fails to complete the course within 90 days after receiving
622 notice from the department, the operator's driver license shall
623 be canceled by the department until the course is successfully
624 completed.

625 Section 12. This act shall take effect July 1, 2010.