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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Rader) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (14) through (19) of section 320.02,
Florida Statutes, are renumbered as subsections (15) through
(20), respectively, and a new subsection (14) is added to that
section, to read:

320.02 Registration required; application for registration;



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10 forms.-

11 (14) The application form for motor vehicle registration
12 must include language allowing an applicant who is deaf or hard
13 of hearing to voluntarily indicate that he or she is deaf or
14 hard of hearing. If the applicant indicates on the application
15 that he or she is deaf or hard of hearing, such information must
16 be included in the Florida Crime Information Center system and
17 the Driver and Vehicle Information Database.

18 Section 2. Paragraph (b) of subsection (9) of section
19 320.27, Florida Statutes, is amended to read:

20 320.27 Motor vehicle dealers.-

21 (9) DENIAL, SUSPENSION, OR REVOCATION.-

22 (b) The department may deny, suspend, or revoke any license
23 issued hereunder or under the provisions of s. 320.77 or s.
24 320.771 upon proof that a licensee has committed, with
25 sufficient frequency so as to establish a pattern of wrongdoing
26 on the part of a licensee, violations of one or more of the
27 following activities:

28 1. Representation that a demonstrator is a new motor
29 vehicle, or the attempt to sell or the sale of a demonstrator as
30 a new motor vehicle without written notice to the purchaser that
31 the vehicle is a demonstrator. For the purposes of this section,
32 a "demonstrator," a "new motor vehicle," and a "used motor
33 vehicle" shall be defined as under s. 320.60.

34 2. Unjustifiable refusal to comply with a licensee's
35 responsibility under the terms of the new motor vehicle warranty
36 issued by its respective manufacturer, distributor, or importer.
37 However, if such refusal is at the direction of the
38 manufacturer, distributor, or importer, such refusal shall not



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39 be a ground under this section.

40 3. Misrepresentation or false, deceptive, or misleading
41 statements with regard to the sale or financing of motor
42 vehicles which any motor vehicle dealer has, or causes to have,
43 advertised, printed, displayed, published, distributed,
44 broadcast, televised, or made in any manner with regard to the
45 sale or financing of motor vehicles.

46 4. Failure by any motor vehicle dealer to provide a
47 customer or purchaser with an odometer disclosure statement and
48 a copy of any bona fide written, executed sales contract or
49 agreement of purchase connected with the purchase of the motor
50 vehicle purchased by the customer or purchaser.

51 5. Failure of any motor vehicle dealer to comply with the
52 terms of any bona fide written, executed agreement, pursuant to
53 the sale of a motor vehicle.

54 6. Failure to apply for transfer of a title as prescribed
55 in s. 319.23(6).

56 7. Use of the dealer license identification number by any
57 person other than the licensed dealer or his or her designee.

58 8. Failure to continually meet the requirements of the
59 licensure law.

60 9. Representation to a customer or any advertisement to the
61 public representing or suggesting that a motor vehicle is a new
62 motor vehicle if such vehicle lawfully cannot be titled in the
63 name of the customer or other member of the public by the seller
64 using a manufacturer's statement of origin as permitted in s.
65 319.23(1).

66 10. Requirement by any motor vehicle dealer that a customer
67 or purchaser accept equipment on his or her motor vehicle which



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68 was not ordered by the customer or purchaser.

69 11. Requirement by any motor vehicle dealer that any
70 customer or purchaser finance a motor vehicle with a specific
71 financial institution or company.

72 12. Requirement by any motor vehicle dealer that the
73 purchaser of a motor vehicle contract with the dealer for
74 physical damage insurance.

75 13. Perpetration of a fraud upon any person as a result of
76 dealing in motor vehicles, including, without limitation, the
77 misrepresentation to any person by the licensee of the
78 licensee's relationship to any manufacturer, importer, or
79 distributor.

80 14. Violation of any of the provisions of s. 319.35 by any
81 motor vehicle dealer.

82 15. Sale by a motor vehicle dealer of a vehicle offered in
83 trade by a customer prior to consummation of the sale, exchange,
84 or transfer of a newly acquired vehicle to the customer, unless
85 the customer provides written authorization for the sale of the
86 trade-in vehicle prior to delivery of the newly acquired
87 vehicle.

88 16. Willful failure to comply with any administrative rule
89 adopted by the department or the provisions of s. 320.131(8).

90 17. Violation of chapter 319, this chapter, or ss. 559.901-
91 559.9221, which has to do with dealing in or repairing motor
92 vehicles or mobile homes. Additionally, in the case of used
93 motor vehicles, the willful violation of the federal law and
94 rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the
95 consumer sales window form.

96 18. Failure to maintain evidence of notification to the



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97 owner or coowner of a vehicle regarding registration or titling
98 fees owed as required in s. 320.02(17) ~~320.02(16)~~.

99 19. Failure to register a mobile home salesperson with the
100 department as required by this section.

101 Section 3. This act shall take effect October 1, 2018.

102
103 ===== T I T L E A M E N D M E N T =====

104 And the title is amended as follows:

105 Delete everything before the enacting clause
106 and insert:

107 A bill to be entitled
108 An act relating to motor vehicle registration
109 applications; amending s. 320.02, F.S.; requiring the
110 application for motor vehicle registration to include
111 language to indicate an applicant is deaf or hard of
112 hearing; requiring such information to be included in
113 certain databases; amending s. 320.27, F.S.;
114 conforming a cross-reference; providing an effective
115 date.