A bill to be entitled
An act relating to motor vehicles; amending s. 319.23,
F.S.; providing that motor vehicle dealers or mobile
home dealers should apply for, rather than are
required to obtain, certificates of title in the name
of purchasers; providing that certain applications
relating to transfers of motor vehicles or mobile
homes should, rather than must, be filed within a
certain timeframe; revising a condition under which
the timeframe begins; deleting an authorization for
certain penalties; amending s. 320.131, F.S.;
conforming a cross-reference; amending s. 320.27,
F.S.; revising grounds on which the Department of
Highway Safety and Motor Vehicles may deny, suspend,
or revoke a motor vehicle dealer license; providing an
effective date.

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

Section 1. Paragraph (a) of subsection (6) of section
319.23, Florida Statutes, is amended to read:
319.23 Application for, and issuance of, certificate of
title.—

(6)(a) In the case of the sale of a motor vehicle or mobile
home by a licensed dealer to a general purchaser, the
certificate of title must be applied for obtained in the
name of the purchaser by the dealer upon application signed by
the purchaser, and in each other case the certificate must be
obtained by the purchaser. In each case of transfer of a motor
vehicle or mobile home, the application for a certificate of
title, a corrected certificate, or an assignment or reassignment
should must be filed within 30 days after the delivery of the
motor vehicle and receipt from the lender of satisfaction of the
lien or after consummation of the sale of the mobile home to the
purchaser. An applicant must pay a fee of $20, in addition to
all other fees and penalties required by law, for failing to
file such application within the specified time. In the case of
the sale of a motor vehicle by a licensed motor vehicle dealer
to a general purchaser who resides in another state or country,
the dealer is not required to apply for a certificate of title
for the motor vehicle; however, the dealer must transfer
ownership and reassign the certificate of title or
manufacturer’s certificate of origin to the purchaser, and the
purchaser must sign an affidavit, as approved by the department,
that the purchaser will title and register the motor vehicle in
another state or country.

Section 2. Subsection (8) of section 320.131, Florida
Statutes, is amended to read:

320.131 Temporary tags.—
(8) The department shall administer an electronic system
for licensed motor vehicle dealers to use for issuing temporary
tags. If a dealer fails to comply with the department’s
requirements for issuing temporary tags using the electronic
system, the department may deny, suspend, or revoke a license
under s. 320.27(9)(b)15. s. 320.27(9)(b)16. upon proof that the
licensee has failed to comply with the department’s
requirements. The department may adopt rules to administer this
section.
Section 3. Paragraph (b) of subsection (9) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—

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

1. Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a “demonstrator,” a “new motor vehicle,” and a “used motor vehicle” shall be defined as under s. 320.60.

2. Unjustifiable refusal to comply with a licensee’s responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

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

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

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

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

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

7. Intentional failure to continually meet the 
requirements of the licensure law.

8. Requirement to a customer or any advertisement to 
the public representing or suggesting that a motor vehicle is a 
new motor vehicle if such vehicle lawfully cannot be titled in 
the name of the customer or other member of the public by the 
seller using a manufacturer’s statement of origin as permitted 
in s. 319.23(1).

9. Requirement by any motor vehicle dealer that a 
customer or purchaser accept equipment on his or her motor 
vehicle which was not ordered by the customer or purchaser.

10. Requirement by any motor vehicle dealer that any 
customer or purchaser finance a motor vehicle with a specific 
financial institution or company.

11. Requirement by any motor vehicle dealer that the 
purchaser of a motor vehicle contract with the dealer for 
physical damage insurance.

12. Perpetration of a fraud upon any person as a result
of dealing in motor vehicles, including, without limitation, the
misrepresentation to any person by the licensee of the
licensee’s relationship to any manufacturer, importer, or
distributor.

13. Violation of any of the provisions of s. 319.35 by
any motor vehicle dealer.

14. Sale by a motor vehicle dealer of a vehicle offered
in trade by a customer prior to consummation of the sale,
exchange, or transfer of a newly acquired vehicle to the
customer, unless the customer provides written authorization for
the sale of the trade-in vehicle prior to delivery of the newly
acquired vehicle.

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

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

17. Failure to maintain evidence of notification to the
owner or co-owner of a vehicle regarding registration or titling
fees owed as required in s. 320.02(17).

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

Section 4. This act shall take effect July 1, 2022.