1	A bill to be entitled								
2	An act relating to rescission or cancellation of a								
3	3 motor vehicle sale; amending s. 212.17, F.S.;								
4	4 requiring that a motor vehicle dealer be reimbursed in								
5	a specified manner under certain circumstances for tax								
6	collected or charged by the motor vehicle dealer for a								
7	motor vehicle sale or for an application for a								
8	8 certificate of title; creating s. 319.255, F.S.;								
9	9 authorizing an authorized representative of a motor								
10	vehicle dealer, a motor vehicle purchaser, and any								
11	person claiming a lien on a motor vehicle, by written								
12	concurrence signed by all such parties, to rescind or								
13	cancel a motor vehicle sale before an application for								
14	a certificate of title is submitted; providing for								
15	invalidation of certain subsequent requirements								
16	imposed on a motor vehicle dealer under certain								
17	circumstances; authorizing the motor vehicle dealer to								
18	obtain a duplicate certificate of origin, duplicate								
19	certificate of title, or new certificate of title;								
20	requiring the Department of Highway Safety and Motor								
21	Vehicles to rescind, cancel, or revoke an application								
22	for a certificate of title or an issued certificate of								
23	title after execution of a certain affidavit;								
24	providing requirements for the return or payment of								
25	certain sales taxes; providing for the surrender or								

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CODING: Words stricken are deletions; words underlined are additions.

I	Page 2 of 5							
50	319.255 Rescission or cancellation of used motor vehicle							
49	to read:							
48	Section 2. Section 319.255, Florida Statutes, is created							
47	amount of such tax collected or charged.							
46	vehicle dealer has returned to the motor vehicle purchaser the							
45	vehicle dealer for the sale or application, so long as the motor							
44	department, the amount of tax collected or charged by the motor							
43	dealer must be reimbursed, in a manner prescribed by the							
42	title is rescinded, canceled, or revoked, the motor vehicle							
41	rescinded or canceled and the application for a certificate of							
40	(d) If, pursuant to s. 319.255, a motor vehicle sale is							
39	(1)							
38	212.17 Tax credits or refunds							
37	section 212.17, Florida Statutes, to read:							
36	Section 1. Paragraph (d) is added to subsection (1) of							
35								
34	Be It Enacted by the Legislature of the State of Florida:							
33								
32	providing an effective date.							
31	of title from the department; providing applicability;							
30	rescinded or canceled until receipt of a certificate							
29	retail sale a motor vehicle the sale of which has been							
28	prohibiting a motor vehicle dealer from offering for							
27	requirements for filing and processing the affidavit;							
26	destruction of a certificate of title; providing							

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2023

51	<pre>sale</pre>						
52	(1) An authorized representative of a motor vehicle						
53	dealer, a motor vehicle purchaser, and any person claiming a						
54	lien on a motor vehicle, by written concurrence signed by all						
55	such parties, may rescind or cancel a motor vehicle sale before						
56							
57	written concurrence among the parties to rescind or cancel the						
58							
59	the motor vehicle dealer to submit an application or remit any						
60	fees or taxes if all fees, taxes, and other moneys associated						
61	with the rescinded or canceled sale are returned to the rightfu						
62	parties. A motor vehicle dealer may obtain a duplicate						
63	certificate of origin or a duplicate certificate of title or						
64	obtain a new certificate of title in accordance with subsection						
65	<u>(2).</u>						
66	(2) The department shall rescind, cancel, or revoke an						
67	application for a certificate of title or a title that has been						
68	issued if, within 60 days after the sale of a motor vehicle, a						
69	notarized affidavit signed by an authorized representative of						
70	the motor vehicle dealer, the motor vehicle purchaser, and any						
71	person claiming a lien on the motor vehicle is executed on a						
72	form prescribed by the department stating that the motor vehicle						
73	dealer, the motor vehicle purchaser, and any person claiming a						
74	lien on the motor vehicle have rescinded or canceled the sale of						
75	the motor vehicle and that all moneys associated with the						
ļ	Daga 2 of 5						

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76	transfer of the motor vehicle have been or will be returned to							
77	the relevant parties.							
78	(a) Sales taxes refunded or credited to the motor vehicle							
79	purchaser shall be refunded or credited to the motor vehicle							
80	dealer in the manner prescribed by the Department of Revenue.							
81	(b) If a certificate of title has been issued, the motor							
82	vehicle dealer must obtain and surrender the certificate of							
83	title to the department or certify that the certificate of title							
84	has been lost or destroyed or will be obtained and destroyed							
85	upon receipt.							
86	(c) The affidavit must be filed no later than 30 days							
87	after the date of execution of the affidavit by the motor							
88	vehicle dealer, the motor vehicle purchaser, or any person							
89	claiming a lien on the motor vehicle, whichever date is latest.							
90	(d) The department shall process the affidavit within 7							
91	days after receipt and issue a certificate of title to the motor							
92	vehicle dealer reflecting the name of the motor vehicle dealer							
93	and the odometer reading reflected on the most recent assignment							
94	before the rescinded, canceled, or revoked sale.							
95	(e) A motor vehicle dealer may not offer a motor vehicle							
96	subject to this subsection for retail sale until the motor							
97	vehicle dealer has received a certificate of title from the							
98	department.							
99	(3) This section applies only to the sale or subsequent							
100	rescission, cancellation, or revocation of sale of a used motor							
	Page 4 of 5							

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101	vehicle as defined in s. 319.001.									
102	Sec	tion 3.	This	act	shall	take	effect	July	1,	2023.
					Pag	e 5 of 5				

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