

Department of Highway Safety and Motor Vehicles
Electronic Vehicle Issuance Systems
Rule 15C-16, Florida Administrative Code
Workshop Agenda
January 22, 2015 – 1:00 p.m.

- I. Welcome
 - Introductions – Todd Sumner, Senior Attorney, DHSMV Legal
 - Sign-in sheet – Julie Baker, Bureau Chief, Bureau of Issuance Oversight

- II. Purpose:
 - Rulemaking Process Overview – Todd Sumner, Senior Attorney, DHSMV Legal

- III. Discussion of proposed rule change areas
 - Outline of areas for discussion

- IV. General Discussion *(the department will use the sign-in sheet and call on those indicating they wish to comment)*

- V. Next Steps
 - Notice of Rule Development/Rule Process – Todd Sumner
 - Due date for written comments – February 23, 2015

Notice of Meeting/Workshop Hearing

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.: RULE TITLES:

- [15C-16.001](#) Data Security
- [15C-16.002](#) Exemptions
- [15C-16.003](#) Record Retention
- [15C-16.004](#) Provider Requirements
- [15C-16.005](#) Exemptions, Restrictions and Enforcement
- [15C-16.006](#) Dealer Requirements
- [15C-16.007](#) Electronic Filing System
- [15C-16.008](#) Electronic Filing System Features
- [15C-16.009](#) Tax Collector Responsibilities
- [15C-16.010](#) EFS Agent Participation Requirements
- [15C-16.011](#) Service Providers; Certification; Requirements
- [15C-16.012](#) Electronic Filing System Requirements; Disclosure to Customer
- [15C-16.013](#) Enforcement; Service Providers; EFS Agents; Tax Collectors

The Department of Highway Safety and Motor Vehicles announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2015, 1:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A427, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the DHSMV to discuss various sections and forms under Rule 15C-16, F.A.C., Electronic Vehicle Issuance Systems, for proposed rule amendment revisions. In addition, other general business may be addressed.

A copy of the agenda may be obtained by contacting: Selma Sauls, Government Operations Consultant I, Bureau of Issuance Oversight, 2900 Apalachee Parkway, Tallahassee, Florida 32399, selmasauls@flhsmv.gov, (850)617-3001.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Selma Sauls, Government Operations Consultant I, Bureau of Issuance Oversight, 2900 Apalachee Parkway, Tallahassee, Florida 32399, selmasauls@flhsmv.gov, (850)617-3001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Rulemaking Authority

Rulemaking Authority for ETR Section 320.131(8) and (9)(c), F.S.

- (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)16. upon proof that the licensee has failed to comply with the department's requirements. ***The department may adopt rules to administer this section.***
- (9)(a) The department shall implement a secure print-on-demand electronic temporary tag registration, record retention, and issue system required for use by every department-authorized issuer of temporary tags by the end of the 2007-2008 fiscal year. Such system shall enable the department to issue, on demand, a temporary tag number in response to a request from the issuer by way of a secure electronic exchange of data and then enable the issuer to print the temporary tag ¹that has all required information. A motor vehicle dealer licensed under this chapter ²may charge a fee to comply with this subsection.
- (b) To ensure the continuation of operations for issuers if a system outage occurs, the department shall allow the limited use of a backup manual issuance method during an outage which requires recordkeeping of information as determined by the department and which requires the timely electronic reporting of this information to the department.
- (c) ***The department may adopt rules necessary to administer this subsection. Such rules may include exemptions from the requirements of this subsection as feasibly required to administer the program, as well as exemptions for issuers who do not require a dealer license under this chapter because of the type or size of vehicle being sold.***

Section 320.0609(8), F.S.

- (8)(a) When the owner of a vehicle transfers a registration license plate to a replacement or substitute vehicle acquired from a motor vehicle dealer licensed under this chapter, the dealer shall timely provide to the department, via an electronic system administered by the department for this purpose, information regarding the transfer which is required by the department. The dealer shall also give the owner written notice documenting the transfer if the dealer cannot timely provide the required transfer information to the department due to system or connectivity problems. The dealer shall maintain all records required by the department which must be open to inspection by the department or its agents during reasonable business hours. The dealer may charge the vehicle owner a fee to comply with this subsection. The department may charge a fee of \$2 to be deposited into the Highway Safety Operating Trust Fund for each transfer in addition to any other fee imposed by law.
- (b) A dealer is not required to comply with paragraph (a) if the department's records are otherwise modified on the date of transfer to reflect that the transfer has occurred.
- (c) ***The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this subsection.***

**Rulemaking Authority for EFS
Section 320.03(10), F.S.**

- (10) Jurisdiction over the electronic filing system for use by authorized electronic filing system agents to electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles; issue or transfer registration license plates or decals; electronically transfer fees due for the title and registration process; and perform inquiries for title, registration, and lienholder verification and certification of service providers is expressly preempted to the state, and the department shall have regulatory authority over the system. The electronic filing system shall be available for use statewide and applied uniformly throughout the state. An entity that, in the normal course of its business, sells products that must be titled or registered, provides title and registration services on behalf of its consumers and meets all established requirements may be an authorized electronic filing system agent and shall not be precluded from participating in the electronic filing system in any county. Upon request from a qualified entity, the tax collector shall appoint the entity as an authorized electronic filing system agent for that county. ***The department shall adopt rules in accordance with chapter 120 to replace the December 10, 2009, program standards and to administer the provisions of this section, including, but not limited to, establishing participation requirements, certification of service providers, electronic filing system requirements, and enforcement authority for noncompliance. The December 10, 2009, program standards, excluding any standards which conflict with this subsection, shall remain in effect until the rules are adopted.*** An authorized electronic filing agent may charge a fee to the customer for use of the electronic filing system.

Summary of EFS Rulemaking Authority:

- 1. Establishing Participation Requirements**
- 2. Certification of Service Providers**
- 3. Electronic Filing System Requirements**
- 4. Enforcement Authority for noncompliance**

EFS/ETR DRAFT Rules Outline – January 2015

I. EFS OVERVIEW

- a. Purpose and Scope 15C-16.007(1)
- b. Definitions 15C-16.007(2)

II. PARTICIPATION REQUIREMENTS

- a. Minimum Security Requirements 15C-16.001
- b. Exemptions 15C-16.002
- c. Records
 - i. Available to the Department 15C-16.004(4)(e); 15C-16.005(5); 15C-16.011(3)(e)
 - ii. Retention 15C-16.003; 15C-16.004(4)(d); 15C-16.006(5); 15C-16.011(3)(c); 15C-16.011(3)(d)
 - 1. Odometer Disclosure: Once held electronic the paper must be destroyed or rendered invalid.
- d. Any entity who meets requirements must be allowed to participate. 15C-16.007(3)
- e. User Access: Roles
- f. User Acceptance Module
- g. Electronic Submission of Documents

III. CERTIFICATION OF SERVICE PROVIDERS; REQUIREMENTS

- a. Application Process 15C-16.004(2); 15C-16.011(2)
- b. Contract with Department 15C-16.004(2)(a); 15C-16.011(2)(a)
- c. Structure Testing 15C-16.004(2)(b); 15C-16.011(2)(b)
- d. Performance Bond 15C-16.004(2)(c); 15C-16.011(2)(c)
- e. Providing Support, Assistance and Training to Agents 15C-16.004(4)(a); 15C-16.011(3)(a)
- f. Reporting 15C-16.004(3)(b); 15C-16.012(1)
- g. Follow Installation Procedures 15C-16.004(4)(c); 15C-16.011(3)(b)
- h. Access Only to Authorized Users 15C-16.004(4)(a); 15C-16.012(3)
 - i. Background Checks 15C-16.004(4)(f); 15C-16.011(2)(f)
- i. Payment of Funds to Department 15C-16.004(4)(g); 15C-16.009(4); 15C-16.011(3)(g)
- j. Responsible for Expenses to Provide Interface Between Provider and Department Servers 15C-16.004(4)(h); 15C-16.011(2)(h)
- k. Responsible for Indicia Supplied to Agents

IV. AGENT REQUIREMENTS

- a. Contract with Service Provider 15C-16.010(1)(c)
- b. Reporting Temp Transfers 15C-16.006(1)

- c. Provide Verification to the Service Provider that Criminal History Checks are Performed 15C-16.006(2); 15C-16.010(1)(f)
- d. Ensure Only Authorized Users Have Access 15C-16.006(3); 15C-16.012(3)
- e. Electronic Submission of Documents
- f. Security of Indicia 15C-16.010(2)(a)&(b)
- g. Optional License Plate Inventory
 - i. Tied to number of transactions the agent processes?
- h. Fee Disclosure 15C-16.006(4); 15C-16.012(5)
- i. EFS Agents
 - i. Sell Products that Must be Titled or Registered 15C-16.010(1)(a)
 - ii. Apply on Form HSMV 82083 S 15C-16.010(1)(d)
 - iii. No Unresolved Issues Regarding Non-Sufficient Funds 15C-16.010(1)(e)
 - iv. Current on Tax Payments 15C-16.010(1)(g)
 - v. Current on All State and Local Licenses 15C-16.010(1)(h)
 - vi. No Disciplinary Action Within Last Two Years that Resulted in a Suspension, Revocation or Fine 15C-16.010(1)(i)

V. TAX COLLECTOR RESPONSIBILITIES

- a. Appointing EFS Agents 15C-16.009(1); 15C-16.010(3)
- b. Referring Request to be EFS Agent to Department 15C-16.009(2)
- c. Reviewing and Approving Documents from Agent 15C-16.009(3)
- d. Distribution and Auditing of Indicia 15C-16.009(5)

VI. EFS SYSTEM REQUIREMENTS

- a. ETR Allows Temporary Registration Transactions
 - i. Temp Tag Issuance
 - ii. Temporary Transfer 15C-16.004(1); 15C-16.005(1)
 - iii. Use of Pre-printed Temporary Tags 15C-16.002; 15C-16.005(2)
 - 1. Non ETR Dealers are Prohibited from Obtaining Pre-printed Tags
 - iv. System Must Provide Registration Certificate 15C-16.004(3)(a)
- b. EFS Allows Title and Registration Transactions 15C-16.008
 - i. New and Used Motor Vehicles 15C-16.008(1)
 - ii. Direct and Lease Purchase 15C-16.008(2)
 - iii. License Plates Transferred from One Motor Vehicle to Another 15C-16.008(3)
 - iv. Registration Renewal at the Time of Purchase 15C-16.008(4)
 - v. Inquiry Capabilities Subject to Fees 15C-16.004(3)(c); 15C-16.008(5)
 - vi. Reporting
 - 1. Bundle Reporting 15C-16.012(1)(a)
 - 2. Inventory Reporting 15C-16.012(1)(b)
 - 3. Pull Ticket Report 15C-16.012(1)(c)
 - 4. Report for Each County - Breakdown of Authorized Agents; Listing Current Users 15C-16.012(1)(h)
 - 5. Completed Transactions for a Certain Date 15C-16.012(2)

- vii. Registration Certificate 15C-16.012(1)(d)
- viii. Title Application Receipt 15C-16.012(1)(e)
- ix. Provide a List of Voided License Plates 15C-16.012(1)(f)

VII. CHANGE OF SERVICE PROVIDER BY THE AGENT 15C-16.012(4)

- a. How Long to Transition?
- b. Who is Responsible for Inventory?

VIII. OUT OF BUSINESS AGENTS

IX. ENFORCEMENT AUTHORITY FOR NON-COMPLIANCE

a. EFS Agents

- i. Enforcement Authority is Granted to the Department 15C-16.013(2)
- ii. Willful Misrepresentation of Policies, Procedures, Etc.
15C-16.005(3)(a); 15C-16.013(1)(c)
- iii. Using Department Information for Reasons Other Than Titling or Registration
15C-16.005(3)(b); 15C-16.01(1)(d)
- iv. Failure to Correct Errors Required by Department or Its Agent
15C-16.005(3)(c); 15C-16.013(1)(e); 15C-16.013(2)(g)
- v. Failure to Comply with Minimum Security Requirements
15C-16.013(2)(d)
- vi. Failure to Ensure Access is Provided Only to Authorized Users
15C-16.005(3)(e); 15C-16.013(1)(a); 15C-16.013(2)(b)
- vii. Failure to Remain in Good Standing 15C-16.013(2)(f)
- viii. Charging Title and Registration Fees in Excess of Law 15C-16.013(2)(h)
- ix. Charging Title and Registration Fees in Excess of Law 15C-16.013(2)(h)
- x. Failure to Pay Inquiry Fees 15C-16.013(2)(c)
- xi. Failure to Comply with Department Procedures 15C-16.013(2)(a)
- xii. Failure to Retain Records 15C-16.003; 15C-16.004(4)(d);
15C-16.006(5); 15C-16.011(3)(c); 15C-16.011(3)(d)

b. Service Providers

- i. Enforcement Authority is Granted to the Department 15C-16.013(1)
- ii. Providing Services to an Authorized Client 15C-16.013(1)(a)
- iii. Distributing Indicia to a Non-Agent 15C-16.013(1)(b)
- iv. Willful Misrepresentation of Policies, Procedures, Etc.
15C-16.005(3)(a); 15C-16.013(1)(c)
- v. Using Department Information for Reasons Other Than Titling or Registration
15C-16.005(3)(b); 15C-16.01(1)(d)
- vi. Failure to Correct Errors Required by Department or Its Agent
15C-16.005(3)(c); 15C-16.013(1)(e); 15C-16.013(2)(g)
- vii. Failure to Pay the Department Timely 15C-16.013(1)(f)
- viii. Failure to Comply with Minimum Security Requirements
15C-16.013(2)(d)

- ix. Failure to Ensure Access is Provided to Only Authorized Users
15C-16.005(3)(e); 15C-16.013(1)(a); 15C-16.013(2)(b)
- x. Failure to Remain in Good Standing 15C-16.013(2)(f)
- xi. Charging Title and Registration Fees in Excess of Law 15C-16.013(2)(h)
- xii. Failure to Pay Inquiry Fees 15C-16.013(2)(c)
- xiii. Failure to Comply with Department Procedures 15C-16.013(2)(a)
- c. Tax Collectors
 - i. Failure to Comply with Rules Will Result in the Department's Authorized Representative Handling EFS Services for that County
 - ii. Failure to Timely Authorize Agents
- d. Suspensions or Fines Against Dealer License
- e. EFS License Plates
 - i. Department Authority to Remove Inventory for Noncompliance

CHAPTER 15C-16
ELECTRONIC VEHICLE ISSUANCE SYSTEMS

- 15C-16.001 Data Security
- 15C-16.002 Exemptions
- 15C-16.003 Record Retention
- 15C-16.004 Provider Requirements
- 15C-16.005 Exemptions, Restrictions and Enforcement
- 15C-16.006 Dealer Requirements
- 15C-16.007 Electronic Filing System
- 15C-16.008 Electronic Filing System Features
- 15C-16.009 Tax Collector Responsibilities
- 15C-16.010 EFS Agent Participation Requirements
- 15C-16.011 Service Providers; Certification; Requirements
- 15C-16.012 Electronic Filing System Requirements; Disclosure to Customer
- 15C-16.013 Enforcement; Service Providers; EFS Agents; Tax Collectors

15C-16.001 Data Security.

All information communicated via Electronic Temporary Registration (ETR) providers and the department must, at a minimum, be encrypted using a secure sockets layer (SSL) protocol with 128-bit encryption.

Rulemaking Authority 320.131 FS. Law Implemented 320.131 FS. History—New 12-4-08.

15C-16.002 Exemptions.

(1) Trailers less than 2,000 lbs. net weight do not require the seller to be licensed for commercial sale and are therefore exempt from electronic temporary registration requirements.

(2) To ensure the continuation of operations with the least negative impact to temporary plate issuers when the Department is unable to authorize, or third party providers are unable to assign print on demand temporary license plates, a backup issuance method is authorized by the department. This method is issuing pre-printed and pre-assigned temporary license plate stock. The issuance of a plate using this method must be reported to the department within one business day, not including weekends or state holidays, of the issuance of the plate. Every issuer shall keep a record of any temporary tag issued in a form specified by the Department. The record will include, but is not limited to: date of issuance, tag number issued, the name and address of the motor vehicle purchase, vehicle identification number, vehicle description, and reason for off-line issuance.

Rulemaking Authority 320.131 FS. Law Implemented 320.131 FS. History—New 12-4-08.

15C-16.003 Record Retention.

Any person or entity authorized to issue electronic temporary registrations shall maintain all records relating to their issuance for a period of 5 years, and such records shall be open to inspection by the department or its agents during reasonable business hours.

Rulemaking Authority 320.131 FS. Law Implemented 320.131 FS. History—New 12-4-08.

15C-16.004 Provider Requirements.

(1) Every Electronic Temporary Registration (ETR) provider pursuant to Chapter 15C-16, F.A.C., must also provide a method to issue an electronic temporary plate transfer.

(2) Providers must be authorized by the department to provide dealers with a system that allows connectivity to interface with the motor vehicle database. In order to become an ETR provider, the provider must:

- (a) Enter into a contract with the department.

(b) Demonstrate to the department that the provider's system at a minimum can successfully process registration transactions, generate reports as set forth in subsection (3) and provide information in "real-time" utilizing the interface designed by the department.

(c) Provide a performance bond or irrevocable letter of credit for \$50,000 with the department.

(3) ETR providers must ensure that their system can provide the following:

(a) Registration certificate.

(b) Provide a list to the department, by county, by dealer, of all provider authorized users of the ETR system.

(c) Inquiry capabilities subject to applicable fees as set forth in Section 320.05(3)(e), F.S.

(4) Authorized ETR providers shall:

(a) Provide support, assistance, and training to any dealer using their system.

(b) Ensure that access and data are secure and that the ETR system is only used by authorized users.

(c) Follow installation procedures as set forth by the department.

(d) Maintain all contractual agreements with dealers for a period of five fiscal years after completion or termination of the contract.

(e) Make all records available for inspection or audit at any time during normal business hours by the department.

(f) Ensure all principals and prospective users have had a criminal history check conducted by the Florida Department of Law Enforcement and maintain lists of authorized users. Proof of verification of criminal history checks by the dealer must be maintained for a period of five fiscal years.

(g) Transfer all funds collected in connection with the processing of registration transactions via electronic funds transfer to the department within five business days of the date of the transaction.

(h) Provide at its expense all equipment necessary to provide an interface between the ETR provider's server and the department's server.

Rulemaking Authority 320.0609(8)(c) FS. Law Implemented 320.0609(8) FS. History--New 12-19-10, Formerly 15C-17.001.

15C-16.005 Exemptions, Restrictions and Enforcement.

(1) In order to be temporarily transferred, the registration must have more than 30 days of valid registration remaining. If the current registration does not meet this requirement, an electronic temporary registration must be issued pursuant to Chapter 15C-16, F.A.C.

(2) When a temporary plate transfer transaction cannot be performed due to connectivity issues, every issuer of temporary plate transfers must perform the following:

(a) Provide written documentation to the customer indicating the transfer could not take place due to a connection failure.

(b) Issue a pre-printed temporary license plate pursuant to subsection 15C-16.002(2), F.A.C.

(3) The following are prohibited acts that will result in termination of authorization as an ETR provider:

(a) Willful misrepresentation of ETR policies, procedures, contractual terms or other registration policies or procedures.

(b) Using department information for reasons other than ETR.

(c) Failure to correct errors as required by the department.

(d) Failure to execute electronic funds transfer in the specified time frame.

(e) Failure to ensure access is only provided to authorized users.

(4) The department will revoke a dealer's ability to use ETR for any violation that jeopardizes the integrity of the system. This rule shall not prevent the department from imposing any additional sanctions or fines as allowed by other applicable laws or rules, including but not limited to, Section 320.27, F.S. After revocation of the use of ETR, a dealer will only be allowed access if it can prove to the department it has taken corrective measures to no longer jeopardize the integrity of the system.

Rulemaking Authority 320.0609(8)(c) FS. Law Implemented 320.0609(8) FS. History--New 12-19-10, Formerly 15C-17.002.

15C-16.006 Dealer Requirements.

(1) Every motor vehicle dealer licensed under Chapter 320, F.S., shall report all temporary plate transfers via the ETR system, a tax collector's office, or a license plate agency prior to the license plate being placed on a newly acquired vehicle.

(2) A dealer must provide verification to the ETR provider that criminal history checks are performed on all principals or prospective users and meet the requirements set forth in this rule prior to the ETR provider allowing access to the system and registering authorized users. The dealer's principals or prospective users must have no convictions involving a felony for the last 7 years except as provided in Section 112.011(1)(b), F.S. Regardless of the passage of time since the conviction and notwithstanding restoration of civil rights, anyone convicted of a felony involving dishonesty, including but not limited to, identity fraud, embezzlement or other economic crimes is not eligible to be granted authorization to use the ETR system. The convictions listed above that would prohibit authorization to use the ETR system do not include any felony convictions involving the actual operation of a motor vehicle.

(3) Dealers shall ensure that only authorized users have access to the ETR system.

(4) If a dealer charges a fee to the customer for an electronic temporary plate transfer, the fee shall be disclosed separately and in a clear and conspicuous manner in the sales agreement. Sales agreement shall mean the document that the buyer and seller sign memorializing the terms of the sale and includes, but is not limited to, a buyer's order and a bill of sale. The dealer may not disclose or disguise the fee charged for the electronic temporary plate transfer as a State or Government fee.

(5) Any person or entity authorized to conduct temporary plate transfers shall maintain all records relating to the transfer for a period of 5 years, and such records shall be open to inspection by the department or its agents during reasonable business hours.

Rulemaking Authority 320.0609(8)(c) FS. Law Implemented 320.0609(8) FS. History—New 12-19-10, Formerly 15C-17.003.

15C-16.007 Electronic Filing System.

(1) Purpose and Scope. This rule prescribes and defines the Department of Highway Safety and Motor Vehicles' Electronic Filing System and the participation requirements, certification of service providers, system requirements and enforcement authority for noncompliance.

(2) Definitions. The words or terms as used in this rule shall have the following meanings:

(a) "Certified Service Provider" means a Department approved provider of electronic registration and titling or other motor vehicle, vessel, mobile home, or off-highway vehicle transactions allowed under the Electronic Filing System. The Certified Service Provider hosts an approved system for interface between EFS agents and the Department.

(b) "Department" means the Department of Highway Safety and Motor Vehicles.

(c) "Electronic Filing System" means the system under the jurisdiction of and regulated by the Department which allows authorized EFS agents to process title and registration transactions.

(d) "Electronic Filing System (EFS) agent" means an entity authorized by the Department to process title and registration transactions using the Electronic Filing System as defined in Section 320.03(10), F.S.

(e) "Indicia" means any document, validation decal, paper stock or metal license plate necessary in titling and registration transactions.

(f) "Inquiry" means accessing the Department's database for information that does not result in the issuance of a title certificate or registration credential.

(g) "Motor Vehicle" includes, for the purposes of this rule only, motor vehicles, vessels, mobile homes or off-highway vehicles.

(h) "Sales Agreement" means the document that buyer and seller sign memorializing the terms of the sale and includes, but is not limited to a buyer's order and a bill of sale.

(i) "Tax Collector" means one of the 64 state constitution or 3 charter appointed tax collectors in the 67 counties of Florida who serve as agents of the Department for the delivery of title and registration services.

(3) The Department and all Tax Collectors must allow any entity who meets the requirements set forth in this rule to participate as an EFS agent. Neither the Department nor a Tax Collector may deny an eligible EFS agent from participating. The Department, Tax Collectors, EFS agents, and Certified Service Providers shall comply with the provisions of these rules and may not add additional requirements not set forth in either the statute or these rules.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History—New 12-14-10, Formerly 15C-18.001.

15C-16.008 Electronic Filing System Features.

The Electronic Filing System allows an authorized EFS agent to process title and registration transactions for products they sell including, but not limited to:

- (1) New and used motor vehicles.
- (2) Direct and lease purchases.
- (3) License plates transferred from one motor vehicle to another.
- (4) Registration renewal for customers at the time of purchase.
- (5) Inquiry capabilities subject to applicable fees as set forth in Section 320.05(3)(e), F.S.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History—New 12-14-10, Formerly 15C-18.002.

15C-16.009 Tax Collector Responsibilities.

Tax Collectors are responsible for:

- (1) Appointing EFS agents in their county after the Department notifies said Tax Collector that the entity is authorized.
- (2) Referring any requests to become an authorized EFS agent to the Department.
- (3) Reviewing supporting documentation from EFS transactions processed in the county. The Tax Collector shall ensure all transactions and corrections are processed in accordance with law and Department procedure.
- (4) Receiving funds collected electronically from EFS transactions from the Certified Service Provider and remitting State funds in accordance with law and Department procedure.
- (5) Distribution of indicia to authorized EFS agents. The Tax Collector's responsibility is limited to distribution of indicia pursuant to Department procedure.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History—New 12-14-10, Formerly 15C-18.003.

15C-16.010 EFS Agent Participation Requirements.

- (1) Entities requesting authorization to become an EFS agent must meet the following requirements:
 - (a) Sell products that must be titled or registered.
 - (b) Provide title and registration services on behalf of its consumers.
 - (c) Enter into a contract with a Certified Service Provider.
 - (d) Apply to the Department on Form HSMV 82083S (Rev. 08/11), Application to Become an Authorized Electronic Filing System Agent/Change of Certified Service Provider, which is incorporated herein by reference and available via the Department website www.flhsmv.gov/html/forms.html, <https://www.flrules.org/Gateway/reference.asp?No=Ref-00402>.
 - (e) Have no unresolved issues regarding non-sufficient funds received by either the Department or Tax Collector.
 - (f) The entity's principal and all prospective users of the system must have no convictions involving a felony for the last 7 years except as provided in Section 112.011(1)(b), F.S. Regardless of the passage of time since the conviction and notwithstanding restoration of civil rights, anyone convicted of a felony involving dishonesty, including but not limited to identity theft, embezzlement or other economic crimes is not eligible to become an EFS agent or have access to an EFS agent's system. This does not include any felony convictions involving the actual operation of a motor vehicle. The EFS agent must provide verification to the Certified Service Provider that background checks are performed on all principals or prospective users and meet the requirements set forth in this rule prior to the Certified Service Provider allowing access to the system and registering authorized users.
 - (g) Must be current on all applicable tax payments.
 - (h) Must be current on all State and or local licenses.
 - (i) An entity shall have no disciplinary actions taken against it by the Department within the last two years that resulted in a suspension, revocation, or fine.

(2) EFS agents may only stock regular series license plates and registration decals.

(a) The EFS agent must ensure that all indicia is secured in a locked area during non-business hours. Indicia not being used shall also be secured in a locked area.

(b) Only those users authorized by the Certified Service Provider shall have access to indicia.

(3) Upon authorization from the Department the Tax Collector shall appoint an entity as an authorized electronic filing system agent for that county.

Rulemaking Authority 320.03(10) FS. Law Implemented 320.03(10) FS. History—New 12-14-10, Amended 11-22-11, Formerly 15C-18.004.

15C-16.011 Service Providers; Certification; Requirements.

(1) The Department shall certify Service Providers who meet minimum requirements as set forth in this rule.

(2) Entities requesting approval to become a Certified Service Provider must meet the following requirements prior to being approved by Department:

(a) Enter into a contract with the Department.

(b) Demonstrate to the Department that the Service Provider's system at a minimum can successfully process the following transactions: original new, original used, and transfers of title and original, transfer and renewal of registrations.

(c) Provide a performance bond for \$2 million with the Department.

(3) The Certified Service Provider shall:

(a) Provide support, assistance and training to any EFS agents using their system.

(b) Follow installation procedures as set forth by the Department.

(c) Maintain all records of electronic fund transfers, inventories and files of transactions for a period of three fiscal years.

(d) Maintain all contractual agreements for a period of five fiscal years after completion or termination of the contract.

(e) Make all records available for inspection or audit at any time during normal business hours by the Department.

(f) Ensure all EFS agent principals or prospective users have had a criminal history check conducted by the Florida Department of Law Enforcement and maintain lists of authorized users.

(g) Transfer all funds collected in connection with the processing of all registration and title transactions and other approved services via Electronic Funds Transfer to the applicable Tax Collector office within two business days of the date the transaction is electronically submitted to the Tax Collector's office.

(h) Provide at its own expense all equipment necessary to provide an interface between the Certified Service Provider's server and the Department's server.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History—New 12-14-10, Formerly 15C-18.005.

15C-16.012 Electronic Filing System Requirements; Disclosure to Customer.

(1) Certified Service Providers must provide reports as set forth below. The Electronic Filing System developed by a Certified Service Provider must at a minimum include the following reporting capabilities:

(a) Bundle reporting which includes all completed transactions from the prior business day and includes the following data: transaction ID number, owner name, number of license plate, expiration date, title number, agency fees, system control number, customer number, stock number, sales tax revenue, registration tax, title fees, total registration tax and title fees and total funds remitted.

(b) An inventory report reflecting inventory on hand, unassigned, available, issued, transmitted, damaged, missing, returned, or reserved. Such report shall include series of inventory with beginning and ending numbers.

(c) A pull ticket report which includes a control number, new owner of vehicle or vessel being purchased, VIN or hull number, make and body or vessel type. If the license plate is being transferred, the plate number shall be included.

(d) Registration certificate.

(e) Title application receipt.

(f) Provide a list of license plates that have been voided, along with a reason for the void.

(g) Provide a report for each county, by authorized EFS agent, listing all current users.

(h) Provide a list to the Department of all authorized users of the Electronic Filing System.

(2) The system must provide a report of all completed transactions for the previous date.

(3) Certified Service Providers must ensure that access and data are secure. The EFS agent must ensure that access and data are only used by authorized persons.

(4) An EFS agent that desires to change its Certified Service Provider shall submit the request to the Department on Form HSMV 82083S, which is incorporated by reference in paragraph 15C-18.004(1)(d), F.A.C.

<http://www.flrules.org/Gateway/reference.asp?No=Ref-00402>.

(5) If an EFS agent charges a fee to the customer for use of the electronic filing system in a title or registration transaction, the fee shall be disclosed separately and in a clear and conspicuous manner in the sales agreement along with the other options for titling and registration. The EFS agent may not disclose or disguise this as a State or Government fee.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History—New 12-14-10, Amended 11-22-11, Formerly 15C-18.006.

15C-16.013 Enforcement; Service Providers; EFS Agents; Tax Collectors.

(1) Enforcement authority for compliance with the requirements of the electronic filing system with regard to the Certified Service Providers is granted to the Department. The following are prohibited and may result in the termination of certification as a service provider.

(a) Providing Electronic Filing System services to a client who is not an authorized EFS agent.

(b) Distributing indicia to a client who is not an authorized EFS agent.

(c) Willful misrepresentation of EFS policies, procedures, contractual terms or other title and registration policies or procedures.

(d) Using Department information for reasons other than authorized Electronic Filing System services.

(e) Failure to correct errors as required by the Department.

(f) Failure to execute electronic funds transfer in the specified time frame.

(2) Enforcement authority for compliance and the requirements of the electronic filing system with regard to EFS agents is granted to the Department. The Department will revoke an EFS agent's ability to use the electronic filing system for any violation that jeopardizes the integrity of the system. This rule shall not prevent the Department from imposing any additional sanctions or fines as allowed by other applicable laws or rules including but not limited to Section 320.27, F.S. Additionally, the following are prohibited:

(a) Failure to comply with Department procedures.

(b) Unauthorized access of data by users.

(c) Failure to pay applicable Department records fees for information not resulting in the issuance of a title certificate or registration credential.

(d) Failure to comply with minimum security requirements, including failure to safeguard equipment which provides access to the Electronic Filing System.

(e) Failure to execute electronic funds transfer.

(f) Failure to remain in good standing with the Tax Collector or State, including lapse or revocation of any state or local license.

(g) Failure to correct errors or clear pending transactions as required by the Department.

(h) Charging title and registration fees in excess of those allowed by law.

(i) Improper security and control of license plate and decal inventory or other Tax Collector provided indicia.

(3) Enforcement authority for non-compliance with Rule 15C-18.003, F.A.C., is granted to the Department and will result in the Department or its authorized representative handling EFS services for that county.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History—New 12-14-10, Former

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES - DIVISION OF MOTORIST SERVICES
2900 APALACHEE PARKWAY, NEIL KIRKMAN BUILDING - TALLAHASSEE, FL 32399-0610
**APPLICATION TO BECOME AN AUTHORIZED ELECTRONIC FILING SYSTEM AGENT /
CHANGE OF CERTIFIED SERVICE PROVIDER**

Check One:		DMS USE ONLY	
<input type="checkbox"/> Pursuant to section 320.03(10), Florida Statutes, I hereby make application to become authorized to process title and registration transactions using the Electronic Filing System.			
<input type="checkbox"/> I hereby request to change Certified Service Providers.			
Name of Entity / Business:			
Mailing address:	City:	State:	Zip:
Physical Address:	City:	State:	Zip:
Dealer License Number:	If licensed as a motor vehicle, mobile home or recreational vehicle dealer.		
County where physically located:	Appointing County where agent will process transactions:		
<i>If appointing county is different than where agent is physically located signature of the appointing Tax Collector is required.</i>			
_____ Signature of Appointing Tax Collector			
Business Telephone Number:	Cell Number:		
E-mail Address:			
Owner / Partner / Principal Name(s):			
1.			
2.			
3.			
Certified Service Provider: <i>(enter name of CSP)</i>			
<i>Applicant must have entered into a contract with a certified service provider prior to applying to become an EFS agent. If applicant is changing Certified Service Providers all pending or suspended transactions with the previous provider must be complete, a contract signed with the new certified service provider and notification to the state prior to using the new provider's services.</i>			
<input type="checkbox"/> All principals and prospective users have undergone a criminal background check			
<input type="checkbox"/> Indicia shall be secure and in a locked area during non-business hours or when not being used.			

I certify that the entity above meets the requirements to become an authorized electronic filing system (EFS) agent. The entity will abide by all laws, rules, procedures and contractual obligations required as an EFS agent. All principals and authorized users have undergone a criminal background check prior to having access to the EFS and indicia as provided by the Tax Collector. All indicia will be secure and in a locked area during non-business hours or during non-use and I understand that I am responsible for any unaccounted inventory. I further certify that all applicable inquiry fees will be paid to the state and that disclosures for EFS fees as required by rule will be made to prospective buyers. I will ensure that all title and registration transactions are done in accordance with laws and Department procedure. I further certify that state and county fees collected will be remitted electronically in accordance with state law. I understand that failure to comply with any laws, rules or contractual terms shall be grounds for the Department to revoke my authorization to use the EFS.

The applicant agrees to comply with section 119.0712 (2), Florida Statutes, and the Federal Driver's Privacy Protection Act (18 U. S. C. § 2721 et seq.). The applicant agrees that all personal information governed by these statutes will be used or redisclosed by the applicant only as permitted by these statutes. Any use or redisclosure of such personal information by the applicant except as permitted by these statutes will result in DHSMV revoking applicant's ability to use the system.

Under penalty of perjury, I do swear and affirm that the information contained in this application is true and correct and that applicant will abide by all laws of Florida and all applicable rules, policies and procedures of the Department of Highway Safety and Motor Vehicles.

Signature of owner or principal: _____ Date: _____