Notice of Change/Withdrawal

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
Division of Motor Vehicles
Rule No.: RULE TITLE
15C-18.001: Electronic Filing System
15C-18.004: EFS Agent Participation Requirements
15C-18.005: Service Providers; Certification; Requirements
15C-18.006: Electronic Filing System Requirements; Disclosure to Customer
15C-18.007: Enforcement; Service Providers; EFS Agents; Tax Collectors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36 No. 33, August 20, 2010 issue of the Florida Administrative Weekly.

15C-18.001, subsection (2) shall read:

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

(h) ~~(i)~~ "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) ~~(h)~~ "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.

15C-18.004, subsection (1) shall read:

(d) Apply to the Department on Form HSMV 82083, which is incorporated herein by reference ~~a form prescribed by the Department.~~

(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 identify theft, embezzlement or other economic crimes is not eligible to become an EFS agent or have access to an EFS agent's system. ~~Have no convictions of a felony involving fradulent crimes related to motor vehicles including, but not limited to, identity fraud, embezzlement or other related economic crimes by the principals or prospective users within the last five years. If there were any felony convictions against any principal or prospective user beyond the five years, they must have had their civil rights restored and provide proof of this prior to being authorized to access the 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.

(i) An entity shall have no ~~Prior~~ disciplinary actions taken against it by the Department within the last two years that resulted in a suspension, revocation, or fine. ~~may be used as a determining factor in denial of an entity as an~~

~~EFS agent.~~

15C-18.004, subsection (2) shall read:

(2) EFS agents may only stock regular series license plates and registration decals ~~unless they receive specific authority from the Department to stock additional indicia types~~.

15C-18.005, subsection (2) shall read:

(b) Demonstrate to ~~Pass a structured test with~~ 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.

15C-18.005, subsection (3) shall read:

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

15C-18.006, subsection (1) shall read:

(f) Provide ~~an approved HSMV 84003 with~~ 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.

15C-18.006, subsection (4) shall read:

(4) An EFS agent that desires to change its Certified Service Provider shall submit the request to the Department on Form HSMV 82083, which is incorporated herein by reference~~a form prescribed by the Department~~.

15C-18.006, subsection (5) shall read:

(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~~ly~~ manner in the sales agreement along with the other options for titling and registration. ~~as an optional fee~~. The EFS agent may not disclose or disguise this as a State or Government fee.

15C-18.007, subsection (1) shall read:

(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 Department shall have the authority to terminate any contract or agreement with any Certified Service Provider for any violation of the statute, the rules or the terms or the contract. Additionally, t~~The following are prohibited and may result in the termination of certification as a

service provider.

15C-18.007, subsection (2) shall read:

(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 ~~shall have the authority to~~ revoke an EFS agent's ability to use the electronic filing system for any violation that jeopardizes the integrity of the system. ~~of the statute, the rules or the terms of the contract.~~ 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 s. 320.27, F.S. Additionally, the following are prohibited:

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

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

15C-18.007, subsection (3) shall read:

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