

Department of Highway Safety and Motor Vehicles  
Electronic Vehicle Issuance Systems  
Rule 15C-16, Florida Administrative Code  
Workshop Agenda  
May 1, 2014  
9:00 a.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
  - Technical Rule Change - Julie Baker, Bureau Chief, Bureau of Issuance Oversight
- III. Discussion of proposed rule change areas (comments from public during each section):
  - 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
- IV. General Discussion (*the department will use the sign-in sheet and call on those indicating they wish to comment*)
- V. Next Steps
  - Due date for written comments

## Notice of Meeting/Workshop Hearing

### **DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

#### **Division of Motor Vehicles**

RULE NOS.: RULE TITLES:

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

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

DATE AND TIME: May 1, 2014, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, 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).

## **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](http://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, Formerly 15C-18.007.*

**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:		<b>DMS USE ONLY</b>	
<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: (enter name of CSP)			
<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: \_\_\_\_\_

Rules 15C-18.004(1)(d). 15C-18.006(4), FAC

HSMV 82083 S (Rev. 08/11)

**The 2013 Florida Statutes      Title XXIII      MOTOR VEHICLES**  
**Chapter 320      MOTOR VEHICLE LICENSES**

**320.131 Temporary tags.—**

- (1) The department is authorized and empowered to design, issue, and regulate the use of temporary tags to be designated “temporary tags” for use in the following cases:
- (a) Where a dealer license plate may not be lawfully used.
  - (b) For a casual or private sale, including the sale of a marine boat trailer by a marine boat trailer dealer. A “casual or private sale” means any sale other than that by a licensed dealer.
  - (c) For certified common carriers or driveaway companies who transport motor vehicles, mobile homes, or recreational vehicles from one place to another for persons other than themselves.
  - (d) For banks, credit unions, and other financial institutions which are not required to be licensed under the provisions of s. 320.27, s. 320.77, or s. 320.771, but need temporary tags for the purpose of demonstrating reposessions for sale.
  - (e) Where a motor vehicle is sold in this state to a resident of another state for registration therein and the motor vehicle is not required to be registered under the provisions of s. 320.38.
  - (f) Where a motor vehicle is required to be weighed or emission tested prior to registration or have a vehicle identification number verified. A temporary tag issued for any of these purposes shall be valid for 10 days.
  - (g) Where an out-of-state resident, subject to registration in this state, must secure ownership documentation from the home state.
  - (h) For a rental car company which possesses a motor vehicle dealer license and which may use temporary tags on vehicles offered for lease by such company in accordance with the provisions of rules established by the department. However, the original issuance date of a temporary tag shall be the date which determines the applicable license plate fee.
  - (i) In the resolution of a consumer complaint where there is a need to issue more than two temporary tags, the department may do so.
  - (j) While a personalized prestige or specialty license plate is being manufactured for use upon the motor vehicle. A temporary tag issued for this purpose shall be valid for 90 days.
  - (k) In any case where a permanent license plate cannot legally be issued to an applicant and a temporary license plate is not specifically authorized under the provisions of this section, the department shall have the discretion to issue or authorize agents or Florida licensed dealers to issue temporary license plates to applicants demonstrating a need for such temporary use.
  - (l) For use by licensed dealers to transport motor vehicles and recreational vehicles from the dealer’s licensed location to an off-premise sales location and return. Temporary tags used for such purposes shall be issued to the licensed dealer who owns the vehicles.

Further, the department is authorized to disallow the purchase of temporary tags by licensed dealers, common carriers, or financial institutions in those cases where abuse has occurred.

- (2) The department is authorized to sell temporary tags, in addition to those listed above, to their agents and where need is demonstrated by a consumer complainant. The fee shall be \$2 each. One dollar from each tag sold shall be deposited into the Brain and Spinal Cord Injury Program Trust Fund, with the remaining proceeds being deposited into the Highway Safety Operating Trust Fund. Agents of the department shall sell temporary tags for \$2 each and shall charge the service charge authorized by s. 320.04 per transaction, regardless of the quantity sold. Requests for purchase of temporary tags to the department or its agents shall be made, where applicable, on letterhead stationery and notarized.

Except as specifically provided otherwise, a temporary tag shall be valid for 30 days, and no more than two shall be issued to the same person for the same vehicle.

(3) Any person or corporation who unlawfully issues or uses a temporary tag or violates this section or any rule adopted by the department to implement this section commits a noncriminal infraction, punishable as a moving violation as provided in chapter 318 in addition to other administrative action by the department. Using a temporary tag that has been expired for a period of 7 days or less is a noncriminal infraction, and is a nonmoving violation punishable as provided for in chapter 318.

(4)(a) Temporary tags shall be conspicuously displayed in the rear license plate bracket or, on vehicles requiring front display of license plates, on the front of the vehicle in the location where the metal license plate would normally be displayed.

(b) The department shall designate specifications for the media upon which the temporary tag is printed. Such media shall be either nonpermeable or subject to weatherproofing so that it maintains its structural integrity, including graphic and data adhesion, in all weather conditions after being placed on a vehicle.

(5) Any person who knowingly and willfully abuses or misuses temporary tag issuance to avoid registering a vehicle requiring registration pursuant to this chapter or chapter 319 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any person who knowingly and willfully issues a temporary tag or causes another to issue a temporary tag to a fictitious person or entity to avoid disclosure of the true owner of a vehicle commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) Any person authorized by this section to purchase and issue a temporary tag shall maintain records as required by this chapter or departmental rules, and such records shall be open to inspection by the department or its agents during reasonable business hours. Any person who knowingly and willfully fails to comply with this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(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.

History.—ss. 1-4, ch. 59-348; s. 1, ch. 61-150; s. 6, ch. 65-190; ss. 24, 35, ch. 69-106; s. 195, ch. 71-136; s. 1, ch. 72-46; s. 10, ch. 75-66; s. 1, ch. 77-174; s. 1, ch. 78-217; s. 4, ch. 78-225; s. 1, ch. 80-217; s. 3, ch. 82-97; s. 25, ch. 82-134; s. 38, ch. 83-318; s. 3, ch. 85-176; s. 1, ch. 87-401; s. 1, ch. 88-395; s. 9, ch. 90-329; s. 79, ch. 93-120; s. 2, ch. 94-142; s. 12, ch. 94-314; s. 74, ch. 94-353; s. 23, ch. 95-333; s. 41, ch. 96-413; s. 13, ch. 97-300; s. 33, ch. 99-248; s. 64, ch. 2005-164; s. 1, ch. 2008-71; s. 23, ch. 2008-176; s. 9, ch. 2009-206; s. 5, ch. 2010-161; s. 26, ch. 2010-162; s. 8, ch. 2011-3.

1Note.—As amended by s. 23, ch. 2008-176. The amendment by s. 1, ch. 2008-71, uses the word “with” instead of the words “that has.”

2Note.—As amended by s. 23, ch. 2008-176. The amendment by s. 1, ch. 2008-71, uses the words “shall be authorized to” instead of the word “may.”

3Note.—As amended by s. 23, ch. 2008-176. The amendment by s. 1, ch. 2008-71, uses the word “implement” instead of the word “administer.”

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**Chapter 320   MOTOR VEHICLE LICENSES**

**320.0609   Transfer and exchange of registration license plates; transfer fee.—**

(1)(a) The registration license plate and certificate of registration shall be issued to, and remain in the name of, the owner of the vehicle registered and may be transferred by the owner from the vehicle for which the registration license plate was issued to any vehicle which the owner may acquire within the same classification; or, subject to the procedures set forth in subsection (2), such plate may be surrendered to the department in exchange for a license plate of the appropriate classification, if the replacement vehicle is of a different classification.

(b) The transfer of a license plate from a vehicle disposed of to a newly acquired vehicle does not constitute a new registration. The application for transfer shall be accepted without requiring proof of personal injury protection or liability insurance.

(2)(a) Upon a sale, trade, transfer, or other disposition of a motor vehicle, the owner shall remove the registration license plate therefrom and either return it or transfer it to a replacement motor vehicle. No registration license plate shall be temporarily or permanently attached to any new or used replacement or substitute vehicle without filing an application for transfer of such registration license plate and paying the transfer fee of \$4.50 to the department.

(b) The requirement to pay a transfer fee does not apply when the replacement vehicle is classified under s. 320.08(2)(b), (c), or (d) or (3)(a), (b), or (c) and the original vehicle to be replaced is also classified under s. 320.08(2)(b), (c), or (d) or (3)(a), (b), or (c).

(3) A registration license plate assigned to a vehicle is transferable to any other vehicle within the same classification. If the license plate is not transferable, the owner may surrender such license plate to the department in exchange for a license plate of the appropriate classification for use on the newly acquired vehicle.

(4) If the replacement vehicle and the original vehicle to be replaced meet the criteria in paragraph (2)(b), there shall be no additional tax required in order to transfer the registration license plate to the replacement vehicle for the duration of a current registration period and to issue a new registration certificate.

(5) For a transfer or exchange other than one specified in paragraph (2)(b), the following provisions apply:

(a) If the replacement motor vehicle requires the same amount of license tax under s. 320.08 as the original vehicle to be replaced, no additional tax other than the transfer fee of \$4.50, accompanied by an application for transfer on a form supplied by the department, is required to transfer or exchange a registration license plate for use on a replacement vehicle for the duration of a current registration period and to issue a new certificate of registration.

(b) If the replacement motor vehicle is within a classification requiring a higher license tax than that of the original vehicle to be replaced, the original license plate shall be surrendered in exchange for a plate within the appropriate classification, and an amount representing the pro rata difference in the tax required shall be paid for the remaining months of the registration period. Such payment is in addition to the transfer fee authorized in this section. The minimum charge for issuance of a license plate provided in s. 320.14 does not apply to an exchange of license plates under this section.

(6) Upon a sale, trade, transfer, or other disposition of a mobile home, the owner shall remove the sticker therefrom and may exchange it for another sticker to be applied to a replacement mobile home. Such exchange shall be without cost to the owner. No credit will be given toward the purchase of a license plate for any other type of vehicle. The department shall ensure that there is adequate internal control of mobile home stickers that have been removed for exchange or refund.

(7) A surviving spouse of a registered owner of any motor vehicle may, upon presenting the death certificate, request a registration certificate and transfer of the registration license plate.

(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.

History.—s. 14, ch. 83-318; s. 4, ch. 85-81; s. 24, ch. 87-198; s. 116, ch. 90-136; ss. 7, 8, ch. 2009-206; s. 7, ch. 2011-3.

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**Chapter 320   MOTOR VEHICLE LICENSES**

**320.03   Registration; duties of tax collectors; International Registration Plan.—**

(1) The tax collectors in the several counties of the state, as authorized agents of the department, shall issue registration certificates, registration license plates, validation stickers, and mobile home stickers to applicants, subject to the requirements of law, in accordance with rules of the department. Any person, firm, or corporation representing itself, through advertising or naming of the business, to be an authorized agent of the department shall be deemed guilty of an unfair and deceptive trade practice as defined in part II of chapter 501. No such person, firm, or corporation shall use either the state or county name as a part of their business name when such use can reasonably be interpreted as an official state or county office.

(2) The department may require each tax collector to give a bond, payable to the department, conditioned that the tax collector faithfully and truly perform the duties imposed upon him or her according to the requirements of law and the rules and regulations of the department and that the tax collector pay over and account for all validation stickers, records, and other property and money that comes into his or her possession or control by reason of such service. The amount of the bond is to be determined by the department based on an amount not more than 10 percent above the average of the daily deposits of each tax collector.

(3) Each tax collector shall keep a full and complete record and account of all validation stickers, mobile home stickers, or other properties received by him or her from the department, or from any other source. Notwithstanding chapter 116, every county officer within this state authorized to collect funds provided for in this chapter shall pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds. Payment by county officers to the state shall be made by means of electronic funds transfer.

(4)(a) Each tax collector or license tag agent who has online computer access to the department data center or other reasonable access thereto shall, except when the department has issued a registration renewal notice, upon receipt of an application for the registration of any motor vehicle, determine from the driver file of the applicant whether the applicant's driver's license has been canceled, suspended, or revoked and, if so, whether the applicant has surrendered his or her license to the department as required by s. 322.251. If the applicant has not surrendered his or her license in accordance with the provisions of that section, the tax collector shall refuse to register the vehicle until such time as the applicant surrenders his or her driver's license to the department.

(b) The Florida Real Time Vehicle Information System shall be installed in every tax collector's and license tag agent's office in accordance with a schedule established by the department in consultation with the tax collectors and contingent upon funds being made available for the system by the state.

(5) A fee of \$1.25 shall be charged, in addition to the fees required under s. 320.08, on every license registration sold to cover the costs of the Florida Real Time Vehicle Information System. The fees collected shall be distributed as follows: 75 cents into the Highway Safety Operating Trust Fund, which shall be used to fund the Florida Real Time Vehicle Information system and may be used to fund the general operations of the department, and 50 cents into the Highway Safety Operating Trust Fund to be used exclusively to fund the system. The only use of this latter portion of the fee is to fund the system equipment, software, personnel associated with the maintenance and programming of the system, and networks used in the offices of the county tax collectors as agents of the department and the ancillary technology necessary to integrate the system with other tax collection systems. The department shall administer this program upon consultation with the Florida Tax Collectors, Inc., to ensure that each county tax collector's office is technologically equipped and functional for the operation of the Florida Real Time Vehicle Information System. Any of the designated revenue collected to support functions of

the county tax collectors and not used in a given year must remain exclusively in the trust fund as a carryover to the following year.

(6) A nonrefundable fee of \$1 shall be charged on every license registration sold, transferred, or replaced. This fee must be deposited in the Air Pollution Control Trust Fund established in the Department of Environmental Protection and used only for purposes of air pollution control pursuant to chapter 403, except that, if any county has an approved local air pollution control program as provided in s. 403.182, 50 cents of the fee from each license registration sold in the county must be returned to that county for deposit into a local air pollution control program trust fund, which must be established by the county and used only for air pollution control programs relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to chapter 403 or any similar local ordinance. Any county that has a Department of Environmental Protection approved local air pollution control program shall receive 75 cents of the fee from each license registration sold, transferred, or replaced in the county. However, if the approved local air pollution control program trust fund has an unencumbered balance at the end of the preceding fiscal year of more than 50 percent of the preceding year's allocation from the fees authorized in this subsection, the department may, after consultation with the approved local air pollution control program, retain any amount above 50 cents of the fees from each license registration sold, transferred, or replaced in the county for the following fiscal year. The Department of Environmental Protection is authorized to adopt rules necessary to implement this subsection.

(7) The Department of Highway Safety and Motor Vehicles shall register apportionable vehicles under the International Registration Plan. The department may adopt rules to implement and enforce the provisions of the plan.

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s. 713.78(13), a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the governmental entity or the clerk of court that provided the data showing that the fines outstanding have been paid. This subsection does not apply to the owner of a leased vehicle if the vehicle is registered in the name of the lessee of the vehicle. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which includes the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

(9) A nonrefundable fee of \$1.50 shall be charged on the initial and renewal registration of each automobile for private use, and on the initial and renewal registration of each truck having a net weight of 5,000 pounds or less. Such fees shall be deposited in the Transportation Disadvantaged Trust Fund created in part I of chapter 427 and shall be used as provided therein, except that priority shall be given to the transportation needs of those who, because of age or physical and mental disability, are unable to transport themselves and are dependent upon others to obtain access to health care, employment, education, shopping, or other life-sustaining activities.

(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.

History.—s. 2, ch. 7275, 1917; RGS 1007; s. 3, ch. 8410, 1921; s. 2, ch. 10182, 1925; CGL 1281; s. 1, ch. 15625, 1931; s. 1, ch. 16085, 1933; s. 6, ch. 65-190; ss. 24, 35, ch. 69-106; s. 2, ch. 78-37; s. 1, ch. 78-207; s. 48, ch. 80-274; s. 1, ch. 81-181; s. 1, ch. 82-129; s. 1, ch. 83-150; s. 6, ch. 83-318; s. 8, ch. 84-260; s. 46, ch. 85-180; s. 3, ch. 85-325; s. 1, ch. 89-43; s. 11, ch. 89-376; s. 2, ch. 90-48; s. 26, ch. 90-330; s. 58, ch. 90-331; s. 3, ch. 91-180; s. 23, ch. 92-132; s. 78, ch. 93-120; s. 20, ch. 93-164; s. 1, ch. 94-142; s. 44, ch. 94-306; s. 139, ch. 94-356; s. 912, ch. 95-148; s. 33, ch. 98-34; s. 97, ch. 99-13; ss. 18, 260, ch. 99-248; s. 1, ch. 2001-164; s. 13, ch. 2002-235; s. 29, ch. 2006-290; s. 11, ch. 2009-71; s. 3, ch. 2009-206; s. 17, ch. 2010-223; s. 15, ch. 2010-225; s. 18, ch. 2011-4; s. 29, ch. 2012-181; ss. 10, 29, ch. 2013-160.