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CS/CS/HB 341

2024 Legislature

1
 2 An act relating to designation of a diagnosis on motor
 3 vehicle registrations; providing a short title;
 4 amending s. 320.02, F.S.; requiring language on an
 5 application form for motor vehicle registration to
 6 allow an applicant to indicate that the applicant has
 7 been diagnosed with, or is the parent or legal
 8 guardian of a child or ward who has been diagnosed
 9 with, specified disabilities or disorders; requiring a
 10 specified designation to be included in a motor
 11 vehicle record; prohibiting inclusion of specified
 12 information in a motor vehicle record for certain
 13 purposes; requiring the Department of Highway Safety
 14 and Motor Vehicles to allow specified persons to
 15 update a motor vehicle registration to include or
 16 remove the specified designation at any time; amending
 17 s. 320.27, F.S.; conforming a cross-reference;
 18 providing an effective date.

19
 20 WHEREAS, persons with special needs, including
 21 developmental disabilities and mental illnesses, are among the
 22 most vulnerable within their communities, and

23 WHEREAS, interacting with law enforcement officers or first
 24 responders in an emergency, such as a motor vehicle crash or
 25 other crisis situation, can be more complex for persons with

ENROLLED

CS/CS/HB 341

2024 Legislature

26 | special needs, as language, physical, cognitive, learning, or
 27 | mental disabilities may create barriers to receiving immediate
 28 | and appropriate assistance, and

29 | WHEREAS, providing law enforcement officers and first
 30 | responders with advance notice that a person with whom they are
 31 | about to interact has a developmental disability, mental
 32 | illness, or other special need will improve communication,
 33 | reduce unnecessary adverse actions, and ensure that the person
 34 | receives the specific response and care he or she requires, NOW,
 35 | THEREFORE,

36 |
 37 | Be It Enacted by the Legislature of the State of Florida:

38 |
 39 | Section 1. This act may be cited as the "Safeguarding
 40 | American Families Everywhere (SAFE) Act."

41 | Section 2. Subsections (15) through (20) of section
 42 | 320.02, Florida Statutes, are renumbered as subsections (16)
 43 | through (21), respectively, and a new subsection (15) is added
 44 | to that section to read:

45 | 320.02 Registration required; application for
 46 | registration; forms.—

47 | (15) The application form for motor vehicle registration
 48 | must include language allowing an applicant to voluntarily
 49 | indicate that the applicant has been diagnosed with, or is the
 50 | parent or legal guardian of a child or ward who has been

ENROLLED

CS/CS/HB 341

2024 Legislature

51 diagnosed with, any of the following disabilities or disorders
 52 by a physician licensed under chapter 458 or chapter 459:

- 53 (a) Autism.
- 54 (b) Attention deficit hyperactivity disorder.
- 55 (c) Down syndrome.
- 56 (d) Alzheimer's disease.
- 57 (e) Traumatic brain injury.
- 58 (f) Posttraumatic stress disorder.
- 59 (g) Diabetes.
- 60 (h) An autoimmune disorder.
- 61 (i) Deafness.
- 62 (j) Blindness.
- 63 (k) Any other mentally or physically limiting disorder.

64

65 If the applicant indicates one or more of the diagnoses listed
 66 above on the application, the department must include the
 67 designation "SAFE" in the motor vehicle record. For purposes of
 68 this subsection, the department may not include in the motor
 69 vehicle record personal identifying information of, or any
 70 diagnosis of, a person for whom a diagnosis is indicated. The
 71 department must allow a motor vehicle owner or co-owner to
 72 update a motor vehicle registration to include or remove the
 73 "SAFE" designation under this subsection at any time.

74 Section 3. Paragraph (b) of subsection (9) of section
 75 320.27, Florida Statutes, is amended to read:

ENROLLED

CS/CS/HB 341

2024 Legislature

76 | 320.27 Motor vehicle dealers.—

77 | (9) DENIAL, SUSPENSION, OR REVOCATION.—

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

84 | 1. Representation that a demonstrator is a new motor
 85 | vehicle, or the attempt to sell or the sale of a demonstrator as
 86 | a new motor vehicle without written notice to the purchaser that
 87 | the vehicle is a demonstrator. For the purposes of this section,
 88 | a "demonstrator," a "new motor vehicle," and a "used motor
 89 | vehicle" shall be defined as under s. 320.60.

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

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

ENROLLED

CS/CS/HB 341

2024 Legislature

101 sale or financing of motor vehicles.

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

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

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

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

114 8. Failure to continually meet the requirements of the
 115 licensure law.

116 9. Representation to a customer or any advertisement to
 117 the public representing or suggesting that a motor vehicle is a
 118 new motor vehicle if such vehicle lawfully cannot be titled in
 119 the name of the customer or other member of the public by the
 120 seller using a manufacturer's statement of origin as permitted
 121 in s. 319.23(1).

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

125 11. Requirement by any motor vehicle dealer that any

ENROLLED

CS/CS/HB 341

2024 Legislature

126 customer or purchaser finance a motor vehicle with a specific
 127 financial institution or company.

128 12. Requirement by any motor vehicle dealer that the
 129 purchaser of a motor vehicle contract with the dealer for
 130 physical damage insurance.

131 13. Perpetration of a fraud upon any person as a result of
 132 dealing in motor vehicles, including, without limitation, the
 133 misrepresentation to any person by the licensee of the
 134 licensee's relationship to any manufacturer, importer, or
 135 distributor.

136 14. Violation of any of the provisions of s. 319.35 by any
 137 motor vehicle dealer.

138 15. Sale by a motor vehicle dealer of a vehicle offered in
 139 trade by a customer prior to consummation of the sale, exchange,
 140 or transfer of a newly acquired vehicle to the customer, unless
 141 the customer provides written authorization for the sale of the
 142 trade-in vehicle prior to delivery of the newly acquired
 143 vehicle.

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

146 17. Violation of chapter 319, this chapter, or ss.
 147 559.901-559.9221, which has to do with dealing in or repairing
 148 motor vehicles or mobile homes. Additionally, in the case of
 149 used motor vehicles, the willful violation of the federal law
 150 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to

ENROLLED

CS/CS/HB 341

2024 Legislature

151 | the consumer sales window form.

152 | 18. Failure to maintain evidence of notification to the
153 | owner or co-owner of a vehicle regarding registration or titling
154 | fees owed as required in s. 320.02(18) ~~s. 320.02(17)~~.

155 | 19. Failure to register a mobile home salesperson with the
156 | department as required by this section.

157 | Section 4. This act shall take effect October 1, 2024.