

## CHAPTER 2024-150

### Committee Substitute for Committee Substitute for House Bill No. 341

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

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

WHEREAS, interacting with law enforcement officers or first responders in an emergency, such as a motor vehicle crash or other crisis situation, can be more complex for persons with special needs, as language, physical, cognitive, learning, or mental disabilities may create barriers to receiving immediate and appropriate assistance, and

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

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the “Safeguarding American Families Everywhere (SAFE) Act.”

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

320.02 Registration required; application for registration; forms.—

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

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

- (a) Autism.
- (b) Attention deficit hyperactivity disorder.
- (c) Down syndrome.
- (d) Alzheimer's disease.
- (e) Traumatic brain injury.
- (f) Posttraumatic stress disorder.
- (g) Diabetes.
- (h) An autoimmune disorder.
- (i) Deafness.
- (j) Blindness.
- (k) Any other mentally or physically limiting disorder.

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

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

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—

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

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

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

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

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

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

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

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

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

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

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

11. Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

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

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

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

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

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

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

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

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

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

Approved by the Governor May 6, 2024.

Filed in Office Secretary of State May 6, 2024.