

HB 1091 – Advertisement of Vehicle and Vessel Purchasing

This bill creates s. 320.276, F.S. and amends s. 538.23, F.S., adding an **unranked, 3rd degree felony** for a motor vehicle dealer (s. 320.276, F.S.) or secondary metals recycler (s. 538.23, F.S.) who does not “clearly and conspicuously disclose” his or her motor vehicle dealer license number or secondary metals recycler registration number while advertising on a “permanent or temporary sign the purchase of vehicles or vessels.” This penalty also applies to a motor vehicle dealer or secondary metals recycler “who advertises in a newspaper, on a website, or through an online service the purchase of vehicles or vessels” and does not “clearly and conspicuously disclose his or her true and correct company name, physical address, telephone number,” and motor vehicle dealer license number or secondary metals recycler registration number on the advertisement.

In FY 14-15, the incarceration rate for an unranked, 3rd degree felony was 9.9%.

Currently under, s. 320.27, F.S., it is a 2nd degree misdemeanor for a person found guilty of violating any of the provisions relating to motor vehicle dealer licenses. Per FDLE, in FY 14-15, there were 3 offenders arrested for violations of this section and no guilty/adjudication withheld sentences. Currently under, s. 538.23(5), F.S., it is an unranked, 3rd degree felony for a “person acting as a secondary metals recycler who is not registered with the department under s. 538.25, F.S.” Per DOC, in FY 14-15, there was one offender sentenced, and that offender did not receive a prison sentence for this felony.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House