



331322

LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (c) and (d) of subsection (1) and
subsections (2), (3), and (4) of section 320.27, Florida
Statutes, are amended to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases
when used in this section have the meanings respectively



331322

11 ascribed to them in this subsection, except where the context
12 clearly indicates a different meaning:

13 (c) "Motor vehicle dealer" means any person engaged in the
14 business of buying, selling, or leasing ~~dealing in~~ motor
15 vehicles or offering or displaying motor vehicles for sale or
16 lease at wholesale or retail, or who may service and repair
17 motor vehicles pursuant to an agreement as defined in s.
18 320.60(1). Any person who buys, sells, or leases ~~deals in~~ three
19 or more motor vehicles in any 12-month period or who offers or
20 displays for sale or lease three or more motor vehicles in any
21 12-month period shall be prima facie presumed to be ~~engaged in~~
22 such business a motor vehicle dealer. Any person who engages in
23 any of the following activities shall be deemed to be a motor
24 vehicle dealer: possessing, storing, or displaying motor
25 vehicles for retail sale or lease by the person; advertising
26 motor vehicles held in inventory by the person for retail sale
27 or lease by the person; compensating customers for vehicles at
28 wholesale or retail, also known as trade-ins; negotiating with
29 customers regarding the terms of sale or lease for a motor
30 vehicle; providing test drives of motor vehicles offered for
31 retail sale or lease by the person; delivering or arranging for
32 the delivery of a motor vehicle in conjunction with the retail
33 sale or lease of the motor vehicle; or offering to sell a motor
34 vehicle service agreement at the time of the retail sale or
35 lease of a motor vehicle. The terms "selling" and "sale" include
36 lease-purchase transactions. A motor vehicle dealer may, at
37 retail or wholesale, sell a recreational vehicle as described in
38 s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale
39 of a motor vehicle, provided such acquisition is incidental to



331322

40 the principal business of being a motor vehicle dealer. However,
41 a motor vehicle dealer may not buy a recreational vehicle for
42 the purpose of resale unless licensed as a recreational vehicle
43 dealer pursuant to s. 320.771. ~~A motor vehicle dealer may apply
44 for a certificate of title to a motor vehicle required to be
45 registered under s. 320.08(2)(b), (c), and (d), using a
46 manufacturer's statement of origin as permitted by s. 319.23(1),
47 only if such dealer is authorized by a franchised agreement as
48 defined in s. 320.60(1), to buy, sell, or deal in such vehicle
49 and is authorized by such agreement to perform delivery and
50 preparation obligations and warranty defect adjustments on the
51 motor vehicle; provided this limitation shall not apply to
52 recreational vehicles, van conversions, or any other motor
53 vehicle manufactured on a truck chassis. The transfer of a motor
54 vehicle by a dealer not meeting these qualifications shall be
55 titled as a used vehicle. The classifications of motor vehicle
56 dealers are defined as follows:~~

57 1. "Franchised motor vehicle dealer" means any person who
58 engages in the business of repairing, servicing, buying,
59 selling, or leasing ~~dealing in~~ motor vehicles pursuant to an
60 agreement as defined in s. 320.60(1). A motor vehicle dealer may
61 apply for a certificate of title to a motor vehicle required to
62 be registered under s. 320.08(2)(b), (c), or (d) or s.
63 320.08(3)(a), (b), or (c), using a manufacturer's statement of
64 origin as required by s. 319.23(1), only if such dealer is
65 authorized by a franchise agreement as defined in s. 320.60(1)
66 to buy, sell, or deal in such vehicles and is authorized by such
67 agreement to perform delivery and preparation obligations and
68 warranty defect adjustments on the motor vehicle. This



331322

69 limitation does not apply to recreational vehicles, van
70 conversions, or any other motor vehicle manufactured on a truck
71 chassis.

72 2. "Independent motor vehicle dealer" means any person
73 other than a franchised or wholesale motor vehicle dealer who
74 engages in the business of buying, selling, or leasing ~~dealing~~
75 ~~in~~ motor vehicles, and who may service and repair motor
76 vehicles.

77 3. "Wholesale motor vehicle dealer" means any person who
78 engages exclusively in the business of buying or ~~selling, or~~
79 ~~dealing in~~ motor vehicles at wholesale or with motor vehicle
80 auctions. Such person shall be licensed to do business in this
81 state, shall not sell or auction a vehicle to any person who is
82 not a licensed dealer, and shall not have the privilege of the
83 use of dealer license plates. Any person who buys, sells, or
84 deals in motor vehicles at wholesale or with motor vehicle
85 auctions on behalf of a licensed motor vehicle dealer and as a
86 bona fide employee of such licensed motor vehicle dealer is not
87 required to be licensed as a wholesale motor vehicle dealer. In
88 such cases it shall be prima facie presumed that a bona fide
89 employer-employee relationship exists. A wholesale motor vehicle
90 dealer shall be exempt from the display provisions of this
91 section but shall maintain an office wherein records are kept in
92 order that those records may be inspected.

93 4. "Motor vehicle auction" means any person offering motor
94 vehicles or recreational vehicles for sale to the highest bidder
95 where buyers are licensed motor vehicle dealers. Such person
96 shall not sell a vehicle to anyone other than a licensed motor
97 vehicle dealer.



331322

98 5. "Salvage motor vehicle dealer" means any person who
99 engages in the business of acquiring salvaged or wrecked motor
100 vehicles for the purpose of reselling them and their parts.
101
102 Notwithstanding anything in this subsection to the contrary, the
103 term "motor vehicle dealer" does not include persons not engaged
104 in the purchase or sale of motor vehicles as a business who are
105 disposing of vehicles acquired for their own use or for use in
106 their business or acquired by foreclosure or by operation of
107 law, provided such vehicles are acquired and sold in good faith
108 and not for the purpose of avoiding the provisions of this law;
109 persons engaged in the business of manufacturing, selling, or
110 offering or displaying for sale at wholesale or retail no more
111 than 25 trailers in a 12-month period; public officers while
112 performing their official duties; receivers; trustees,
113 administrators, executors, guardians, or other persons appointed
114 by, or acting under the judgment or order of, any court; banks,
115 finance companies, or other loan agencies that acquire motor
116 vehicles as an incident to their regular business; motor vehicle
117 brokers; persons whose sole dealing in motor vehicles is owning
118 a publication in, or hosting a website on, which licensed motor
119 vehicle dealers display vehicles for sale; persons primarily
120 engaged in the business of the short-term rental of motor
121 vehicles, which rental term may not exceed 12 months, who are
122 not also involved in the retail sale of motor vehicles; and
123 motor vehicle rental and leasing companies that sell motor
124 vehicles only to motor vehicle dealers licensed under this
125 section. Vehicles owned under circumstances described in this
126 paragraph may be disposed of at retail, wholesale, or auction,



331322

127 unless otherwise restricted. A manufacturer of fire trucks,
128 ambulances, or school buses may sell such vehicles directly to
129 governmental agencies or to persons who contract to perform or
130 provide firefighting, ambulance, or school transportation
131 services exclusively to governmental agencies without processing
132 such sales through dealers if such fire trucks, ambulances,
133 school buses, or similar vehicles are not presently available
134 through motor vehicle dealers licensed by the department.

135 (d) "Motor vehicle broker" means any person engaged in the
136 business of, or who holds himself or herself out through
137 solicitation, advertisement, or other means as being in the
138 business of, assisting ~~offering to procure or procuring motor~~
139 ~~vehicles for the general public in purchasing or leasing a motor~~
140 ~~vehicle from a licensed motor vehicle dealer, or who holds~~
141 ~~himself or herself out through solicitation, advertisement, or~~
142 ~~otherwise as one who offers to procure or procures motor~~
143 ~~vehicles for the general public, and who does not store,~~
144 display, or take ownership of any vehicles for the purpose of
145 selling such vehicles. Any advertisement or solicitation by a
146 motor vehicle broker must include notice that the broker is
147 receiving a fee and must clearly state that the broker is not a
148 licensed motor vehicle dealer. A licensed manufacturer,
149 distributor, or importer is not considered a motor vehicle
150 broker.

151 (2) LICENSE REQUIRED.—No person shall engage in business
152 as, serve in the capacity of, or act as a motor vehicle dealer
153 or motor vehicle broker in this state without first obtaining a
154 license therefor in the appropriate classification as provided
155 in this section. With the exception of transactions with motor



331322

156 vehicle auctions, no person other than a licensed motor vehicle
157 dealer may advertise for sale or lease any motor vehicle
158 belonging to another party unless as a direct result of a bona
159 fide legal proceeding, court order, settlement of an estate, ~~or~~
160 by contract with a motor vehicle dealer, or by operation of law.
161 However, owners of motor vehicles titled in their names may
162 advertise and offer vehicles for sale on their own behalf. It
163 shall be unlawful for a licensed motor vehicle dealer to allow
164 any person other than a bona fide employee to use the motor
165 vehicle dealer license for the purpose of acting in the capacity
166 of or conducting motor vehicle sales transactions as a motor
167 vehicle dealer. Any person acting ~~selling or offering a motor~~
168 ~~vehicle for sale~~ in violation of the licensing requirements of
169 this subsection, or who misrepresents to any person its
170 relationship with any manufacturer, importer, or distributor, in
171 addition to the penalties provided herein, shall be deemed to
172 have committed ~~guilty of~~ an unfair and deceptive trade practice
173 ~~as defined~~ in violation of part II of chapter 501 and shall be
174 subject to the provisions of subsections (8) and (9).

175 (3) APPLICATION AND FEE.—The application for the license
176 shall be in such form as may be prescribed by the department and
177 shall be subject to such rules with respect thereto as may be so
178 prescribed by it. Such application shall be verified by oath or
179 affirmation and shall contain a full statement of the name and
180 birth date of the person or persons applying therefor; the name
181 of the firm or copartnership, with the names and places of
182 residence of all members thereof, if such applicant is a firm or
183 copartnership; the names and places of residence of the
184 principal officers, if the applicant is a body corporate or



331322

185 other artificial body; the name of the state under whose laws
186 the corporation is organized; the present and former place or
187 places of residence of the applicant; and prior business in
188 which the applicant has been engaged and the location thereof.
189 Such application shall describe the exact location of the place
190 of business and shall state whether the place of business is
191 owned by the applicant and when acquired, or, if leased, a true
192 copy of the lease shall be attached to the application. The
193 applicant shall certify that the location provides an adequately
194 equipped office and is not a residence; that the location
195 affords sufficient unoccupied space upon and within which
196 adequately to store all motor vehicles offered and displayed for
197 sale; and that the location is a suitable place where the
198 applicant can in good faith carry on such business and keep and
199 maintain books, records, and files necessary to conduct such
200 business, which shall be available at all reasonable hours to
201 inspection by the department or any of its inspectors or other
202 employees. The applicant shall certify that the business of a
203 motor vehicle dealer is the principal business which shall be
204 conducted at that location. The application shall contain a
205 statement that the applicant is: either franchised by a
206 manufacturer of motor vehicles, in which case the name of each
207 motor vehicle that the applicant is franchised to sell shall be
208 included; ~~or~~ an independent (nonfranchised) motor vehicle
209 dealer; or a motor vehicle broker. The application shall contain
210 other relevant information as may be required by the department,
211 including evidence that the applicant is insured under a garage
212 liability insurance policy or a general liability insurance
213 policy coupled with a business automobile policy, which shall



331322

214 include, at a minimum, \$25,000 combined single-limit liability
215 coverage including bodily injury and property damage protection
216 and \$10,000 personal injury protection. However, a salvage motor
217 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
218 from the requirements for garage liability insurance and
219 personal injury protection insurance on those vehicles that
220 cannot be legally operated on roads, highways, or streets in
221 this state. Franchise dealers must submit a garage liability
222 insurance policy, and all other dealers must submit a garage
223 liability insurance policy or a general liability insurance
224 policy coupled with a business automobile policy. Such policy
225 shall be for the license period, and evidence of a new or
226 continued policy shall be delivered to the department at the
227 beginning of each license period. Upon making initial
228 application, the applicant shall pay to the department a fee of
229 \$300 in addition to any other fees required by law. Applicants
230 may choose to extend the licensure period for 1 additional year
231 for a total of 2 years. An initial applicant shall pay to the
232 department a fee of \$300 for the first year and \$75 for the
233 second year, in addition to any other fees required by law. An
234 applicant for renewal shall pay to the department \$75 for a 1-
235 year renewal or \$150 for a 2-year renewal, in addition to any
236 other fees required by law. Upon making an application for a
237 change of location, the person shall pay a fee of \$50 in
238 addition to any other fees now required by law. The department
239 shall, in the case of every application for initial licensure,
240 verify whether certain facts set forth in the application are
241 true. Each applicant, general partner in the case of a
242 partnership, or corporate officer and director in the case of a



331322

243 corporate applicant, must file a set of fingerprints with the
244 department for the purpose of determining any prior criminal
245 record or any outstanding warrants. The department shall submit
246 the fingerprints to the Department of Law Enforcement for state
247 processing and forwarding to the Federal Bureau of Investigation
248 for federal processing. The actual cost of state and federal
249 processing shall be borne by the applicant and is in addition to
250 the fee for licensure. The department may issue a license to an
251 applicant pending the results of the fingerprint investigation,
252 which license is fully revocable if the department subsequently
253 determines that any facts set forth in the application are not
254 true or correctly represented.

255 (4) LICENSE CERTIFICATE.—

256 (a) An initial A license certificate shall be issued by the
257 department in accordance with such application when the
258 application is regular in form and in compliance with the
259 provisions of this section. The license certificate may be in
260 the form of a document or a computerized card as determined by
261 the department. The actual cost of each original, additional, or
262 replacement computerized card shall be borne by the licensee and
263 is in addition to the fee for licensure. Such license, when so
264 issued, entitles the licensee to carry on and conduct the
265 business of a motor vehicle dealer or broker. Each license
266 issued to a franchise motor vehicle dealer or motor vehicle
267 broker expires on December 31 of the year of its expiration
268 unless revoked or suspended prior to that date. Each license
269 issued to an independent or wholesale dealer or auction expires
270 on April 30 of the year of its expiration unless revoked or
271 suspended prior to that date. ~~At least 60 days before the~~



331322

272 ~~license expiration date, the department shall deliver or mail to~~
273 ~~each licensee the necessary renewal forms. Each independent~~
274 ~~dealer shall certify that the dealer (owner, partner, officer,~~
275 ~~or director of the licensee, or a full-time employee of the~~
276 ~~licensee that holds a responsible management-level position) has~~
277 ~~completed 8 hours of continuing education prior to filing the~~
278 ~~renewal forms with the department. Such certification shall be~~
279 ~~filed once every 2 years. The continuing education shall include~~
280 ~~at least 2 hours of legal or legislative issues, 1 hour of~~
281 ~~department issues, and 5 hours of relevant motor vehicle~~
282 ~~industry topics. Continuing education shall be provided by~~
283 ~~dealer schools licensed under paragraph (b) either in a~~
284 ~~classroom setting or by correspondence. Such schools shall~~
285 ~~provide certificates of completion to the department and the~~
286 ~~customer which shall be filed with the license renewal form, and~~
287 ~~such schools may charge a fee for providing continuing~~
288 ~~education. Any licensee who does not file his or her application~~
289 ~~and fees and any other requisite documents, as required by law,~~
290 ~~with the department at least 30 days prior to the license~~
291 ~~expiration date shall cease to engage in business as a motor~~
292 ~~vehicle dealer on the license expiration date. A renewal filed~~
293 ~~with the department within 45 days after the expiration date~~
294 ~~shall be accompanied by a delinquent fee of \$100. Thereafter, a~~
295 ~~new application is required, accompanied by the initial license~~
296 ~~fee. A license certificate duly issued by the department may be~~
297 ~~modified by endorsement to show a change in the name of the~~
298 ~~licensee, provided, as shown by affidavit of the licensee, the~~
299 ~~majority ownership interest of the licensee has not changed or~~
300 ~~the name of the person appearing as franchisee on the sales and~~



331322

301 ~~service agreement has not changed. Modification of a license~~
302 ~~certificate to show any name change as herein provided shall not~~
303 ~~require initial licensure or reissuance of dealer tags; however,~~
304 ~~any dealer obtaining a name change shall transact all business~~
305 ~~in and be properly identified by that name. All documents~~
306 ~~relative to licensure shall reflect the new name. In the case of~~
307 ~~a franchise dealer, the name change shall be approved by the~~
308 ~~manufacturer, distributor, or importer. A licensee applying for~~
309 ~~a name change endorsement shall pay a fee of \$25 which fee shall~~
310 ~~apply to the change in the name of a main location and all~~
311 ~~additional locations licensed under the provisions of subsection~~
312 ~~(5). Each initial license application received by the department~~
313 ~~shall be accompanied by verification that, within the preceding~~
314 ~~6 months, the applicant, or one or more of his or her designated~~
315 ~~employees, has attended a training and information seminar~~
316 ~~conducted by a licensed motor vehicle dealer training school.~~
317 ~~Any applicant for a new franchised motor vehicle dealer license~~
318 ~~who has held a valid franchised motor vehicle dealer license~~
319 ~~continuously for the past 2 years and who remains in good~~
320 ~~standing with the department is exempt from the prelicensing~~
321 ~~training requirement. Such seminar shall include, but is not~~
322 ~~limited to, statutory dealer requirements, which requirements~~
323 ~~include required bookkeeping and recordkeeping procedures,~~
324 ~~requirements for the collection of sales and use taxes, and such~~
325 ~~other information that in the opinion of the department will~~
326 ~~promote good business practices. No seminar may exceed 8 hours~~
327 ~~in length.~~

328 ~~(b) Each initial license application received by the~~
329 ~~department for licensure under subparagraph (1)(c)2. shall be~~



331322

330 ~~accompanied by verification that, within the preceding 6 months,~~
331 ~~the applicant (owner, partner, officer, or director of the~~
332 ~~applicant, or a full-time employee of the applicant that holds a~~
333 ~~responsible management-level position) has successfully~~
334 ~~completed training conducted by a licensed motor vehicle dealer~~
335 ~~training school. Such training must include training in titling~~
336 ~~and registration of motor vehicles, laws relating to unfair and~~
337 ~~deceptive trade practices, laws relating to financing with~~
338 ~~regard to buy-here, pay-here operations, and such other~~
339 ~~information that in the opinion of the department will promote~~
340 ~~good business practices. Successful completion of this training~~
341 ~~shall be determined by examination administered at the end of~~
342 ~~the course and attendance of no less than 90 percent of the~~
343 ~~total hours required by such school. Any applicant who had held~~
344 ~~a valid motor vehicle dealer's license continuously within the~~
345 ~~past 2 years and who remains in good standing with the~~
346 ~~department is exempt from the prelicensing requirements of this~~
347 ~~section. The department shall have the authority to adopt any~~
348 ~~rule necessary for establishing the training curriculum; length~~
349 ~~of training, which shall not exceed 8 hours for required~~
350 ~~department topics and shall not exceed an additional 24 hours~~
351 ~~for topics related to other regulatory agencies' instructor~~
352 ~~qualifications; and any other requirements under this section.~~
353 ~~The curriculum for other subjects shall be approved by any and~~
354 ~~all other regulatory agencies having jurisdiction over specific~~
355 ~~subject matters; however, the overall administration of the~~
356 ~~licensing of these dealer schools and their instructors shall~~
357 ~~remain with the department. Such schools are authorized to~~
358 ~~charge a fee.~~



331322

359 (b) Each application for initial licensure as an
360 independent motor vehicle dealer received by the department
361 shall be accompanied by verification that, within the preceding
362 6 months, the applicant or one or more of his or her designated
363 employees has attended a training and information seminar
364 conducted by a licensed motor vehicle dealer training school.
365 Such seminar must include, but need not be limited to, statutory
366 dealer requirements, which include required bookkeeping and
367 recordkeeping procedures, requirements for the collection of
368 sales and use taxes, and any other information that, in the
369 opinion of the department, will promote good business practices.
370 A seminar may not exceed 8 hours in length. Such training must
371 include instruction in titling and registration of motor
372 vehicles, laws relating to unfair and deceptive trade practices,
373 laws relating to financing with regard to buy-here, pay-here
374 operations, and such other information that in the opinion of
375 the department promotes good business practices. Successful
376 completion of this training shall be determined by examination
377 administered at the end of the seminar and attendance of no less
378 than 90 percent of the total hours required by such school. Any
379 applicant for an independent dealer license who had held a valid
380 motor vehicle dealer license continuously within the past 2
381 years and who remains in good standing with the department is
382 exempt from the prelicensing requirements of this section. The
383 department may adopt any rule necessary for establishing the
384 training curriculum; length of training, which shall not exceed
385 8 hours for required department topics and shall not exceed an
386 additional 24 hours for topics related to other regulatory
387 agencies' instructor qualifications; and any other requirements



331322

388 under this section. The curriculum for other subjects shall be
389 approved by any and all other regulatory agencies having
390 jurisdiction over the specific subject matters; however, the
391 overall administration of the licensing of these dealer schools
392 and their instructors shall remain with the department. Such
393 schools are authorized to charge a fee for training.

394 (c) At least 60 days before the license expiration date,
395 the department shall deliver or mail to each licensee the
396 necessary renewal forms.

397 1. Each independent motor vehicle dealer must certify that
398 the dealer has completed 8 hours of continuing education before
399 filing the renewal forms with the department. For purposes of
400 this subparagraph, the term "dealer" means an owner, partner,
401 officer, or director of the licensee, or a full-time employee of
402 the licensee that holds a responsible management-level position.
403 Such certification must be filed once every 2 years. The
404 continuing education shall include at least 2 hours of
405 instruction in legal or legislative issues, 1 hour of
406 instruction in department issues, and 5 hours of instruction in
407 relevant motor vehicle industry topics. Continuing education
408 shall be provided by dealer schools licensed under paragraph (b)
409 either in a classroom setting or by correspondence. Such schools
410 shall provide certificates of completion to the department and
411 the customer which must be filed with the license renewal form,
412 and such schools may charge a fee for providing continuing
413 education.

414 2. Each franchised motor vehicle dealer shall certify that
415 the dealer, operator, owner, partner, director, or general
416 manager of the licensee has completed 8 hours of industry



331322

417 certification on legal and legislative issues every 2 years
418 provided by a Florida-based, nonprofit, dealer-owned, statewide
419 industry association of franchised motor vehicle dealers with
420 state and federal compliance credentials approved by the
421 department. Such association may charge a fee for providing the
422 industry certification. In the case of licensees belonging to a
423 dealership group, the required certification may be satisfied
424 for all licensees in the dealership group through completion of
425 the industry certification by one designated owner, officer,
426 director, or manager of the dealership group. For purposes of
427 this section, a dealership group is two or more licensed
428 franchised motor vehicle dealers with a common owner which has
429 legal or equitable title of at least 80 percent of each dealer
430 in the group. Certification shall be required in a classroom
431 setting in a convenient location within the state and designated
432 individuals shall receive certificates of completion from the
433 organization which must be filed with their license renewal
434 form. A licensee who seeks to satisfy the required certification
435 through a dealership group must provide the department with
436 evidence of the required common ownership at the time of filing
437 the certificate of completion.

438 3. Any licensee who does not file his or her application
439 and any other requisite documents with, and pay the fees to, as
440 required by law, the department at least 30 days before the
441 license expiration date must cease to engage in business as a
442 motor vehicle dealer no later than the license expiration date.
443 A renewal filed with the department within 45 days after the
444 expiration date must be accompanied by a delinquent fee of \$100.
445 Thereafter, a new application is required, accompanied by the



331322

446 initial license fee.

447 (d) A license certificate duly issued by the department may
448 be modified by endorsement to show a change in the name of the
449 licensee, provided, as shown by affidavit of the licensee, the
450 majority ownership interest of the licensee has not changed or
451 the name of the person appearing as franchisee on the sales and
452 service agreement has not changed. Modification of a license
453 certificate to show any name change as provided in this
454 paragraph does not require initial licensure or reissuance of
455 dealer tags; however, any dealer obtaining a name change shall
456 transact all business in and be properly identified by that
457 name. All documents relative to licensure shall reflect the new
458 name. In the case of a franchised motor vehicle dealer, the name
459 change shall be approved by the manufacturer, distributor, or
460 importer. A licensee applying for a name change endorsement
461 shall pay a fee of \$25 which shall apply to the change in the
462 name of a main location and all additional locations licensed
463 under subsection (5).

464 Section 2. This act shall take effect July 1, 2018.

465
466 ===== T I T L E A M E N D M E N T =====

467 And the title is amended as follows:

468 Delete everything before the enacting clause
469 and insert:

470 A bill to be entitled

471 An act relating to motor vehicle dealers; amending s.
472 320.27, F.S.; revising the definitions of the terms
473 "motor vehicle dealer," "franchised motor vehicle
474 dealer," "independent motor vehicle dealer,"



331322

475 "wholesale motor vehicle dealer," and "motor vehicle
476 broker"; prohibiting persons from engaging in business
477 as, serving in the capacity of, or acting as a motor
478 vehicle broker in this state without first obtaining a
479 certain license; adding an exception to the
480 prohibition on persons other than a licensed motor
481 vehicle dealer from advertising for sale or lease any
482 motor vehicle belonging to another party; requiring
483 any person acting in violation of specified licensing
484 requirements to be deemed to have committed an unfair
485 and deceptive trade practice in violation of specified
486 provisions; requiring an initial license certificate
487 to be issued by the Department of Highway Safety and
488 Motor Vehicles in accordance with an application when
489 the application is regular in form and in compliance
490 with specified provisions; providing for expiration of
491 a license issued to a motor vehicle broker; deleting
492 provisions relating to renewal forms, license
493 certificates, and initial license applications;
494 requiring each initial application for licensure as an
495 independent motor vehicle dealer received by the
496 department to be accompanied by certain verification
497 of attending training and an information seminar;
498 providing seminar and training requirements; providing
499 an exemption; authorizing the department to adopt
500 certain rules; providing that the curriculum for
501 certain subjects is approved by any and all other
502 regulatory agencies having jurisdiction over the
503 specific subject matters; requiring that the overall



331322

504 administration of the licensing of dealer schools and
505 their instructors remains with the department;
506 authorizing the schools to charge a fee for training;
507 requiring the department to deliver or mail to each
508 licensee the necessary renewal forms within a
509 specified period; requiring independent motor vehicle
510 dealers to complete certain certification relating to
511 continuing education, subject to certain requirements;
512 defining the term "dealer"; providing requirements for
513 continuing education; requiring dealer schools to
514 provide certificates of completion to the department
515 and customer; authorizing the schools to charge a fee
516 for providing continuing education; requiring
517 franchised motor vehicle dealers to complete certain
518 industry certification, subject to certain
519 requirements; authorizing a certain association to
520 charge a fee for providing the industry certification;
521 authorizing such certification to be accomplished by a
522 certain designated person under certain circumstances;
523 providing certification requirements; requiring
524 designated individuals to receive certificates of
525 completion; requiring a licensee who seeks to satisfy
526 the certification through a dealership group to
527 provide the department with certain evidence at the
528 time of filing the certificate of completion;
529 requiring licensees who do not file their application
530 and any other requisite documents with, and pay the
531 fees to, the department within a specified period to
532 cease engaging in business; providing fees for a



331322

533 renewal or new application filed with the department
534 within specified periods after the expiration date;
535 authorizing a license certificate to be modified to
536 show a change in the name of the licensee, subject to
537 certain requirements; requiring a specified fee for
538 such modification; conforming provisions to changes
539 made by the act; providing an effective date.