

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Transportation &  
2 Infrastructure Subcommittee  
3 Representative Rommel offered the following:

**Amendment (with title amendment)**

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

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or leasing ~~dealing in~~ motor

Amendment No.

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

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

42 acquisition is incidental to the principal business of being a  
43 motor vehicle dealer. However, a motor vehicle dealer may not  
44 buy a recreational vehicle for the purpose of resale unless  
45 licensed as a recreational vehicle dealer pursuant to s.  
46 320.771. ~~A motor vehicle dealer may apply for a certificate of~~  
47 ~~title to a motor vehicle required to be registered under s.~~  
48 ~~320.08(2)(b), (c), and (d), using a manufacturer's statement of~~  
49 ~~origin as permitted by s. 319.23(1), only if such dealer is~~  
50 ~~authorized by a franchised agreement as defined in s. 320.60(1),~~  
51 ~~to buy, sell, or deal in such vehicle and is authorized by such~~  
52 ~~agreement to perform delivery and preparation obligations and~~  
53 ~~warranty defect adjustments on the motor vehicle; provided this~~  
54 ~~limitation shall not apply to recreational vehicles, van~~  
55 ~~conversions, or any other motor vehicle manufactured on a truck~~  
56 ~~chassis. The transfer of a motor vehicle by a dealer not meeting~~  
57 ~~these qualifications shall be titled as a used vehicle. The~~  
58 classifications of motor vehicle dealers are defined as follows:  
59 1. "Franchised motor vehicle dealer" means any person who  
60 engages in the business of repairing, servicing, buying,  
61 selling, or leasing ~~dealing in~~ motor vehicles pursuant to an  
62 agreement as defined in s. 320.60(1). A motor vehicle dealer may  
63 apply for a certificate of title to a motor vehicle required to  
64 be registered under s. 320.08(2)(b), (c), or (d) or s.  
65 320.08(3)(a), (b), or (c), using a manufacturer's statement of  
66 origin as required by s. 319.23(1), only if such dealer is

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

67 authorized by a franchise agreement as defined in s. 320.60(1)  
68 to buy, sell, or deal in such vehicles and is authorized by such  
69 agreement to perform delivery and preparation obligations and  
70 warranty defect adjustments on the motor vehicle. This  
71 limitation does not apply to recreational vehicles, van  
72 conversions, or any other motor vehicle manufactured on a truck  
73 chassis.

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

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

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

92 dealer shall be exempt from the display provisions of this  
93 section but shall maintain an office wherein records are kept in  
94 order that those records may be inspected.

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

100 5. "Salvage motor vehicle dealer" means any person who  
101 engages in the business of acquiring salvaged or wrecked motor  
102 vehicles for the purpose of reselling them and their parts.

103  
104 Notwithstanding anything in this subsection to the  
105 contrary, the term "motor vehicle dealer" does not include  
106 persons not engaged in the purchase or sale of motor vehicles as  
107 a business who are disposing of vehicles acquired for their own  
108 use or for use in their business or acquired by foreclosure or  
109 by operation of law, provided such vehicles are acquired and  
110 sold in good faith and not for the purpose of avoiding the  
111 provisions of this law; persons engaged in the business of  
112 manufacturing, selling, or offering or displaying for sale at  
113 wholesale or retail no more than 25 trailers in a 12-month  
114 period; public officers while performing their official duties;  
115 receivers; trustees, administrators, executors, guardians, or  
116 other persons appointed by, or acting under the judgment or

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

117 order of, any court; banks, finance companies, or other loan  
118 agencies that acquire motor vehicles as an incident to their  
119 regular business; motor vehicle brokers; persons whose sole  
120 dealing in motor vehicles is owning a publication in, or hosting  
121 a website on, which licensed motor vehicle dealers display  
122 vehicles for sale; persons primarily engaged in the business of  
123 the short-term rental of motor vehicles, which rental term may  
124 not exceed 12 months, who are not also involved in the retail  
125 sale of motor vehicles; and motor vehicle rental and leasing  
126 companies that sell motor vehicles only to motor vehicle dealers  
127 licensed under this section. Vehicles owned under circumstances  
128 described in this paragraph may be disposed of at retail,  
129 wholesale, or auction, unless otherwise restricted. A  
130 manufacturer of fire trucks, ambulances, or school buses may  
131 sell such vehicles directly to governmental agencies or to  
132 persons who contract to perform or provide firefighting,  
133 ambulance, or school transportation services exclusively to  
134 governmental agencies without processing such sales through  
135 dealers if such fire trucks, ambulances, school buses, or  
136 similar vehicles are not presently available through motor  
137 vehicle dealers licensed by the department.

138 (d) "Motor vehicle broker" means any person engaged in the  
139 business of, or who holds himself or herself out through  
140 solicitation, advertisement, or other means as being in the  
141 business of, assisting ~~offering to procure or procuring motor~~

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

142 ~~vehicles for the general public in purchasing or leasing a motor~~  
143 ~~vehicle from a licensed motor vehicle dealer, or who holds~~  
144 ~~himself or herself out through solicitation, advertisement, or~~  
145 ~~otherwise as one who offers to procure or procures motor~~  
146 ~~vehicles for the general public, and who does not store,~~  
147 ~~display, or take ownership of any vehicles for the purpose of~~  
148 ~~selling such vehicles. Any advertisement or solicitation by a~~  
149 ~~motor vehicle broker must include notice that the broker is~~  
150 ~~receiving a fee and must clearly state that the broker is not a~~  
151 ~~licensed motor vehicle dealer. A licensed manufacturer,~~  
152 ~~distributor, or importer is not considered a motor vehicle~~  
153 ~~broker.~~

154 (2) LICENSE REQUIRED.—No person shall engage in business  
155 as, serve in the capacity of, or act as a motor vehicle dealer  
156 or motor vehicle broker in this state without first obtaining a  
157 license therefor in the appropriate classification as provided  
158 in this section. With the exception of transactions with motor  
159 vehicle auctions, no person other than a licensed motor vehicle  
160 dealer may advertise for sale or lease any motor vehicle  
161 belonging to another party unless as a direct result of a bona  
162 fide legal proceeding, court order, settlement of an estate, ~~or~~  
163 by contract with a motor vehicle dealer, or by operation of law.  
164 However, owners of motor vehicles titled in their names may  
165 advertise and offer vehicles for sale on their own behalf. It  
166 shall be unlawful for a licensed motor vehicle dealer to allow

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

167 any person other than a bona fide employee to use the motor  
168 vehicle dealer license for the purpose of acting in the capacity  
169 of or conducting motor vehicle sales transactions as a motor  
170 vehicle dealer. Any person acting ~~selling or offering a motor~~  
171 ~~vehicle for sale~~ in violation of the licensing requirements of  
172 this subsection, or who misrepresents to any person its  
173 relationship with any manufacturer, importer, or distributor, in  
174 addition to the penalties provided herein, shall be deemed to  
175 have committed ~~guilty of~~ an unfair and deceptive trade practice  
176 ~~as defined~~ in violation of part II of chapter 501 and shall be  
177 subject to the provisions of subsections (8) and (9).

178 (3) APPLICATION AND FEE.—The application for the license  
179 shall be in such form as may be prescribed by the department and  
180 shall be subject to such rules with respect thereto as may be so  
181 prescribed by it. Such application shall be verified by oath or  
182 affirmation and shall contain a full statement of the name and  
183 birth date of the person or persons applying therefor; the name  
184 of the firm or copartnership, with the names and places of  
185 residence of all members thereof, if such applicant is a firm or  
186 copartnership; the names and places of residence of the  
187 principal officers, if the applicant is a body corporate or  
188 other artificial body; the name of the state under whose laws  
189 the corporation is organized; the present and former place or  
190 places of residence of the applicant; and prior business in  
191 which the applicant has been engaged and the location thereof.

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

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

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

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

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

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

258 (4) LICENSE CERTIFICATE.—

259 (a) An initial A license certificate shall be issued by  
260 the department in accordance with such application when the  
261 application is regular in form and in compliance with the  
262 provisions of this section. The license certificate may be in  
263 the form of a document or a computerized card as determined by  
264 the department. The actual cost of each original, additional, or  
265 replacement computerized card shall be borne by the licensee and  
266 is in addition to the fee for licensure. Such license, when so

Amendment No.

267 issued, entitles the licensee to carry on and conduct the  
268 business of a motor vehicle dealer or motor vehicle broker. Each  
269 license issued to a franchise motor vehicle dealer or motor  
270 vehicle broker expires on December 31 of the year of its  
271 expiration unless revoked or suspended prior to that date. Each  
272 license issued to an independent or wholesale dealer or auction  
273 expires on April 30 of the year of its expiration unless revoked  
274 or suspended prior to that date. ~~At least 60 days before the~~  
275 ~~license expiration date, the department shall deliver or mail to~~  
276 ~~each licensee the necessary renewal forms. Each independent~~  
277 ~~dealer shall certify that the dealer (owner, partner, officer,~~  
278 ~~or director of the licensee, or a full-time employee of the~~  
279 ~~licensee that holds a responsible management level position) has~~  
280 ~~completed 8 hours of continuing education prior to filing the~~  
281 ~~renewal forms with the department. Such certification shall be~~  
282 ~~filed once every 2 years. The continuing education shall include~~  
283 ~~at least 2 hours of legal or legislative issues, 1 hour of~~  
284 ~~department issues, and 5 hours of relevant motor vehicle~~  
285 ~~industry topics. Continuing education shall be provided by~~  
286 ~~dealer schools licensed under paragraph (b) either in a~~  
287 ~~classroom setting or by correspondence. Such schools shall~~  
288 ~~provide certificates of completion to the department and the~~  
289 ~~customer which shall be filed with the license renewal form, and~~  
290 ~~such schools may charge a fee for providing continuing~~  
291 ~~education. Any licensee who does not file his or her application~~

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

292 ~~and fees and any other requisite documents, as required by law,~~  
293 ~~with the department at least 30 days prior to the license~~  
294 ~~expiration date shall cease to engage in business as a motor~~  
295 ~~vehicle dealer on the license expiration date. A renewal filed~~  
296 ~~with the department within 45 days after the expiration date~~  
297 ~~shall be accompanied by a delinquent fee of \$100. Thereafter, a~~  
298 ~~new application is required, accompanied by the initial license~~  
299 ~~fee. A license certificate duly issued by the department may be~~  
300 ~~modified by endorsement to show a change in the name of the~~  
301 ~~licensee, provided, as shown by affidavit of the licensee, the~~  
302 ~~majority ownership interest of the licensee has not changed or~~  
303 ~~the name of the person appearing as franchisee on the sales and~~  
304 ~~service agreement has not changed. Modification of a license~~  
305 ~~certificate to show any name change as herein provided shall not~~  
306 ~~require initial licensure or reissuance of dealer tags; however,~~  
307 ~~any dealer obtaining a name change shall transact all business~~  
308 ~~in and be properly identified by that name. All documents~~  
309 ~~relative to licensure shall reflect the new name. In the case of~~  
310 ~~a franchise dealer, the name change shall be approved by the~~  
311 ~~manufacturer, distributor, or importer. A licensee applying for~~  
312 ~~a name change endorsement shall pay a fee of \$25 which fee shall~~  
313 ~~apply to the change in the name of a main location and all~~  
314 ~~additional locations licensed under the provisions of subsection~~  
315 ~~(5). Each initial license application received by the department~~  
316 ~~shall be accompanied by verification that, within the preceding~~

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

317 ~~6 months, the applicant, or one or more of his or her designated~~  
318 ~~employees, has attended a training and information seminar~~  
319 ~~conducted by a licensed motor vehicle dealer training school.~~  
320 ~~Any applicant for a new franchised motor vehicle dealer license~~  
321 ~~who has held a valid franchised motor vehicle dealer license~~  
322 ~~continuously for the past 2 years and who remains in good~~  
323 ~~standing with the department is exempt from the prelicensing~~  
324 ~~training requirement. Such seminar shall include, but is not~~  
325 ~~limited to, statutory dealer requirements, which requirements~~  
326 ~~include required bookkeeping and recordkeeping procedures,~~  
327 ~~requirements for the collection of sales and use taxes, and such~~  
328 ~~other information that in the opinion of the department will~~  
329 ~~promote good business practices. No seminar may exceed 8 hours~~  
330 ~~in length.~~

331 ~~(b) Each initial license application received by the~~  
332 ~~department for licensure under subparagraph (1) (c) 2. shall be~~  
333 ~~accompanied by verification that, within the preceding 6 months,~~  
334 ~~the applicant (owner, partner, officer, or director of the~~  
335 ~~applicant, or a full-time employee of the applicant that holds a~~  
336 ~~responsible management-level position) has successfully~~  
337 ~~completed training conducted by a licensed motor vehicle dealer~~  
338 ~~training school. Such training must include training in titling~~  
339 ~~and registration of motor vehicles, laws relating to unfair and~~  
340 ~~deceptive trade practices, laws relating to financing with~~  
341 ~~regard to buy-here, pay-here operations, and such other~~

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

342 ~~information that in the opinion of the department will promote~~  
343 ~~good business practices. Successful completion of this training~~  
344 ~~shall be determined by examination administered at the end of~~  
345 ~~the course and attendance of no less than 90 percent of the~~  
346 ~~total hours required by such school. Any applicant who had held~~  
347 ~~a valid motor vehicle dealer's license continuously within the~~  
348 ~~past 2 years and who remains in good standing with the~~  
349 ~~department is exempt from the prelicensing requirements of this~~  
350 ~~section. The department shall have the authority to adopt any~~  
351 ~~rule necessary for establishing the training curriculum; length~~  
352 ~~of training, which shall not exceed 8 hours for required~~  
353 ~~department topics and shall not exceed an additional 24 hours~~  
354 ~~for topics related to other regulatory agencies' instructor~~  
355 ~~qualifications; and any other requirements under this section.~~  
356 ~~The curriculum for other subjects shall be approved by any and~~  
357 ~~all other regulatory agencies having jurisdiction over specific~~  
358 ~~subject matters; however, the overall administration of the~~  
359 ~~licensing of these dealer schools and their instructors shall~~  
360 ~~remain with the department. Such schools are authorized to~~  
361 ~~charge a fee.~~

362 (b) Each application for initial licensure as an  
363 independent motor vehicle dealer received by the department  
364 shall be accompanied by verification that, within the preceding  
365 6 months, the applicant or one or more of his or her designated  
366 employees has attended a training and information seminar

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

367 conducted by a licensed motor vehicle dealer training school.  
368 Such seminar must include, but need not be limited to, statutory  
369 dealer requirements, which include required bookkeeping and  
370 recordkeeping procedures, requirements for the collection of  
371 sales and use taxes, and any other information that, in the  
372 opinion of the department, will promote good business practices.  
373 A seminar may not exceed 8 hours in length. Such training must  
374 include instruction in titling and registration of motor  
375 vehicles, laws relating to unfair and deceptive trade practices,  
376 laws relating to financing with regard to buy-here, pay-here  
377 operations, and such other information that in the opinion of  
378 the department promotes good business practices. Successful  
379 completion of this training shall be determined by examination  
380 administered at the end of the seminar and attendance of no less  
381 than 90 percent of the total hours required by such school. Any  
382 applicant for an independent dealer license who had held a valid  
383 motor vehicle dealer license continuously within the past 2  
384 years and who remains in good standing with the department is  
385 exempt from the prelicensing requirements of this section. The  
386 department may adopt any rule necessary for establishing the  
387 training curriculum; length of training, which shall not exceed  
388 8 hours for required department topics and shall not exceed an  
389 additional 24 hours for topics related to other regulatory  
390 agencies' instructor qualifications; and any other requirements  
391 under this section. The curriculum for other subjects shall be

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

392 approved by any and all other regulatory agencies having  
393 jurisdiction over the specific subject matters; however, the  
394 overall administration of the licensing of these dealer schools  
395 and their instructors shall remain with the department. Such  
396 schools are authorized to charge a fee for training.

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

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

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

417        2. Each franchised motor vehicle dealer shall certify that  
418 the dealer, operator, owner, partner, director, or general  
419 manager of the licensee has completed 8 hours of industry  
420 certification on legal and legislative issues every 2 years  
421 provided by a Florida-based, nonprofit, dealer-owned, statewide  
422 industry association of franchised motor vehicle dealers with  
423 state and federal compliance credentials approved by the  
424 department. Such association may charge a fee for providing the  
425 industry certification. In the case of licensees belonging to a  
426 dealership group, the required certification may be satisfied  
427 for all licensees in the dealership group through completion of  
428 the industry certification by one designated owner, officer,  
429 director, or manager of the dealership group. For purposes of  
430 this section, a dealership group is two or more licensed  
431 franchised motor vehicle dealers with a common owner which has  
432 legal or equitable title of at least 80 percent of each dealer  
433 in the group. Certification shall be required in a classroom  
434 setting in a convenient location within the state and designated  
435 individuals shall receive certificates of completion from the  
436 organization which must be filed with their license renewal  
437 form. A licensee who seeks to satisfy the required certification  
438 through a dealership group must provide the department with  
439 evidence of the required common ownership at the time of filing  
440 the certificate of completion.

413723 - h0595-strike all.docx

Published On: 1/8/2018 6:45:04 PM

Amendment No.

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

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

Amendment No.

465 name of a main location and all additional locations licensed  
466 under subsection (5).

467 Section 2. This act shall take effect January 1, 2019.

468

469

470 -----

471

**T I T L E A M E N D M E N T**

472

Remove everything before the enacting clause and insert:

473

A bill to be entitled

474

An act relating to motor vehicle dealers; amending s.

475

320.27, F.S.; revising the definitions of the terms

476

"motor vehicle dealer," "franchised motor vehicle

477

dealer," "independent motor vehicle dealer,"

478

"wholesale motor vehicle dealer," and "motor vehicle

479

broker"; prohibiting persons from engaging in business

480

as, serving in the capacity of, or acting as a motor

481

vehicle broker in this state without first obtaining a

482

certain license; adding an exception to the

483

prohibition on persons other than a licensed motor

484

vehicle dealer from advertising for sale or lease any

485

motor vehicle belonging to another party; requiring

486

any person acting in violation of specified licensing

487

requirements to be deemed to have committed an unfair

488

and deceptive trade practice in violation of specified

489

provisions; requiring an initial license certificate

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Amendment No.

490 to be issued by the Department of Highway Safety and  
491 Motor Vehicles in accordance with an application when  
492 the application is regular in form and in compliance  
493 with specified provisions; providing for expiration of  
494 a license issued to a motor vehicle broker; deleting  
495 provisions relating to renewal forms, license  
496 certificates, and initial license applications;  
497 requiring each initial application for licensure as an  
498 independent motor vehicle dealer received by the  
499 department to be accompanied by certain verification  
500 of attending training and an information seminar;  
501 providing seminar and training requirements; providing  
502 an exemption; authorizing the department to adopt  
503 certain rules; providing that the curriculum for  
504 certain subjects is approved by any and all other  
505 regulatory agencies having jurisdiction over the  
506 specific subject matters; requiring that the overall  
507 administration of the licensing of dealer schools and  
508 their instructors remains with the department;  
509 authorizing the schools to charge a fee for training;  
510 requiring the department to deliver or mail to each  
511 licensee the necessary renewal forms within a  
512 specified period; requiring independent motor vehicle  
513 dealers to complete certain certification relating to  
514 continuing education, subject to certain requirements;

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Amendment No.

515 defining the term "dealer"; providing requirements for  
516 continuing education; requiring dealer schools to  
517 provide certificates of completion to the department  
518 and customer; authorizing the schools to charge a fee  
519 for providing continuing education; requiring  
520 franchised motor vehicle dealers to complete certain  
521 industry certification, subject to certain  
522 requirements; authorizing a certain association to  
523 charge a fee for providing the industry certification;  
524 authorizing such certification to be accomplished by a  
525 certain designated person under certain circumstances;  
526 providing certification requirements; requiring  
527 designated individuals to receive certificates of  
528 completion; requiring a licensee who seeks to satisfy  
529 the certification through a dealership group to  
530 provide the department with certain evidence at the  
531 time of filing the certificate of completion;  
532 requiring licensees who do not file their application  
533 and any other requisite documents with, and pay the  
534 fees to, the department within a specified period to  
535 cease engaging in business; providing fees for a  
536 renewal or new application filed with the department  
537 within specified periods after the expiration date;  
538 authorizing a license certificate to be modified to  
539 show a change in the name of the licensee, subject to

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 595 (2018)

Amendment No.

540 | certain requirements; requiring a specified fee for  
541 | such modification; conforming provisions to changes  
542 | made by the act; providing an effective date.