

By the Committee on Transportation; and Senator Passidomo

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1 A bill to be entitled
2 An act relating to motor vehicle dealers; amending s.
3 320.27, F.S.; revising the definitions of the terms
4 "motor vehicle dealer," "franchised motor vehicle
5 dealer," "independent motor vehicle dealer,"
6 "wholesale motor vehicle dealer," and "motor vehicle
7 broker"; prohibiting persons from engaging in business
8 as, serving in the capacity of, or acting as a motor
9 vehicle broker in this state without first obtaining a
10 certain license; adding an exception to the
11 prohibition on persons other than a licensed motor
12 vehicle dealer from advertising for sale or lease any
13 motor vehicle belonging to another party; requiring
14 any person acting in violation of specified licensing
15 requirements to be deemed to have committed an unfair
16 and deceptive trade practice in violation of specified
17 provisions; requiring an initial license certificate
18 to be issued by the Department of Highway Safety and
19 Motor Vehicles in accordance with an application when
20 the application is regular in form and in compliance
21 with specified provisions; providing for expiration of
22 a license issued to a motor vehicle broker; deleting
23 provisions relating to renewal forms, license
24 certificates, and initial license applications;
25 requiring each initial application for licensure as an
26 independent motor vehicle dealer received by the
27 department to be accompanied by certain verification
28 of attending training and an information seminar;
29 providing seminar and training requirements; providing

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30 an exemption; authorizing the department to adopt
31 certain rules; providing that the curriculum for
32 certain subjects is approved by any and all other
33 regulatory agencies having jurisdiction over the
34 specific subject matters; requiring that the overall
35 administration of the licensing of dealer schools and
36 their instructors remains with the department;
37 authorizing the schools to charge a fee for training;
38 requiring the department to deliver or mail to each
39 licensee the necessary renewal forms within a
40 specified period; requiring independent motor vehicle
41 dealers to complete certain certification relating to
42 continuing education, subject to certain requirements;
43 defining the term "dealer"; providing requirements for
44 continuing education; requiring dealer schools to
45 provide certificates of completion to the department
46 and customer; authorizing the schools to charge a fee
47 for providing continuing education; requiring
48 franchised motor vehicle dealers to complete certain
49 industry certification, subject to certain
50 requirements; authorizing a certain association to
51 charge a fee for providing the industry certification;
52 authorizing such certification to be accomplished by a
53 certain designated person under certain circumstances;
54 providing certification requirements; requiring
55 designated individuals to receive certificates of
56 completion; requiring a licensee who seeks to satisfy
57 the certification through a dealership group to
58 provide the department with certain evidence at the

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59 time of filing the certificate of completion;
60 requiring licensees who do not file their application
61 and any other requisite documents with, and pay the
62 fees to, the department within a specified period to
63 cease engaging in business; providing fees for a
64 renewal or new application filed with the department
65 within specified periods after the expiration date;
66 authorizing a license certificate to be modified to
67 show a change in the name of the licensee, subject to
68 certain requirements; requiring a specified fee for
69 such modification; conforming provisions to changes
70 made by the act; providing an effective date.

71
72 Be It Enacted by the Legislature of the State of Florida:

73
74 Section 1. Paragraphs (c) and (d) of subsection (1) and
75 subsections (2), (3), and (4) of section 320.27, Florida
76 Statutes, are amended to read:

77 320.27 Motor vehicle dealers.—

78 (1) DEFINITIONS.—The following words, terms, and phrases
79 when used in this section have the meanings respectively
80 ascribed to them in this subsection, except where the context
81 clearly indicates a different meaning:

82 (c) "Motor vehicle dealer" means any person engaged in the
83 business of buying, selling, or leasing ~~dealing in~~ motor
84 vehicles or offering or displaying motor vehicles for sale or
85 lease at wholesale or retail, or who may service and repair
86 motor vehicles pursuant to an agreement as defined in s.
87 320.60(1). Any person who buys, sells, or leases ~~deals in~~ three

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88 or more motor vehicles in any 12-month period or who offers or
89 displays for sale or lease three or more motor vehicles in any
90 12-month period shall be prima facie presumed to be ~~engaged in~~
91 ~~such business~~ a motor vehicle dealer. Any person who engages in
92 any of the following activities shall be deemed to be a motor
93 vehicle dealer: possessing, storing, or displaying motor
94 vehicles for retail sale or lease by the person; advertising
95 motor vehicles held in inventory by the person for retail sale
96 or lease by the person; compensating customers for vehicles at
97 wholesale or retail, also known as trade-ins; negotiating with
98 customers regarding the terms of sale or lease for a motor
99 vehicle; providing test drives of motor vehicles offered for
100 retail sale or lease by the person; delivering or arranging for
101 the delivery of a motor vehicle in conjunction with the retail
102 sale or lease of the motor vehicle; or offering to sell a motor
103 vehicle service agreement at the time of the retail sale or
104 lease of a motor vehicle. ~~The terms "selling" and "sale" include~~
105 ~~lease-purchase transactions~~. A motor vehicle dealer may, at
106 retail or wholesale, sell a recreational vehicle as described in
107 s. 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale
108 of a motor vehicle, provided such acquisition is incidental to
109 the principal business of being a motor vehicle dealer. However,
110 a motor vehicle dealer may not buy a recreational vehicle for
111 the purpose of resale unless licensed as a recreational vehicle
112 dealer pursuant to s. 320.771. ~~A motor vehicle dealer may apply~~
113 ~~for a certificate of title to a motor vehicle required to be~~
114 ~~registered under s. 320.08(2)(b), (c), and (d), using a~~
115 ~~manufacturer's statement of origin as permitted by s. 319.23(1),~~
116 ~~only if such dealer is authorized by a franchised agreement as~~

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117 ~~defined in s. 320.60(1), to buy, sell, or deal in such vehicle~~
118 ~~and is authorized by such agreement to perform delivery and~~
119 ~~preparation obligations and warranty defect adjustments on the~~
120 ~~motor vehicle; provided this limitation shall not apply to~~
121 ~~recreational vehicles, van conversions, or any other motor~~
122 ~~vehicle manufactured on a truck chassis. The transfer of a motor~~
123 ~~vehicle by a dealer not meeting these qualifications shall be~~
124 ~~titled as a used vehicle. The classifications of motor vehicle~~
125 ~~dealers are defined as follows:~~

126 1. "Franchised motor vehicle dealer" means any person who
127 engages in the business of repairing, servicing, buying,
128 selling, or leasing ~~dealing in~~ motor vehicles pursuant to an
129 agreement as defined in s. 320.60(1). A motor vehicle dealer may
130 apply for a certificate of title to a motor vehicle required to
131 be registered under s. 320.08(2)(b), (c), or (d) or s.
132 320.08(3)(a), (b), or (c), using a manufacturer's statement of
133 origin as required by s. 319.23(1), only if such dealer is
134 authorized by a franchise agreement as defined in s. 320.60(1)
135 to buy, sell, or deal in such vehicles and is authorized by such
136 agreement to perform delivery and preparation obligations and
137 warranty defect adjustments on the motor vehicle. This
138 limitation does not apply to recreational vehicles, van
139 conversions, or any other motor vehicle manufactured on a truck
140 chassis.

141 2. "Independent motor vehicle dealer" means any person
142 other than a franchised or wholesale motor vehicle dealer who
143 engages in the business of buying, selling, or leasing ~~dealing~~
144 ~~in~~ motor vehicles, and who may service and repair motor
145 vehicles.

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146 3. "Wholesale motor vehicle dealer" means any person who
147 engages exclusively in the business of buying or, selling, ~~or~~
148 ~~dealing in~~ motor vehicles at wholesale or with motor vehicle
149 auctions. Such person shall be licensed to do business in this
150 state, shall not sell or auction a vehicle to any person who is
151 not a licensed dealer, and shall not have the privilege of the
152 use of dealer license plates. Any person who buys, sells, or
153 deals in motor vehicles at wholesale or with motor vehicle
154 auctions on behalf of a licensed motor vehicle dealer and as a
155 bona fide employee of such licensed motor vehicle dealer is not
156 required to be licensed as a wholesale motor vehicle dealer. In
157 such cases it shall be prima facie presumed that a bona fide
158 employer-employee relationship exists. A wholesale motor vehicle
159 dealer shall be exempt from the display provisions of this
160 section but shall maintain an office wherein records are kept in
161 order that those records may be inspected.

162 4. "Motor vehicle auction" means any person offering motor
163 vehicles or recreational vehicles for sale to the highest bidder
164 where buyers are licensed motor vehicle dealers. Such person
165 shall not sell a vehicle to anyone other than a licensed motor
166 vehicle dealer.

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

170
171 Notwithstanding anything in this subsection to the contrary, the
172 term "motor vehicle dealer" does not include persons not engaged
173 in the purchase or sale of motor vehicles as a business who are
174 disposing of vehicles acquired for their own use or for use in

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175 their business or acquired by foreclosure or by operation of
176 law, provided such vehicles are acquired and sold in good faith
177 and not for the purpose of avoiding the provisions of this law;
178 persons engaged in the business of manufacturing, selling, or
179 offering or displaying for sale at wholesale or retail no more
180 than 25 trailers in a 12-month period; public officers while
181 performing their official duties; receivers; trustees,
182 administrators, executors, guardians, or other persons appointed
183 by, or acting under the judgment or order of, any court; banks,
184 finance companies, or other loan agencies that acquire motor
185 vehicles as an incident to their regular business; motor vehicle
186 brokers; persons whose sole dealing in motor vehicles is owning
187 a publication in, or hosting a website on, which licensed motor
188 vehicle dealers display vehicles for sale; persons primarily
189 engaged in the business of the short-term rental of motor
190 vehicles, which rental term may not exceed 12 months, who are
191 not also involved in the retail sale of motor vehicles; and
192 motor vehicle rental and leasing companies that sell motor
193 vehicles only to motor vehicle dealers licensed under this
194 section. Vehicles owned under circumstances described in this
195 paragraph may be disposed of at retail, wholesale, or auction,
196 unless otherwise restricted. A manufacturer of fire trucks,
197 ambulances, or school buses may sell such vehicles directly to
198 governmental agencies or to persons who contract to perform or
199 provide firefighting, ambulance, or school transportation
200 services exclusively to governmental agencies without processing
201 such sales through dealers if such fire trucks, ambulances,
202 school buses, or similar vehicles are not presently available
203 through motor vehicle dealers licensed by the department.

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204 (d) "Motor vehicle broker" means any person engaged in the
205 business of, or who holds himself or herself out through
206 solicitation, advertisement, or other means as being in the
207 business of, assisting ~~offering to procure or procuring motor~~
208 ~~vehicles for the general public in purchasing or leasing a motor~~
209 vehicle from a licensed motor vehicle dealer, ~~or who holds~~
210 ~~himself or herself out through solicitation, advertisement, or~~
211 ~~otherwise as one who offers to procure or procures motor~~
212 ~~vehicles for the general public,~~ and who does not store,
213 display, or take ownership of any vehicles for the purpose of
214 selling such vehicles. Any advertisement or solicitation by a
215 motor vehicle broker must include notice that the broker is
216 receiving a fee and must clearly state that the broker is not a
217 licensed motor vehicle dealer. A licensed manufacturer,
218 distributor, or importer is not considered a motor vehicle
219 broker.

220 (2) LICENSE REQUIRED.—No person shall engage in business
221 as, serve in the capacity of, or act as a motor vehicle dealer
222 or motor vehicle broker in this state without first obtaining a
223 license therefor in the appropriate classification as provided
224 in this section. With the exception of transactions with motor
225 vehicle auctions, no person other than a licensed motor vehicle
226 dealer may advertise for sale or lease any motor vehicle
227 belonging to another party unless as a direct result of a bona
228 fide legal proceeding, court order, settlement of an estate, ~~or~~
229 by contract with a motor vehicle dealer, or by operation of law.
230 However, owners of motor vehicles titled in their names may
231 advertise and offer vehicles for sale on their own behalf. It
232 shall be unlawful for a licensed motor vehicle dealer to allow

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233 any person other than a bona fide employee to use the motor
234 vehicle dealer license for the purpose of acting in the capacity
235 of or conducting motor vehicle sales transactions as a motor
236 vehicle dealer. Any person acting ~~selling or offering a motor~~
237 ~~vehicle for sale~~ in violation of the licensing requirements of
238 this subsection, or who misrepresents to any person its
239 relationship with any manufacturer, importer, or distributor, in
240 addition to the penalties provided herein, shall be deemed to
241 have committed ~~guilty of~~ an unfair and deceptive trade practice
242 ~~as defined~~ in violation of part II of chapter 501 and shall be
243 subject to the provisions of subsections (8) and (9).

244 (3) APPLICATION AND FEE.—The application for the license
245 shall be in such form as may be prescribed by the department and
246 shall be subject to such rules with respect thereto as may be so
247 prescribed by it. Such application shall be verified by oath or
248 affirmation and shall contain a full statement of the name and
249 birth date of the person or persons applying therefor; the name
250 of the firm or copartnership, with the names and places of
251 residence of all members thereof, if such applicant is a firm or
252 copartnership; the names and places of residence of the
253 principal officers, if the applicant is a body corporate or
254 other artificial body; the name of the state under whose laws
255 the corporation is organized; the present and former place or
256 places of residence of the applicant; and prior business in
257 which the applicant has been engaged and the location thereof.
258 Such application shall describe the exact location of the place
259 of business and shall state whether the place of business is
260 owned by the applicant and when acquired, or, if leased, a true
261 copy of the lease shall be attached to the application. The

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262 applicant shall certify that the location provides an adequately
263 equipped office and is not a residence; that the location
264 affords sufficient unoccupied space upon and within which
265 adequately to store all motor vehicles offered and displayed for
266 sale; and that the location is a suitable place where the
267 applicant can in good faith carry on such business and keep and
268 maintain books, records, and files necessary to conduct such
269 business, which shall be available at all reasonable hours to
270 inspection by the department or any of its inspectors or other
271 employees. The applicant shall certify that the business of a
272 motor vehicle dealer is the principal business which shall be
273 conducted at that location. The application shall contain a
274 statement that the applicant is: either franchised by a
275 manufacturer of motor vehicles, in which case the name of each
276 motor vehicle that the applicant is franchised to sell shall be
277 included; ~~or~~ an independent (nonfranchised) motor vehicle
278 dealer; or a motor vehicle broker. The application shall contain
279 other relevant information as may be required by the department,
280 including evidence that the applicant is insured under a garage
281 liability insurance policy or a general liability insurance
282 policy coupled with a business automobile policy, which shall
283 include, at a minimum, \$25,000 combined single-limit liability
284 coverage including bodily injury and property damage protection
285 and \$10,000 personal injury protection. However, a salvage motor
286 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
287 from the requirements for garage liability insurance and
288 personal injury protection insurance on those vehicles that
289 cannot be legally operated on roads, highways, or streets in
290 this state. Franchise dealers must submit a garage liability

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291 insurance policy, and all other dealers must submit a garage
292 liability insurance policy or a general liability insurance
293 policy coupled with a business automobile policy. Such policy
294 shall be for the license period, and evidence of a new or
295 continued policy shall be delivered to the department at the
296 beginning of each license period. Upon making initial
297 application, the applicant shall pay to the department a fee of
298 \$300 in addition to any other fees required by law. Applicants
299 may choose to extend the licensure period for 1 additional year
300 for a total of 2 years. An initial applicant shall pay to the
301 department a fee of \$300 for the first year and \$75 for the
302 second year, in addition to any other fees required by law. An
303 applicant for renewal shall pay to the department \$75 for a 1-
304 year renewal or \$150 for a 2-year renewal, in addition to any
305 other fees required by law. Upon making an application for a
306 change of location, the person shall pay a fee of \$50 in
307 addition to any other fees now required by law. The department
308 shall, in the case of every application for initial licensure,
309 verify whether certain facts set forth in the application are
310 true. Each applicant, general partner in the case of a
311 partnership, or corporate officer and director in the case of a
312 corporate applicant, must file a set of fingerprints with the
313 department for the purpose of determining any prior criminal
314 record or any outstanding warrants. The department shall submit
315 the fingerprints to the Department of Law Enforcement for state
316 processing and forwarding to the Federal Bureau of Investigation
317 for federal processing. The actual cost of state and federal
318 processing shall be borne by the applicant and is in addition to
319 the fee for licensure. The department may issue a license to an

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320 applicant pending the results of the fingerprint investigation,
321 which license is fully revocable if the department subsequently
322 determines that any facts set forth in the application are not
323 true or correctly represented.

324 (4) LICENSE CERTIFICATE.—

325 (a) An initial A license certificate shall be issued by the
326 department in accordance with such application when the
327 application is regular in form and in compliance with the
328 provisions of this section. The license certificate may be in
329 the form of a document or a computerized card as determined by
330 the department. The actual cost of each original, additional, or
331 replacement computerized card shall be borne by the licensee and
332 is in addition to the fee for licensure. Such license, when so
333 issued, entitles the licensee to carry on and conduct the
334 business of a motor vehicle dealer or broker. Each license
335 issued to a franchise motor vehicle dealer or motor vehicle
336 broker expires on December 31 of the year of its expiration
337 unless revoked or suspended prior to that date. Each license
338 issued to an independent or wholesale dealer or auction expires
339 on April 30 of the year of its expiration unless revoked or
340 suspended prior to that date. ~~At least 60 days before the~~
341 ~~license expiration date, the department shall deliver or mail to~~
342 ~~each licensee the necessary renewal forms. Each independent~~
343 ~~dealer shall certify that the dealer (owner, partner, officer,~~
344 ~~or director of the licensee, or a full-time employee of the~~
345 ~~licensee that holds a responsible management level position) has~~
346 ~~completed 8 hours of continuing education prior to filing the~~
347 ~~renewal forms with the department. Such certification shall be~~
348 ~~filed once every 2 years. The continuing education shall include~~

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349 ~~at least 2 hours of legal or legislative issues, 1 hour of~~
350 ~~department issues, and 5 hours of relevant motor vehicle~~
351 ~~industry topics. Continuing education shall be provided by~~
352 ~~dealer schools licensed under paragraph (b) either in a~~
353 ~~classroom setting or by correspondence. Such schools shall~~
354 ~~provide certificates of completion to the department and the~~
355 ~~customer which shall be filed with the license renewal form, and~~
356 ~~such schools may charge a fee for providing continuing~~
357 ~~education. Any licensee who does not file his or her application~~
358 ~~and fees and any other requisite documents, as required by law,~~
359 ~~with the department at least 30 days prior to the license~~
360 ~~expiration date shall cease to engage in business as a motor~~
361 ~~vehicle dealer on the license expiration date. A renewal filed~~
362 ~~with the department within 45 days after the expiration date~~
363 ~~shall be accompanied by a delinquent fee of \$100. Thereafter, a~~
364 ~~new application is required, accompanied by the initial license~~
365 ~~fee. A license certificate duly issued by the department may be~~
366 ~~modified by endorsement to show a change in the name of the~~
367 ~~licensee, provided, as shown by affidavit of the licensee, the~~
368 ~~majority ownership interest of the licensee has not changed or~~
369 ~~the name of the person appearing as franchisee on the sales and~~
370 ~~service agreement has not changed. Modification of a license~~
371 ~~certificate to show any name change as herein provided shall not~~
372 ~~require initial licensure or reissuance of dealer tags; however,~~
373 ~~any dealer obtaining a name change shall transact all business~~
374 ~~in and be properly identified by that name. All documents~~
375 ~~relative to licensure shall reflect the new name. In the case of~~
376 ~~a franchise dealer, the name change shall be approved by the~~
377 ~~manufacturer, distributor, or importer. A licensee applying for~~

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378 ~~a name change endorsement shall pay a fee of \$25 which fee shall~~
379 ~~apply to the change in the name of a main location and all~~
380 ~~additional locations licensed under the provisions of subsection~~
381 ~~(5). Each initial license application received by the department~~
382 ~~shall be accompanied by verification that, within the preceding~~
383 ~~6 months, the applicant, or one or more of his or her designated~~
384 ~~employees, has attended a training and information seminar~~
385 ~~conducted by a licensed motor vehicle dealer training school.~~
386 ~~Any applicant for a new franchised motor vehicle dealer license~~
387 ~~who has held a valid franchised motor vehicle dealer license~~
388 ~~continuously for the past 2 years and who remains in good~~
389 ~~standing with the department is exempt from the prelicensing~~
390 ~~training requirement. Such seminar shall include, but is not~~
391 ~~limited to, statutory dealer requirements, which requirements~~
392 ~~include required bookkeeping and recordkeeping procedures,~~
393 ~~requirements for the collection of sales and use taxes, and such~~
394 ~~other information that in the opinion of the department will~~
395 ~~promote good business practices. No seminar may exceed 8 hours~~
396 ~~in length.~~

397 ~~(b) Each initial license application received by the~~
398 ~~department for licensure under subparagraph (1)(c)2. shall be~~
399 ~~accompanied by verification that, within the preceding 6 months,~~
400 ~~the applicant (owner, partner, officer, or director of the~~
401 ~~applicant, or a full-time employee of the applicant that holds a~~
402 ~~responsible management-level position) has successfully~~
403 ~~completed training conducted by a licensed motor vehicle dealer~~
404 ~~training school. Such training must include training in titling~~
405 ~~and registration of motor vehicles, laws relating to unfair and~~
406 ~~deceptive trade practices, laws relating to financing with~~

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407 ~~regard to buy here, pay here operations, and such other~~
408 ~~information that in the opinion of the department will promote~~
409 ~~good business practices. Successful completion of this training~~
410 ~~shall be determined by examination administered at the end of~~
411 ~~the course and attendance of no less than 90 percent of the~~
412 ~~total hours required by such school. Any applicant who had held~~
413 ~~a valid motor vehicle dealer's license continuously within the~~
414 ~~past 2 years and who remains in good standing with the~~
415 ~~department is exempt from the prelicensing requirements of this~~
416 ~~section. The department shall have the authority to adopt any~~
417 ~~rule necessary for establishing the training curriculum; length~~
418 ~~of training, which shall not exceed 8 hours for required~~
419 ~~department topics and shall not exceed an additional 24 hours~~
420 ~~for topics related to other regulatory agencies' instructor~~
421 ~~qualifications; and any other requirements under this section.~~
422 ~~The curriculum for other subjects shall be approved by any and~~
423 ~~all other regulatory agencies having jurisdiction over specific~~
424 ~~subject matters; however, the overall administration of the~~
425 ~~licensing of these dealer schools and their instructors shall~~
426 ~~remain with the department. Such schools are authorized to~~
427 ~~charge a fee.~~

428 (b) Each application for initial licensure as an
429 independent motor vehicle dealer received by the department
430 shall be accompanied by verification that, within the preceding
431 6 months, the applicant or one or more of his or her designated
432 employees has attended a training and information seminar
433 conducted by a licensed motor vehicle dealer training school.
434 Such seminar must include, but need not be limited to, statutory
435 dealer requirements, which include required bookkeeping and

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436 recordkeeping procedures, requirements for the collection of
437 sales and use taxes, and any other information that, in the
438 opinion of the department, will promote good business practices.
439 A seminar may not exceed 8 hours in length. Such training must
440 include instruction in titling and registration of motor
441 vehicles, laws relating to unfair and deceptive trade practices,
442 laws relating to financing with regard to buy-here, pay-here
443 operations, and such other information that in the opinion of
444 the department promotes good business practices. Successful
445 completion of this training shall be determined by examination
446 administered at the end of the seminar and attendance of no less
447 than 90 percent of the total hours required by such school. Any
448 applicant for an independent dealer license who had held a valid
449 motor vehicle dealer license continuously within the past 2
450 years and who remains in good standing with the department is
451 exempt from the prelicensing requirements of this section. The
452 department may adopt any rule necessary for establishing the
453 training curriculum; length of training, which shall not exceed
454 8 hours for required department topics and shall not exceed an
455 additional 24 hours for topics related to other regulatory
456 agencies' instructor qualifications; and any other requirements
457 under this section. The curriculum for other subjects shall be
458 approved by any and all other regulatory agencies having
459 jurisdiction over the specific subject matters; however, the
460 overall administration of the licensing of these dealer schools
461 and their instructors shall remain with the department. Such
462 schools are authorized to charge a fee for training.

463 (c) At least 60 days before the license expiration date,
464 the department shall deliver or mail to each licensee the

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465 necessary renewal forms.

466 1. Each independent motor vehicle dealer must certify that
467 the dealer has completed 8 hours of continuing education before
468 filing the renewal forms with the department. For purposes of
469 this subparagraph, the term "dealer" means an owner, partner,
470 officer, or director of the licensee, or a full-time employee of
471 the licensee that holds a responsible management-level position.
472 Such certification must be filed once every 2 years. The
473 continuing education shall include at least 2 hours of
474 instruction in legal or legislative issues, 1 hour of
475 instruction in department issues, and 5 hours of instruction in
476 relevant motor vehicle industry topics. Continuing education
477 shall be provided by dealer schools licensed under paragraph (b)
478 either in a classroom setting or by correspondence. Such schools
479 shall provide certificates of completion to the department and
480 the customer which must be filed with the license renewal form,
481 and such schools may charge a fee for providing continuing
482 education.

483 2. Each franchised motor vehicle dealer shall certify that
484 the dealer, operator, owner, partner, director, or general
485 manager of the licensee has completed 8 hours of industry
486 certification on legal and legislative issues every 2 years
487 provided by a Florida-based, nonprofit, dealer-owned, statewide
488 industry association of franchised motor vehicle dealers with
489 state and federal compliance credentials approved by the
490 department. Such association may charge a fee for providing the
491 industry certification. In the case of licensees belonging to a
492 dealership group, the required certification may be satisfied
493 for all licensees in the dealership group through completion of

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494 the industry certification by one designated owner, officer,
495 director, or manager of the dealership group. For purposes of
496 this section, a dealership group is two or more licensed
497 franchised motor vehicle dealers with a common owner which has
498 legal or equitable title of at least 80 percent of each dealer
499 in the group. Certification shall be required in a classroom
500 setting in a convenient location within the state and designated
501 individuals shall receive certificates of completion from the
502 organization which must be filed with their license renewal
503 form. A licensee who seeks to satisfy the required certification
504 through a dealership group must provide the department with
505 evidence of the required common ownership at the time of filing
506 the certificate of completion.

507 3. Any licensee who does not file his or her application
508 and any other requisite documents with, and pay the fees to, as
509 required by law, the department at least 30 days before the
510 license expiration date must cease to engage in business as a
511 motor vehicle dealer no later than the license expiration date.
512 A renewal filed with the department within 45 days after the
513 expiration date must be accompanied by a delinquent fee of \$100.
514 Thereafter, a new application is required, accompanied by the
515 initial license fee.

516 (d) A license certificate duly issued by the department may
517 be modified by endorsement to show a change in the name of the
518 licensee, provided, as shown by affidavit of the licensee, the
519 majority ownership interest of the licensee has not changed or
520 the name of the person appearing as franchisee on the sales and
521 service agreement has not changed. Modification of a license
522 certificate to show any name change as provided in this

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523 paragraph does not require initial licensure or reissuance of
524 dealer tags; however, any dealer obtaining a name change shall
525 transact all business in and be properly identified by that
526 name. All documents relative to licensure shall reflect the new
527 name. In the case of a franchised motor vehicle dealer, the name
528 change shall be approved by the manufacturer, distributor, or
529 importer. A licensee applying for a name change endorsement
530 shall pay a fee of \$25 which shall apply to the change in the
531 name of a main location and all additional locations licensed
532 under subsection (5).

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