

By Representative Spratt

1 A bill to be entitled
2 An act relating to motor vehicles; creating the
3 Task Force on the Motor Vehicle Industry within
4 the Department of Highway Safety and Motor
5 Vehicles; providing for membership,
6 organization, and meetings of the task force;
7 providing purposes and duties; providing for
8 interim and final reports; providing for
9 termination of the task force; providing an
10 effective date.

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12 WHEREAS, Florida has approximately 13.5 million
13 registered motor vehicles in the state that will be sold and
14 replaced, many through motor vehicle dealers, and
15 WHEREAS, Florida has approximately 10,313 motor vehicle
16 dealers that buy and sell new and used motor vehicles, and
17 WHEREAS, Florida has 27 motor vehicle auctions that
18 sell over 800,000 vehicles on behalf of Florida dealers,
19 out-of-state dealers, and foreign dealers, and
20 WHEREAS, the state's licensing requirements for motor
21 vehicle dealers are outdated and inadequately addressed by
22 statute, as are the means of enforcing prohibited motor
23 vehicle sales by unlicensed dealers, and
24 WHEREAS, it is the finding of the Legislature that
25 there is a need for an interim task force to be created for
26 the purpose of studying and determining how the state and the
27 motor vehicle industry can best address and meet the problems
28 of motor vehicle dealer licensing requirements, unlicensed
29 persons engaging in business as motor vehicle dealers, and
30 enforcement of current law regulating motor vehicle dealers,
31 NOW, THEREFORE,

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

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3 Section 1. (1) TASK FORCE ON THE MOTOR VEHICLE
4 INDUSTRY.--There is hereby created within the Department of
5 Highway Safety and Motor Vehicles the Task Force on the Motor
6 Vehicle Industry. The task force shall be charged with
7 examining and evaluating the motor vehicle industry in the
8 state, specifically the licensing of motor vehicle dealers,
9 the enforcement of motor vehicle dealer regulations, and the
10 structure and manner in which the Department of Motor Vehicles
11 carries out its regulatory purpose.

12 (2) MEMBERSHIP; ORGANIZATION; MEETINGS.--

13 (a) The task force shall be composed of 12 members, to
14 be appointed by the Governor, the President of the Senate, and
15 the Speaker of the House of Representatives, as follows:

16 1. One representative of the Division of Motor
17 Vehicles of the Department of Highway Safety and Motor
18 Vehicles, to be appointed by the Governor.

19 2. One representative of independent motor vehicle
20 dealers as recommended by the Florida Independent Automobile
21 Dealers Association, to be appointed by the Governor.

22 3. One representative of motor vehicle franchise
23 dealers as recommended by the Florida Automobile Dealers
24 Association, to be appointed by the Governor.

25 4. One representative of the motor vehicle auction
26 industry who is affiliated with an independent motor vehicle
27 auction concern and is recommended by a group affiliated with
28 the National Auto Auction Association, to be appointed by the
29 Governor.

30 5. One representative from the Department of Revenue,
31 to be appointed by the President of the Senate.

1 6. One representative of motor vehicle franchise
2 dealers as recommended by the Florida Automobile Dealers
3 Association, to be appointed by the President of the Senate.

4 7. A Florida tax collector as recommended by the
5 Florida Tax Collectors Association, to be appointed by the
6 President of the Senate.

7 8. One representative from a Better Business Bureau
8 within the state, to be appointed by the President of the
9 Senate.

10 9. One representative from the Division of Consumer
11 Services of the Department of Agriculture and Consumer
12 Services, to be appointed by the Speaker of the House of
13 Representatives.

14 10. One representative of independent motor vehicle
15 dealers as recommended by the Florida Independent Automobile
16 Dealers Association, to be appointed by the Speaker of the
17 House of Representatives.

18 11. One representative of the motor vehicle auction
19 industry who is affiliated with an independent motor vehicle
20 auction concern and is recommended by a group affiliated with
21 the National Auto Auction Association, to be appointed by the
22 Speaker of the House of Representatives.

23 12. One representative of the insurance industry that
24 writes motor vehicle dealer surety bonds, to be appointed by
25 the Speaker of the House of Representatives.

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27 The Division of Motor Vehicles of the Department of Highway
28 Safety and Motor Vehicles, the Division of Consumer Services
29 of the Department of Agriculture and Consumer Services, the
30 Department of Revenue, the Florida Independent Automobile
31 Dealers Association, the Florida Tax Collectors Association,

1 and the Florida Automobile Dealers Association shall submit to
2 the Department of Highway Safety and Motor Vehicles the names
3 of their recommended representatives for selection as
4 appointees to the task force. A person who desires to be
5 considered for appointment to the task force as a
6 representative of the insurance industry or a Better Business
7 Bureau shall submit his or her name and a statement of the
8 designated category he or she proposes to represent to the
9 Department of Highway Safety and Motor Vehicles, which shall
10 forward all recommended names to the appointing authority for
11 the designated category. In order to facilitate and coordinate
12 the efforts of the task force, the Governor, the President of
13 the Senate, and the Speaker of the House of Representatives
14 shall each name a liaison whom the task force may contact for
15 assistance and information during the course of the task
16 force's existence. Members of the task force shall be
17 appointed no later than July 1, 2000.

18 (b) The Governor shall appoint the chair of the task
19 force. Any vacancy in the task force membership shall be
20 filled in the manner of the original appointment.

21 (c) Upon appointment of the members, the task force
22 shall schedule an organizational meeting to be held no later
23 than July 20, 2000. Thereafter, the task force shall meet at
24 least once a month, at the call of the chair, or at the call
25 of a quorum of the task force, at various locations throughout
26 the state to be determined by the task force. A quorum is
27 necessary for the purpose of conducting official business of
28 the task force. Seven members of the task force shall
29 constitute a quorum.

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1 (d) The task force shall use accepted rules of
2 procedure to conduct its meetings. The department shall keep
3 on file a complete record of each meeting.

4 (e) Members of the task force from the private sector
5 shall not be entitled to per diem or travel expenses. Members
6 of the task force who are employees of state agencies shall
7 receive per diem and travel expenses from the budgets of their
8 respective agencies.

9 (f) The Department of Highway Safety and Motor
10 Vehicles shall provide administrative and staff support
11 services relating to the functions of the task force, and
12 members of the task force may request assistance from the
13 Department of Highway Safety and Motor Vehicles as necessary.

14 (3) PURPOSES; DUTIES.--

15 (a) The task force shall conduct an in-depth review of
16 the motor vehicle industry in the state, which shall include,
17 but not be limited to, problems associated with licensing
18 requirements for motor vehicle dealers, unlicensed persons
19 engaging in business as motor vehicle dealers, and enforcement
20 of statutes and rules regulating the motor vehicle industry.
21 The task force shall, in its review, analyze the provisions of
22 chapter 320, Florida Statutes, and any other applicable
23 provisions of state law as they relate to the motor vehicle
24 industry and motor vehicle dealer licensing requirements and
25 enforcement.

26 (b) The task force may, in its discretion:

27 1. Conduct meetings, hearings, and workshops in
28 Tallahassee, and at different locations throughout the state,
29 and take evidence, testimony, and argument at such meetings,
30 hearings, and workshops from state agencies and consumer
31 organizations.

1 2. Examine and evaluate the procedures and methods for
2 approval of an applicant for licensure as a motor vehicle
3 dealer, for establishment of motor vehicle dealer locations,
4 for enforcement actions against unlicensed persons engaging in
5 business as motor vehicle dealers, and for enforcement of
6 existing statutes and rules regulating motor vehicle dealers.

7 3. Assess the roles of the Department of Highway
8 Safety and Motor Vehicles and county tax collectors regarding
9 the motor vehicle industry.

10 (c) Upon completing the review, assessment, and
11 evaluation pursuant to this act, the task force may meet
12 further to consider its accomplishments and to compile its
13 findings into legislative recommendations.

14 (4) INTERIM AND FINAL REPORT; TERMINATION OF TASK
15 FORCE.--By January 31, 2001, the task force shall submit its
16 interim findings and recommendations in the form of a written
17 report to the Governor, the President of the Senate, and the
18 Speaker of the House of Representatives. The task force shall
19 make a final report of its findings and recommendations, which
20 may include proposed legislation, to the Governor, the
21 President of the Senate, and the Speaker of the House of
22 Representatives by March 1, 2001, at which time the task force
23 shall cease to exist.

24 Section 2. This act shall take effect upon becoming a
25 law.

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HOUSE SUMMARY

Creates the Task Force on the Motor Vehicle Industry within the Department of Highway Safety and Motor Vehicles for the purpose of examining and evaluating the motor vehicle industry in the state, specifically the licensing of motor vehicle dealers, the enforcement of motor vehicle dealer regulations, and the structure and manner in which the Department of Motor Vehicles carries out its regulatory purpose. Provides for membership, organization, and meetings of the task force. Provides for an interim report by January 31, 2001, and a final report by March 1, 2001. Provides for termination of the task force on March 1, 2001.