

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Russell offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Remove line(s) 56-108 and insert:

5 that the dealer ~~principal~~ (owner, partner, officer ~~of the~~
6 ~~corporation~~, or director of the licensee, or a full-time
7 employee of the licensee who holds a responsible management-
8 level position) has completed 8 hours of continuing education
9 prior to filing the renewal forms with the department. Such
10 certification shall be filed once every 2 years commencing with
11 the 2006 renewal period. The continuing education shall include
12 at least 2 hours of legal or legislative issues, 1 hour of
13 department issues, and 5 hours of relevant motor vehicle
14 industry topics. Continuing education shall be provided by
15 dealer schools licensed under paragraph (b) either in a
16 classroom setting or by correspondence. Such schools shall
17 provide certificates of completion to the department and the

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18 customer which shall be filed with the license renewal form, and
19 such schools may charge a fee for providing continuing
20 education. Any licensee who does not file his or her application
21 and fees and any other requisite documents, as required by law,
22 with the department at least 30 days prior to the license
23 expiration date shall cease to engage in business as a motor
24 vehicle dealer on the license expiration date. A renewal filed
25 with the department within 45 days after the expiration date
26 shall be accompanied by a delinquent fee of \$100. Thereafter, a
27 new application is required, accompanied by the initial license
28 fee. A license certificate duly issued by the department may be
29 modified by endorsement to show a change in the name of the
30 licensee, provided, as shown by affidavit of the licensee, the
31 majority ownership interest of the licensee has not changed or
32 the name of the person appearing as franchisee on the sales and
33 service agreement has not changed. Modification of a license
34 certificate to show any name change as herein provided shall not
35 require initial licensure or reissuance of dealer tags; however,
36 any dealer obtaining a name change shall transact all business
37 in and be properly identified by that name. All documents
38 relative to licensure shall reflect the new name. In the case of
39 a franchise dealer, the name change shall be approved by the
40 manufacturer, distributor, or importer. A licensee applying for
41 a name change endorsement shall pay a fee of \$25 which fee shall
42 apply to the change in the name of a main location and all
43 additional locations licensed under the provisions of subsection
44 (5). Each initial license application received by the department
45 shall be accompanied by verification that, within the preceding
46 6 months, the applicant, or one or more of his or her designated
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47 employees, has attended a training and information seminar
48 conducted by a licensed motor vehicle dealer training school.
49 Any applicant for a new franchised motor vehicle dealer license
50 who has held a valid franchised motor vehicle dealer license
51 continuously for the past 2 years and who remains in good
52 standing with the department is exempt from the prelicensing
53 training requirement. Such seminar shall include, but is not
54 limited to, statutory dealer requirements, which requirements
55 include required bookkeeping and recordkeeping procedures,
56 requirements for the collection of sales and use taxes, and such
57 other information that in the opinion of the department will
58 promote good business practices. No seminar may exceed 8 hours
59 in length.

60 (b) Each initial license application received by the
61 department for licensure under subparagraph (1)(c)2. must be
62 accompanied by verification that, within the preceding 6 months,
63 the applicant (owner, partner, officer ~~of the corporation~~, or
64 director of the applicant, or a full-time employee of the
65 applicant who holds a responsible management-level position) has
66 successfully completed training conducted by a licensed motor
67 vehicle dealer training school. Such training must include
68 training in titling and registration of motor vehicles, laws
69 relating to unfair and deceptive trade practices, laws relating
70 to financing with regard to buy-here, pay-here operations, and
71 such other information that in the opinion of the department
72 will promote good business practices. Successful completion of
73 this training shall be determined by examination administered at
74 the end of the course and attendance of no less than 90 percent
75 of the total hours required by such school. Any applicant who

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76 | had held a valid motor vehicle dealer's license within the past
77 | 2 years and who remains in good standing with the department is
78 | exempt from the requirements of this paragraph. ~~In the case of~~
79 | ~~nonresident applicants, the requirement to attend such training~~
80 | ~~shall be placed on any employee of the licensee who holds a~~
81 | ~~responsible management level position and who is employed full-~~
82 | ~~time at the motor vehicle dealership.~~ The department shall have
83 | the authority to adopt any rule necessary for establishing the
84 | training curriculum; length of training, which shall not exceed
85 | 8 hours for required department topics and shall not exceed an
86 | additional 24 hours for topics related to other regulatory
87 | agencies' instructor qualifications; and any other requirements
88 | under this section. The curriculum for other subjects shall be
89 | approved by any and all other regulatory agencies having
90 | jurisdiction over specific subject matters; however, the overall
91 | administration of the licensing of these dealer schools and
92 | their instructors shall remain with the department. Such schools
93 | are authorized to charge a fee. This privatized method for
94 | training applicants for dealer licensing pursuant to
95 | subparagraph (1)(c)2. is a pilot program that shall be evaluated
96 | by the department after it has been in operation for a period of
97 | 2 years.

98 |
99 | ===== D I R E C T O R Y A M E N D M E N T =====

100 | Remove line(s) 35-36 and insert:

101 | Section 1. Subsection (4) of section 320.27, Florida
102 | Statutes, is amended to read:

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105 | ===== T I T L E A M E N D M E N T =====

106 | Remove line 7 and insert:

107 | 320.27, F.S.; revising education requirements for
108 | licensure to provide for a full-time, management-level
109 | employee of the applicant or licensee; exempting certain
110 | applicants for a new