

Bill No. CS for SB 1742

Barcode 261170

CHAMBER ACTION

Senate

House

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The Committee on Domestic Security (Sebesta) recommended the following **amendment to amendment** (720760):

**Senate Amendment (with title amendment)**

On page 38, between lines 21 and 22,

insert:

Section 23. Subsection (4) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.--

(4) LICENSE CERTIFICATE.--

(a) A license certificate shall be issued by the department in accordance with such application when the application is regular in form and in compliance with the provisions of this section. The license certificate may be in the form of a document or a computerized card as determined by the department. The actual cost of each original, additional, or replacement computerized card shall be borne by the licensee and is in addition to the fee for licensure. Such license, when so issued, entitles the licensee to carry on and conduct the business of a motor vehicle dealer. Each license

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1 issued to a franchise motor vehicle dealer expires annually on  
2 December 31 unless revoked or suspended prior to that date.  
3 Each license issued to an independent or wholesale dealer or  
4 auction expires annually on April 30 unless revoked or  
5 suspended prior to that date. Not less than 60 days prior to  
6 the license expiration date, the department shall deliver or  
7 mail to each licensee the necessary renewal forms. Each  
8 independent dealer shall certify that the dealer ~~principal~~  
9 (owner, partner, officer ~~of the corporation,~~ or director of  
10 the licensee, or a full-time employee of the licensee that  
11 holds a responsible management-level position) has completed 8  
12 hours of continuing education prior to filing the renewal  
13 forms with the department. Such certification shall be filed  
14 once every 2 years commencing with the 2006 renewal period.  
15 The continuing education shall include at least 2 hours of  
16 legal or legislative issues, 1 hour of department issues, and  
17 5 hours of relevant motor vehicle industry topics. Continuing  
18 education shall be provided by dealer schools licensed under  
19 paragraph (b) either in a classroom setting or by  
20 correspondence. Such schools shall provide certificates of  
21 completion to the department and the customer which shall be  
22 filed with the license renewal form, and such schools may  
23 charge a fee for providing continuing education. Any licensee  
24 who does not file his or her application and fees and any  
25 other requisite documents, as required by law, with the  
26 department at least 30 days prior to the license expiration  
27 date shall cease to engage in business as a motor vehicle  
28 dealer on the license expiration date. A renewal filed with  
29 the department within 45 days after the expiration date shall  
30 be accompanied by a delinquent fee of \$100. Thereafter, a new  
31 application is required, accompanied by the initial license

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1 fee. A license certificate duly issued by the department may  
2 be modified by endorsement to show a change in the name of the  
3 licensee, provided, as shown by affidavit of the licensee, the  
4 majority ownership interest of the licensee has not changed or  
5 the name of the person appearing as franchisee on the sales  
6 and service agreement has not changed. Modification of a  
7 license certificate to show any name change as herein provided  
8 shall not require initial licensure or reissuance of dealer  
9 tags; however, any dealer obtaining a name change shall  
10 transact all business in and be properly identified by that  
11 name. All documents relative to licensure shall reflect the  
12 new name. In the case of a franchise dealer, the name change  
13 shall be approved by the manufacturer, distributor, or  
14 importer. A licensee applying for a name change endorsement  
15 shall pay a fee of \$25 which fee shall apply to the change in  
16 the name of a main location and all additional locations  
17 licensed under the provisions of subsection (5). Each initial  
18 license application received by the department shall be  
19 accompanied by verification that, within the preceding 6  
20 months, the applicant, or one or more of his or her designated  
21 employees, has attended a training and information seminar  
22 conducted by a licensed motor vehicle dealer training school.  
23 Any applicant for a new franchised motor vehicle dealer  
24 license who has held a valid franchised motor vehicle dealer  
25 license continuously for the past 2 years and who remains in  
26 good standing with the department is exempt from the  
27 prelicensing training requirement. Such seminar shall include,  
28 but is not limited to, statutory dealer requirements, which  
29 requirements include required bookkeeping and recordkeeping  
30 procedures, requirements for the collection of sales and use  
31 taxes, and such other information that in the opinion of the

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1 department will promote good business practices. No seminar  
2 may exceed 8 hours in length.

3 (b) Each initial license application received by the  
4 department for licensure under subparagraph (1)(c)2. must be  
5 accompanied by verification that, within the preceding 6  
6 months, the applicant (owner, partner, officer ~~of the~~  
7 ~~corporation,~~ or director of the applicant, or a full-time  
8 employee of the applicant that holds a responsible  
9 management-level position) has successfully completed training  
10 conducted by a licensed motor vehicle dealer training school.  
11 Such training must include training in titling and  
12 registration of motor vehicles, laws relating to unfair and  
13 deceptive trade practices, laws relating to financing with  
14 regard to buy-here, pay-here operations, and such other  
15 information that in the opinion of the department will promote  
16 good business practices. Successful completion of this  
17 training shall be determined by examination administered at  
18 the end of the course and attendance of no less than 90  
19 percent of the total hours required by such school. Any  
20 applicant who had held a valid motor vehicle dealer's license  
21 within the past 2 years and who remains in good standing with  
22 the department is exempt from the requirements of this  
23 paragraph. ~~In the case of nonresident applicants, the~~  
24 ~~requirement to attend such training shall be placed on any~~  
25 ~~employee of the licensee who holds a responsible~~  
26 ~~management-level position and who is employed full-time at the~~  
27 ~~motor vehicle dealership.~~ The department shall have the  
28 authority to adopt any rule necessary for establishing the  
29 training curriculum; length of training, which shall not  
30 exceed 8 hours for required department topics and shall not  
31 exceed an additional 24 hours for topics related to other

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1 regulatory agencies' instructor qualifications; and any other  
 2 requirements under this section. The curriculum for other  
 3 subjects shall be approved by any and all other regulatory  
 4 agencies having jurisdiction over specific subject matters;  
 5 however, the overall administration of the licensing of these  
 6 dealer schools and their instructors shall remain with the  
 7 department. Such schools are authorized to charge a fee.  
 8 This privatized method for training applicants for dealer  
 9 licensing pursuant to subparagraph (1)(c)2. is a pilot program  
 10 that shall be evaluated by the department after it has been in  
 11 operation for a period of 2 years.

12  
13 (Redesignate subsequent sections.)

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15  
16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 71, line 13, after the semicolon

19  
20 insert:

21 amending s. 320.27, F.S.; exempting certain  
 22 applicants for a new franchised motor vehicle  
 23 dealer license from certain training  
 24 requirements;