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LEGISLATIVE ACTION

Senate

House

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Floor: 4/AD/2R

04/27/2011 03:09 PM

Senator Storms moved the following:

Senate Amendment (with title amendment)

Between lines 3110 and 3111

insert:

Section 82. Subsection (3) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(3) APPLICATION AND FEE.—The application for the license shall be in such form as may be prescribed by the department and shall be subject to such rules with respect thereto as may be so prescribed by it. Such application shall be verified by oath or affirmation and shall contain a full statement of the name and birth date of the person or persons applying therefor; the name



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14 of the firm or copartnership, with the names and places of
15 residence of all members thereof, if such applicant is a firm or
16 copartnership; the names and places of residence of the
17 principal officers, if the applicant is a body corporate or
18 other artificial body; the name of the state under whose laws
19 the corporation is organized; the present and former place or
20 places of residence of the applicant; and prior business in
21 which the applicant has been engaged and the location thereof.
22 Such application shall describe the exact location of the place
23 of business and shall state whether the place of business is
24 owned by the applicant and when acquired, or, if leased, a true
25 copy of the lease shall be attached to the application. The
26 applicant shall certify that the location provides an adequately
27 equipped office and is not a residence; that the location
28 affords sufficient unoccupied space upon and within which
29 adequately to store all motor vehicles offered and displayed for
30 sale; and that the location is a suitable place where the
31 applicant can in good faith carry on such business and keep and
32 maintain books, records, and files necessary to conduct such
33 business, which will be available at all reasonable hours to
34 inspection by the department or any of its inspectors or other
35 employees. The applicant shall certify that the business of a
36 motor vehicle dealer is the principal business which shall be
37 conducted at that location. Such application shall contain a
38 statement that the applicant is either franchised by a
39 manufacturer of motor vehicles, in which case the name of each
40 motor vehicle that the applicant is franchised to sell shall be
41 included, or an independent (nonfranchised) motor vehicle
42 dealer. Such application shall contain such other relevant



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43 information as may be required by the department, including
44 evidence that the applicant is insured under a garage liability
45 insurance policy or a general liability insurance policy coupled
46 with a business automobile policy, which shall include, at a
47 minimum, \$25,000 combined single-limit liability coverage
48 including bodily injury and property damage protection and
49 \$10,000 personal injury protection. The requirements for garage
50 liability insurance and personal injury protection do not apply
51 to a salvage motor vehicle dealer as defined in s.
52 320.27(1)(c)5. Franchise dealers must submit a garage liability
53 insurance policy, and all other dealers must submit a garage
54 liability insurance policy or a general liability insurance
55 policy coupled with a business automobile policy. Such policy
56 shall be for the license period, and evidence of a new or
57 continued policy shall be delivered to the department at the
58 beginning of each license period. Upon making initial
59 application, the applicant shall pay to the department a fee of
60 \$300 in addition to any other fees now required by law; upon
61 making a subsequent renewal application, the applicant shall pay
62 to the department a fee of \$75 in addition to any other fees now
63 required by law. Upon making an application for a change of
64 location, the person shall pay a fee of \$50 in addition to any
65 other fees now required by law. The department shall, in the
66 case of every application for initial licensure, verify whether
67 certain facts set forth in the application are true. Each
68 applicant, general partner in the case of a partnership, or
69 corporate officer and director in the case of a corporate
70 applicant, must file a set of fingerprints with the department
71 for the purpose of determining any prior criminal record or any



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72 outstanding warrants. The department shall submit the
73 fingerprints to the Department of Law Enforcement for state
74 processing and forwarding to the Federal Bureau of Investigation
75 for federal processing. The actual cost of state and federal
76 processing shall be borne by the applicant and is in addition to
77 the fee for licensure. The department may issue a license to an
78 applicant pending the results of the fingerprint investigation,
79 which license is fully revocable if the department subsequently
80 determines that any facts set forth in the application are not
81 true or correctly represented.

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Between lines 296 and 297

86 insert:

87 amending s. 320.27, F.S.; exempting salvage motor
88 vehicle dealers from certain insurance requirements;