

1 A bill to be entitled
 2 An act relating to continuing education for licensed
 3 motor vehicle dealers; amending s. 320.27, F.S.;
 4 requiring the Department of Highway Safety and Motor
 5 Vehicles to deliver a statement to each licensee
 6 regarding continuing education or industry
 7 certification requirements; revising the time period
 8 in which certain documents may be filed; requiring a
 9 license renewal application for a franchised motor
 10 vehicle dealer to certify that the dealer has
 11 completed specified industry certification
 12 requirements; providing requirements for the provision
 13 of such certification; requiring provision of
 14 certificates of completion to the department and the
 15 customer; authorizing industry certification to be
 16 completed by a single designated owner, officer,
 17 director, or manager on behalf of members of a
 18 dealership group; defining the term "dealership
 19 group"; requiring certain licensees to provide the
 20 department with evidence of common ownership in a
 21 dealership group when filing a certificate of
 22 completion; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:
 25

HB 425

2019

26 Section 1. Subsection (4) of section 320.27, Florida
27 Statutes, is amended to read:

28 320.27 Motor vehicle dealers.—

29 (4) LICENSE CERTIFICATE.—

30 (a) A license certificate shall be issued by the
31 department in accordance with such application when the
32 application is regular in form and in compliance with ~~the~~
33 ~~provisions of~~ this section. The license certificate may be in
34 the form of a document or a computerized card as determined by
35 the department. The actual cost of each original, additional, or
36 replacement computerized card shall be borne by the licensee and
37 is in addition to the fee for licensure. Such license, when so
38 issued, entitles the licensee to carry on and conduct the
39 business of a motor vehicle dealer. Each license issued to a
40 franchise motor vehicle dealer expires on December 31 of the
41 year of its expiration unless revoked or suspended before ~~prior~~
42 ~~to~~ that date. Each license issued to an independent or wholesale
43 dealer or auction expires on April 30 of the year of its
44 expiration unless revoked or suspended before ~~prior to~~ that
45 date. At least 60 days before the license expiration date, the
46 department shall deliver or mail to each licensee the necessary
47 renewal forms, along with a statement that the licensee is
48 required to complete any applicable continuing education or
49 industry certification requirements. ~~Each independent dealer~~
50 ~~shall certify that the dealer (owner, partner, officer, or~~

51 ~~director of the licensee, or a full-time employee of the~~
52 ~~licensee that holds a responsible management level position) has~~
53 ~~completed 8 hours of continuing education prior to filing the~~
54 ~~renewal forms with the department. Such certification shall be~~
55 ~~filed once every 2 years. The continuing education shall include~~
56 ~~at least 2 hours of legal or legislative issues, 1 hour of~~
57 ~~department issues, and 5 hours of relevant motor vehicle~~
58 ~~industry topics. Continuing education shall be provided by~~
59 ~~dealer schools licensed under paragraph (b) either in a~~
60 ~~classroom setting or by correspondence. Such schools shall~~
61 ~~provide certificates of completion to the department and the~~
62 ~~customer which shall be filed with the license renewal form, and~~
63 ~~such schools may charge a fee for providing continuing~~
64 ~~education.~~ Any licensee who does not file his or her application
65 and fees and any other requisite documents, as required by law,
66 before ~~with the department at least 30 days prior to~~ the license
67 expiration date shall cease to engage in business as a motor
68 vehicle dealer on the license expiration date. A renewal filed
69 with the department within 45 days after the expiration date
70 shall be accompanied by a delinquent fee of \$100. Thereafter, a
71 new application is required, accompanied by the initial license
72 fee. A license certificate duly issued by the department may be
73 modified by endorsement to show a change in the name of the
74 licensee, provided, as shown by affidavit of the licensee, the
75 majority ownership interest of the licensee has not changed or

76 | the name of the person appearing as franchisee on the sales and
77 | service agreement has not changed. Modification of a license
78 | certificate to show any name change as ~~herein~~ provided in this
79 | paragraph shall not require initial licensure or reissuance of
80 | dealer tags; however, any dealer obtaining a name change shall
81 | transact all business in and be properly identified by that
82 | name. All documents relative to licensure shall reflect the new
83 | name. In the case of a franchise dealer, the name change shall
84 | be approved by the manufacturer, distributor, or importer. A
85 | licensee applying for a name change endorsement shall pay a fee
86 | of \$25, which ~~fee~~ shall apply to the change in the name of a
87 | main location and all additional locations licensed under ~~the~~
88 | ~~provisions of~~ subsection (5). Each initial license application
89 | received by the department shall be accompanied by verification
90 | that, within the preceding 6 months, the applicant, or one or
91 | more of his or her designated employees, has attended a training
92 | and information seminar conducted by a licensed motor vehicle
93 | dealer training school. Any applicant for a new franchised motor
94 | vehicle dealer license who has held a valid franchised motor
95 | vehicle dealer license continuously for the past 2 years and who
96 | remains in good standing with the department is exempt from the
97 | prelicensing training requirement. Such seminar shall include,
98 | but is not limited to, statutory dealer requirements, which
99 | ~~requirements~~ include required bookkeeping and recordkeeping
100 | procedures, requirements for the collection of sales and use

101 taxes, and such other information that in the opinion of the
102 department will promote good business practices. A ~~No~~ seminar
103 may not exceed 8 hours in length.

104 (b) Each initial license application received by the
105 department for licensure under subparagraph (1)(c)2. shall be
106 accompanied by verification that, within the preceding 6 months,
107 the applicant (owner, partner, officer, or director of the
108 applicant, or a full-time employee of the applicant that holds a
109 responsible management-level position) has successfully
110 completed training conducted by a licensed motor vehicle dealer
111 training school. Such training must include training in titling
112 and registration of motor vehicles, laws relating to unfair and
113 deceptive trade practices, laws relating to financing with
114 regard to buy-here, pay-here operations, and such other
115 information that in the opinion of the department will promote
116 good business practices. Successful completion of this training
117 shall be determined by examination administered at the end of
118 the course and attendance of no less than 90 percent of the
119 total hours required by such school. Any applicant who had held
120 a valid motor vehicle dealer's license continuously within the
121 past 2 years and who remains in good standing with the
122 department is exempt from the prelicensing requirements of this
123 section. The department may ~~shall have the authority to~~ adopt
124 any rule necessary for establishing the training curriculum;
125 length of training, which shall not exceed 8 hours for required

126 department topics and shall not exceed an additional 24 hours
127 for topics related to other regulatory agencies' instructor
128 qualifications; and any other requirements under this section.
129 The curriculum for other subjects shall be approved by any and
130 all other regulatory agencies having jurisdiction over specific
131 subject matters; however, the overall administration of the
132 licensing of these dealer schools and their instructors shall
133 remain with the department. Such schools are authorized to
134 charge a fee.

135 (c) Each application received by the department for
136 renewal of a license under subparagraph (1)(c)2. must certify
137 that the dealer (owner, partner, officer, or director of the
138 licensee, or a full-time employee of the licensee that holds a
139 responsible management-level position) has completed 8 hours of
140 continuing education before filing the renewal forms with the
141 department. Such certification must be filed once every 2 years.
142 The continuing education must include at least 2 hours of legal
143 or legislative issues, 1 hour of department issues, and 5 hours
144 of relevant motor vehicle industry topics. Continuing education
145 shall be provided by dealer schools licensed under paragraph (b)
146 either in a classroom setting or by correspondence. Such schools
147 shall provide certificates of completion to the department and
148 the customer which shall be filed with the license renewal form,
149 and such schools may charge a fee for providing continuing
150 education.

151 (d) Each application received by the department for
152 renewal of a license under subparagraph (1)(c)1. must certify
153 that the dealer (dealer operator, owner, partner, officer,
154 director, or general manager of the licensee) has completed 4
155 hours of industry certification on legal and legislative issues
156 each year before filing the renewal forms with the department.
157 Industry certification shall be provided by a Florida-based,
158 nonprofit, dealer-owned, statewide industry association of
159 franchised motor vehicle dealers with state and federal
160 compliance credentials approved by the department and shall be
161 in a classroom setting in convenient locations within the state.
162 Such association shall provide certificates of completion to the
163 department and the customer which shall be filed with the
164 license renewal form. An application for renewal of a license
165 previously issued for 1 year must be accompanied by a
166 certificate establishing completion of 4 hours of industry
167 certification during the previous year. An application for
168 renewal of a license previously issued for 2 years must be
169 accompanied by certificates establishing completion of 8 hours
170 of industry certification, except that renewal of a 2-year
171 license that expires on December 31, 2019, must be accompanied
172 by a certificate establishing completion of 4 hours of industry
173 certification. In the case of licensees belonging to a
174 dealership group, the required industry certification may be
175 satisfied for all licensees in the dealership group through

176 | completion of the industry certification by a single designated
177 | owner, officer, director, or manager of the dealership group.
178 | For purposes of this paragraph, the term "dealership group"
179 | means two or more licensed franchised motor vehicle dealers with
180 | at least one common officer or with common owners having legal
181 | or equitable title of at least 50 percent of each dealer in the
182 | group. A licensee who seeks to satisfy the required industry
183 | certification through a dealership group must provide the
184 | department with evidence of the required common ownership at the
185 | time of filing the certificate of completion.

186 | Section 2. This act shall take effect July 1, 2019.