Transportation Committee

Tuesday, March 14, 2006
3:00 PM - 4:00 PM
404 HOB

ACTION PACKET

Allan G. Bense
Speaker

Ray Sansom
Chair

COMMITTEE MEETING REPORT

Transportation Committee

3/14/2006 3:00:00PM

Location: 404 HOB

Attendance:

	Present	*Absent*	*Excused*
Ray Sansom (Chair)	X		
Dorothy Bendross-Mindingall	X		
Phillip Brutus	X		
Susan Bucher	X		
Dean Cannon	X		
Faye Culp	X		
Greg Evers	X		
Richard Glorioso	X		
Adam Hasner	X		
Stan Jordan	X		
Dick Kravitz	X		
Ron Reagan	X		
Julio Robaina	X		
Yolly Roberson			X
Irving Slosberg	X		
Dwight Stansel	X		
Trudi Williams	X		
Totals:	**16**	**0**	**1**

Committee meeting was reported out: Tuesday, March 14, 2006 4:47:42PM

COMMITTEE MEETING REPORT

Transportation Committee

3/14/2006 3:00:00PM

Location: 404 HOB

HB 963 : License Plates

X *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Dorothy Bendross-Mindingall			X		
Phillip Brutus	X				
Susan Bucher		X			
Dean Cannon	X				
Faye Culp	X				
Greg Evers	X				
Richard Glorioso	X				
Adam Hasner	X				
Stan Jordan	X				
Dick Kravitz	X				
Ron Reagan	X				
Julio Robaina	X				
Yolly Roberson			X		
Irving Slosberg	X				
Dwight Stansel	X				
Trudi Williams	X				
Ray Sansom (Chair)	X				
	Total Yeas: 14	**Total Nays: 1**			

Committee meeting was reported out: Tuesday, March 14, 2006 4:47:42PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. 963

COUNCIL/COMMITTEE ACTION

ADOPTED __ (Y/N)

ADOPTED AS AMENDED __ (Y/N)

ADOPTED W/O OBJECTION X (Y/N)

FAILED TO ADOPT __ (Y/N)

WITHDRAWN __ (Y/N)

OTHER ____

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1 Council/Committee hearing bill: Transportation
2 Representative(s) Gannon offered the following:
3
4 **Amendment (with title amendment)**
5 Remove everything after the enacting clause and insert:
6 Section 1. Paragraph (fff) is added to subsection (4) of
7 section 320.08056, Florida Statutes, to read:
8 320.08056 Specialty license plates.--
9 (4) The following license plate annual use fees shall be
10 collected for the appropriate specialty license plates:
11 (fff) Donate Organs-Pass It On license plate, $25.
12 Section 2. Subsection (58) is added to section 320.08058,
13 Florida Statutes, to read:
14 320.08058 Specialty license plates.--
15 (58) DONATE ORGANS-PASS IT ON LICENSE PLATES.--
16 (a) The department shall develop a Donate Organs-Pass It
17 On license plate as provided in this section. The word "Florida"
18 must appear at the top of the plate, and the words "Donate
19 Organs-Pass It On" must appear at the bottom of the plate.
20 (b) The annual use fees shall be distributed to Transplant
21 Foundation, Inc., a tax-exempt organization under s. 501(c)(3)

22 of the Internal Revenue Code which is affiliated with the
23 University of Miami School of Medicine. Transplant Foundation,
24 Inc., shall use up to 10 percent of the proceeds from the annual
25 use fee for marketing and administrative costs that are directly
26 associated with the management and distribution of the proceeds.
27 The remaining proceeds shall be used to provide statewide grants
28 for patient services, including preoperative, rehabilitative,
29 and housing assistance, organ donor education and awareness
30 programs, and statewide medical research.
31
32 Section 3. This act shall take effect July 1, 2006.
33
34
35 ========== T I T L E A M E N D M E N T ==========
36 Remove the entire title and insert:
37 A bill to be entitled
38 An act relating to license plates; amending ss. 320.08056
39 and 320.08058, F.S.; creating a Donate Organs-Pass It On
40 license plate; providing for the distribution and use of
41 annual use fees received from the sale of such plates;
42 providing an effective date.
43

COMMITTEE MEETING REPORT

Transportation Committee

3/14/2006 3:00:00PM

Location: 404 HOB

HB 1049 : Driver's Licenses

[X] *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Dorothy Bendross-Mindingall	X				
Phillip Brutus	X				
Susan Bucher	X				
Dean Cannon	X				
Faye Culp	X				
Greg Evers	X				
Richard Glorioso	X				
Adam Hasner			X		
Stan Jordan	X				
Dick Kravitz		X			
Ron Reagan	X				
Julio Robaina		X			
Yolly Roberson			X		
Irving Slosberg	X				
Dwight Stansel	X				
Trudi Williams	X				
Ray Sansom (Chair)	X				
	Total Yeas: 13	**Total Nays: 2**			

Appearances:

Driver's Licenses
Jeff Hartley (Lobbyist) - Proponent
Diageo
311 East Park Avenue
Tallahassee Florida
Phone: 850-224-5081

Committee meeting was reported out: Tuesday, March 14, 2006 4:47:42PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. **1049**

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	X	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Transportation
2 Representative(s) Traviesa offered the following:
3
4 **Amendment (with a title amendment)**
5 Remove line(s) 42 and insert:
6 the driver's license of a person 21 years of age or older, other
7
8 ========== T I T L E A M E N D M E N T ==========
9 Remove line(s) 7 and insert:
10 withhold the issuance of, or suspend or revoke, the

COMMITTEE MEETING REPORT

Transportation Committee

3/14/2006 3:00:00PM

Location: 404 HOB

HB 1055 : Specialty License Plates

[X] *Temporarily Deferred*

Appearances:

Specialty License Plate
Michael Dobson, President (Lobbyist) - Information Only
Dobson, Craig & Associates
200 West College Avenue #206
Tallahassee Florida 32301
Phone: 850-222-0441

Committee meeting was reported out: Tuesday, March 14, 2006 4:47:42PM

COMMITTEE MEETING REPORT

Transportation Committee

3/14/2006 3:00:00PM

Location: 404 HOB

HB 1077 : Motor Vehicle Dealership Operations

[X] *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Dorothy Bendross-Mindingall			X		
Phillip Brutus			X		
Susan Bucher			X		
Dean Cannon	X				
Faye Culp	X				
Greg Evers	X				
Richard Glorioso	X				
Adam Hasner	X				
Stan Jordan	X				
Dick Kravitz	X				
Ron Reagan	X				
Julio Robaina	X				
Yolly Roberson			X		
Irving Slosberg	X				
Dwight Stansel	X				
Trudi Williams	X				
Ray Sansom (Chair)	X				
	Total Yeas: 13	**Total Nays: 0**			

Appearances:

Motor Vehicle Dealership Operations
Jill Gran (Lobbyist) - Proponent
Alliance of Automobile Manufacturers
123 S. Calhoun Street
Tallahassee Florida 32301
Phone: 850-222-7500

Motor Vehicle Dealership Operations
Ted Smith, President (Lobbyist) - Proponent
Florida Auto Dealers Association

Committee meeting was reported out: Tuesday, March 14, 2006 4:47:42PM

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	X	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Transportation
2 Representative(s) Russell offered the following:
3
4
5 **Amendment #1 (with title amendment)**
6 Remove everything after the enacting clause and insert:
7
8 Section 1. Paragraph (a) of subsection (4) of section
9 320.27, Florida Statutes, is amended to read:
10 320.27 Motor vehicle dealers.--
11 (4) LICENSE CERTIFICATE.--
12 (a) A license certificate shall be issued by the
13 department in accordance with such application when the
14 application is regular in form and in compliance with the
15 provisions of this section. The license certificate may be in
16 the form of a document or a computerized card as determined by
17 the department. The actual cost of each original, additional, or
18 replacement computerized card shall be borne by the licensee and
19 is in addition to the fee for licensure. Such license, when so
20 issued, entitles the licensee to carry on and conduct the
21 business of a motor vehicle dealer. Each license issued to a

22 franchise motor vehicle dealer expires annually on December 31
23 unless revoked or suspended prior to that date. Each license
24 issued to an independent or wholesale dealer or auction expires
25 annually on April 30 unless revoked or suspended prior to that
26 date. Not less than 60 days prior to the license expiration
27 date, the department shall deliver or mail to each licensee the
28 necessary renewal forms. Each independent dealer shall certify
29 that the dealer principal (owner, partner, officer of the
30 corporation, or director) has completed 8 hours of continuing
31 education prior to filing the renewal forms with the department.
32 Such certification shall be filed once every 2 years commencing
33 with the 2006 renewal period. The continuing education shall
34 include at least 2 hours of legal or legislative issues, 1 hour
35 of department issues, and 5 hours of relevant motor vehicle
36 industry topics. Continuing education shall be provided by
37 dealer schools licensed under paragraph (b) either in a
38 classroom setting or by correspondence. Such schools shall
39 provide certificates of completion to the department and the
40 customer which shall be filed with the license renewal form, and
41 such schools may charge a fee for providing continuing
42 education. Any licensee who does not file his or her application
43 and fees and any other requisite documents, as required by law,
44 with the department at least 30 days prior to the license
45 expiration date shall cease to engage in business as a motor
46 vehicle dealer on the license expiration date. A renewal filed
47 with the department within 45 days after the expiration date
48 shall be accompanied by a delinquent fee of $100. Thereafter, a
49 new application is required, accompanied by the initial license
50 fee. A license certificate duly issued by the department may be
51 modified by endorsement to show a change in the name of the
52 licensee, provided, as shown by affidavit of the licensee, the

53 majority ownership interest of the licensee has not changed or
54 the name of the person appearing as franchisee on the sales and
55 service agreement has not changed. Modification of a license
56 certificate to show any name change as herein provided shall not
57 require initial licensure or reissuance of dealer tags; however,
58 any dealer obtaining a name change shall transact all business
59 in and be properly identified by that name. All documents
60 relative to licensure shall reflect the new name. In the case of
61 a franchise dealer, the name change shall be approved by the
62 manufacturer, distributor, or importer. A licensee applying for
63 a name change endorsement shall pay a fee of $25 which fee shall
64 apply to the change in the name of a main location and all
65 additional locations licensed under the provisions of subsection
66 (5). Each initial license application received by the department
67 shall be accompanied by verification that, within the preceding
68 6 months, the applicant, or one or more of his or her designated
69 employees, has attended a training and information seminar
70 conducted by a licensed motor vehicle dealer training school.
71 Any applicant for a new franchised motor vehicle dealer license
72 who has held a valid franchised motor vehicle dealer license
73 continuously for the past 2 years, and who remains in good
74 standing with the department, is exempt from the prelicensing
75 training requirement. Such seminar shall include, but is not
76 limited to, statutory dealer requirements, which requirements
77 include required bookkeeping and recordkeeping procedures,
78 requirements for the collection of sales and use taxes, and such
79 other information that in the opinion of the department will
80 promote good business practices. No seminar may exceed 8 hours
81 in length.
82 Section 2. Subsection (3) of section 320.60, Florida
83 Statutes, is amended to read:

84 320.60 Definitions for ss. 320.61-320.70.--Whenever used
85 in ss. 320.61-320.70, unless the context otherwise requires, the
86 following words and terms have the following meanings:
87 (3) "Demonstrator" means any new motor vehicle that ~~which~~
88 is carried on the records of the dealer as a demonstrator and is
89 used by, being inspected or driven by the dealer or his or her
90 employees, or driven by prospective customers for the purpose of
91 demonstrating vehicle characteristics in the sale or display of
92 motor vehicles sold by the dealer.
93 Section 3. Subsection (36) is added to section 320.64,
94 Florida Statutes, to read:
95 320.64 Denial, suspension, or revocation of license;
96 grounds.--A license of a licensee under s. 320.61 may be denied,
97 suspended, or revoked within the entire state or at any specific
98 location or locations within the state at which the applicant or
99 licensee engages or proposes to engage in business, upon proof
100 that the section was violated with sufficient frequency to
101 establish a pattern of wrongdoing, and a licensee or applicant
102 shall be liable for claims and remedies provided in ss. 320.695
103 and 320.697 for any violation of any of the following
104 provisions. A licensee is prohibited from committing the
105 following acts:
106 (36)(a) Notwithstanding the terms of any franchise
107 agreement, in addition to any other statutory or contractual
108 rights of recovery after the voluntary or involuntary
109 termination of a franchise, failing to pay the motor vehicle
110 dealer, within 90 days after the effective date of the
111 termination, cancellation, or nonrenewal, the following amounts:
112 1. The net cost paid by the dealer for each new motor
113 vehicle in the dealer's inventory with mileage of 2,000 miles or

114 less, exclusive of mileage placed on the vehicle before it was
115 delivered to the dealer;
116 2. The current price charged for each new, unused,
117 undamaged, or unsold part or accessory that:
118 a. Is in the current parts catalogue and is still in the
119 original, resalable merchandising package and in an unbroken
120 lot, except that sheet metal may be in a comparable substitute
121 for the original package, and
122 b. Was purchased by the dealer directly from the
123 manufacturer or distributor or from an outgoing authorized
124 dealer as a part of the dealer's initial inventory;
125 3. The fair market value of each undamaged sign owned by
126 the dealer which bears a trademark or tradename used or claimed
127 by the applicant or licensee or its representative which was
128 purchased from or at the request of the applicant or licensee or
129 its representative;
130 4. The fair market value of all special tools, data
131 processing equipment, and automotive service equipment owned by
132 the dealer which:
133 a. Were recommended in writing by the applicant or
134 licensee or its representative and designated as special tools
135 and equipment;
136 b. Were purchased from or at the request of the applicant
137 or licensee or its representative; and
138 c. Are in usable and good condition except for reasonable
139 wear and tear; and
140 5. The cost of transporting, handling, packing, storing,
141 and loading any property subject to repurchase under this
142 section.
143 (b) This subsection does not apply to a termination,
144 cancellation, or nonrenewal that is implemented as a result of

145 the sale of the assets or stock of the dealer. The dealer shall
146 return the property listed in this subsection to the licensee
147 within 90 days after the effective date of the termination,
148 cancellation, or nonrenewal. The licensee shall supply the
149 dealer with reasonable instructions regarding the method by
150 which the dealer must return the property. The compensation for
151 the property shall be paid by the licensee within 60 days after
152 the tender of inventory and other items, if the dealer has clear
153 title to the inventory and other items and is in a position to
154 convey that title to the manufacturer or distributor. If the
155 inventory or other items are subject to a security interest, the
156 licensee may make payment jointly to the dealer and the holder
157 of the security interest.
158
159 A motor vehicle dealer who can demonstrate that a violation of,
160 or failure to comply with, any of the preceding provisions by an
161 applicant or licensee will or can adversely and pecuniarily
162 affect the complaining dealer, shall be entitled to pursue all
163 of the remedies, procedures, and rights of recovery available
164 under ss. 320.695 and 320.697.
165 Section 4. Subsections (1) and (5) of section 320.642,
166 Florida Statutes, are amended and subsections (7) and (8) are
167 added to that section, to read:
168 320.642 Dealer licenses in areas previously served;
169 procedure.--
170 (1) Any licensee who proposes to establish an additional
171 motor vehicle dealership or permit the relocation of an existing
172 dealer to a location within a community or territory where the
173 same line-make vehicle is presently represented by a franchised
174 motor vehicle dealer or dealers shall give written notice of its

175 intention ~~by certified mail~~ to the department. Such notice shall
176 state:
177 (a) The specific location at which the additional or
178 relocated motor vehicle dealership will be established.
179 (b) The date on or after which the licensee intends to be
180 engaged in business with the additional or relocated motor
181 vehicle dealer at the proposed location.
182 (c) The identity of all motor vehicle dealers who are
183 franchised to sell the same line-make vehicle with licensed
184 locations in the county or any contiguous county to the county
185 where the additional or relocated motor vehicle dealer is
186 proposed to be located.
187 (d) The names and addresses of the dealer-operator and
188 principal investors in the proposed additional or relocated
189 motor vehicle dealership.
190
191 Immediately upon receipt of such notice the department shall
192 cause a notice to be published in the Florida Administrative
193 Weekly. The published notice shall state that a petition or
194 complaint by any dealer with standing to protest pursuant to
195 subsection (3) must be filed not more than 30 days from the date
196 of publication of the notice in the Florida Administrative
197 Weekly. The published notice shall describe and identify the
198 proposed dealership sought to be licensed, and the department
199 shall cause a copy of the notice to be mailed to those dealers
200 identified in the licensee's notice under paragraph (c).
201 (5)(a) The opening or reopening of the same or a successor
202 motor vehicle dealer within 12 months is ~~shall~~ not ~~be~~ considered
203 an additional motor vehicle dealer subject to protest within the
204 meaning of this section, if:

1. ~~(a)~~ The opening or reopening is within the same or an adjacent county and~~,~~ is within 2 miles of the former motor vehicle dealer location;~~,~~

2. ~~(b)~~ There is no dealer within 25 miles of the proposed location or the proposed location is further from each existing dealer of the same line-make than the prior location is from each dealer of the same line-make within 25 miles of the new location;~~,~~

3. ~~(c)~~ The opening or reopening is within 6 miles of the prior location and, if any existing motor vehicle dealer of the same line-make is located within 15 miles of the former location, the proposed location is no closer to any existing dealer of the same line-make within 15 miles of the proposed location;~~,~~ or

4. ~~(d)~~ The opening or reopening is within 6 miles of the prior location and, if all existing motor vehicle dealers of the same line-make are beyond 15 miles of the former location, the proposed location is further than 15 miles from any existing motor vehicle dealer of the same line-make.

(b) Any other ~~such~~ opening or reopening shall constitute an additional motor vehicle dealer within the meaning of this section.

(c) If a motor vehicle dealer has been opened or reopened pursuant to this subsection, the licensee may not propose a motor vehicle dealer of the same line-make to be located within 4 miles of the previous location of such dealer for 2 years after the date the relocated dealership opens.

(7) Measurements of the distance between proposed or existing dealer locations required by this section shall be taken from the geometric centroid of the property that

235 encompasses all of the existing or proposed motor vehicle dealer
236 operations.
237 (8) The department shall not be obligated to determine the
238 accuracy of any distance asserted by any party in a notice
239 submitted to it. Any dispute concerning a distance measurement
240 asserted by a party shall be resolved by a hearing conducted in
241 accordance with ss. 120.569 and 120.57.
242 Section 5. This act shall take effect July 1, 2006.
243
244
245
246 ========== T I T L E A M E N D M E N T ==========
247 Remove the entire title and insert:
248
249 A bill to be entitled
250 An act relating to motor vehicle dealers; amending s.
251 320.27, F.S.; deleting requirements for certain licensure
252 applicants to attend training seminars; amending s.
253 320.60, F.S.; clarifying the definition of the term
254 "demonstrator"; amending s. 320.64, F.S.; prohibiting a
255 licensee from failing to make certain payments to a motor
256 vehicle dealer after the termination of the dealer's
257 franchise; providing guidelines for specific payments;
258 amending s. 320.642, F.S.; deleting a requirement that
259 certain notices be sent by certified mail; revising
260 criteria for the opening or reopening of the same or a
261 successor dealer within 12 months; limiting the location
262 of a licensee if a dealer has been opened or reopened
263 pursuant to the section; providing criteria for measuring
264 the distance between dealer location; exempting the
265 Department of Highway Safety and Motor Vehicles from

266 determining whether distance requirements are met;
267 specifying that disputes about whether the distance
268 requirements have been met are to be settled by chapter
269 120, F.S., hearings; providing an effective date.
270

COMMITTEE MEETING REPORT

Transportation Committee

3/14/2006 3:00:00PM

Location: 404 HOB

HB 7035 : Review under the Open Government Sunset Review Act regarding Motor Vehicle Crash Reports

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Dorothy Bendross-Mindingall			X		
Phillip Brutus	X				
Susan Bucher	X				
Dean Cannon	X				
Faye Culp	X				
Greg Evers	X				
Richard Glorioso	X				
Adam Hasner	X				
Stan Jordan	X				
Dick Kravitz			X		
Ron Reagan	X				
Julio Robaina	X				
Yolly Roberson			X		
Irving Slosberg	X				
Dwight Stansel	X				
Trudi Williams	X				
Ray Sansom (Chair)	X				
	Total Yeas: 14	**Total Nays: 0**			

Committee meeting was reported out: Tuesday, March 14, 2006 4:47:42PM

COMMITTEE MEETING REPORT

Transportation Committee

3/14/2006 3:00:00PM

Location: 404 HOB

Summary:

Transportation Committee

Tuesday March 14, 2006 03:00 pm

HB 963	Favorable With Committee Substitute	Yeas: 14	Nays: 1
HB 1049	Favorable With Committee Substitute	Yeas: 13	Nays: 2
HB 1055	Temporarily Deferred		
HB 1077	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 7035	Favorable	Yeas: 14	Nays: 0

Committee meeting was reported out: Tuesday, March 14, 2006 4:47:42PM