



Economic Expansion & Infrastructure Council

Action Packet Revised

**March 29, 2007
9:00 am – 12:30 pm
404 House Office Building**

**Marco Rubio
Speaker**

**Rep. Dean Cannon
Chair**

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

Summary:

Economic Expansion & Infrastructure Council

Thursday March 29, 2007 09:00 am

HB 129	Favorable	Yeas: 13	Nays: 0
HB 243	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 251	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 545	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 815	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 841	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 851	Favorable	Yeas: 12	Nays: 0
HB 853	Favorable	Yeas: 13	Nays: 0
HB 979	Favorable	Yeas: 13	Nays: 0
HB 1003	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 1049	Favorable	Yeas: 14	Nays: 0
HB 1305	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 1457	Favorable with Council Substitute	Yeas: 13	Nays: 0
PCB EEIC 07-09	Favorable	Yeas: 14	Nays: 0
PCB EEIC 07-10	Favorable With Amendments	Yeas: 14	Nays: 0

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dean Cannon (Chair)	X		
Gary Aubuchon	X		
Susan Bucher	X		
Edward Bullard	X		
Larry Cretul	X		
Joyce Cusack	X		
Don Davis			X
Mike Davis	X		
Keith Fitzgerald	X		
Richard Glorioso	X		
Doug Holder	X		
Dick Kravitz	X		
Peter Nehr	X		
Pat Patterson	X		
Betty Reed	X		
Totals:	14	0	1

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

HB 129 : Community Contribution Tax Credits

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Community Contribution Tax Credits
 Geoffrey Becker (Lobbyist) - Proponent
 Habitat for Humanity
 Tallahassee FL 32301
 Phone: (850) 205-9000

Community Contribution Tax Credits
 Jeffrey Sharkey - Proponent
 Habitat for Humanity
 106 E. College Ave.
 Tallahassee FL 32301
 Phone: 850 224-1660

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

HB 243 : Limited Liability Companies

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Limited Liability Companies
Rivers Buford (Lobbyist) (State Employee) - Proponent
Department of State
Tampa FL32308 32399-1300
Phone: 850 245-6509

Limited Liability Companies
Martha Edenfield - Proponent
The Real Property Probate & Trust Law Section, FL Bar
215 S. Monroe St., Suite 200
Tallahassee FL 32301

Limited Liability Companies
Bill Wiley (Lobbyist) - Proponent
Business Law Section, FL Bar
3647 Letitia Lane
Tallahassee FL 32312

Motor Vehicle Dealers
Ted Smith - Proponent
FL Automobile Dealers Assn.
400 N. Meridian St.
Tallahassee FL 32301

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

3/29/2007 9:00:00AM

Location: 404 HOB

Motor Vehicle Dealers

David Ramba (Lobbyist) - Proponent

FL Automobile Dealers Assn.

Tallahassee FL 32301

Phone: 850 222-5702

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

HB 251 : Regional Transportation Facilities

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Regional Transportation Facilities
Denise Layne (Lobbyist) - Proponent
Coalition 4 responsible Growth
2504 Ayers Hill ct.
Lutz FL 33559
Phone: 813 246-0485

Marty Fiorentino
Tampa Bay Partnership (Lobbyist) - Proponent
Tampa FL

Regional Transportation Facilities
Joe Smith (General Public) - Proponent
Tampa Bay Partnership
Tampa FL

Regional Transportation Facilities
Cari Roth - Proponent
101 N. Monroe St, Suite 900
Tallahassee FL32308 32301

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. 251

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure
3 Representative Galvano offered the following:

4
5 **Amendment**

6 Remove lines 124-129.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

Bill No. 251

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure
 3 Representative Galvano offered the following:

Amendment

6 Remove lines 339-341 and insert:
 7 support of regional multimodal transportation improvements. The
 8 master plan shall identify and may prioritize projects that will
 9 accomplish these goals and objectives, including without
 10 limitation, the creation of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

Bill No. 251

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N) 3/29

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure

3 Representative Galvano offered the following:
 4

Amendment

6 Remove line 348 and insert:

7 those costs. In developing the master plan, the authority shall
 8 review and coordinate with the future land use, capital
 9 improvements and the traffic circulation elements of its member
 10 local governments' comprehensive plans and the plans, programs,
 11 and schedules of other units of governments with transit or
 12 transportation authority within whose jurisdictions the projects
 13 or improvements will be located to define and resolve potential
 14 inconsistencies between such plans and the authority's
 15 developing master plan. By July 1, 2008, the RTA, working with
 16 its member local governments will adopt a mandatory conflict
 17 resolution process that addresses consistency conflicts between
 18 the RTA regional transportation master plan and local government
 19 comprehensive plans.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7 (for drafter's use only)

Bill No. 251

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure
 3 Representative Galvano offered the following:
 4

Amendment

6 Remove lines 369-373 and insert:

7 The authority shall coordinate project planning, development and
 8 implementation with the applicable local governments. The
 9 authority's projects, which are transportation oriented shall be
 10 consistent to the maximum extent feasible with the adopted local
 11 government comprehensive plans at the time they are funded for
 12 construction. Authority projects which are not transportation
 13 oriented and meet the definition of development pursuant to F.S.
 14 380.04 shall be consistent with the local comprehensive plans.
 15 In carrying out its
 16
 17

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8 (for drafter's use only)

Bill No. 251

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure
 3 Representative Galvano offered the following:

Amendment

Remove lines 252-254 and insert:

7 (5) The Governor shall appoint the initial chairman from
 8 among the full membership of the board immediately upon their
 9 being appointed by the member governments or organizations named
 10 in the legislation. In no case shall those appointments be made
 11 any later than forty-five (45) days following the legislative
 12 creation of the Authority. The chairman will hold this position
 13 for a minimum term of two years.

14 The board shall elect a vice chair and secretary-treasurer
 15 from among its members who shall serve a minimum term of one
 16 year and establish the duties and powers of those positions
 17 during its inaugural meeting. During its inaugural meeting the
 18 board will also establish its rules of conduct and meeting
 19 procedures.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8 (for drafter's use only)

21 (6) At the end of the initial chairman's term, the board
22 shall elect a chair from among its members. The chair shall hold
23 office at the will of the board. In that election the board
24 shall also elect a vice- chair and secretary-treasurer

25 (7) The first meeting of the Authority shall be held no
26 later than sixty (60) days from statutory creation of the
27 Authority at which time all of the counties and the West Central
28 Florida Chairs Coordinating Committee will have appointed their
29 appropriate representatives.

30 (8) Eight members of the board shall constitute a quorum,
31 and the vote of eight members shall be necessary for any action
32 to be taken by the Authority. The Authority may meet upon the
33 constitution of a quorum. No vacancy shall impair the right of a
34 quorum of the board to exercise all rights and the ability to
35 perform all duties of the Authority.

36
37

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9 (for drafter's use only)

Bill No. 251

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure
3 Representative Galvano offered the following:

4
5 **Amendment**

6 Between lines 352 and 353 insert:

7 (c) Prior to the final adoption of the regional
8 transportation master plan, the Authority shall hold at least
9 one public meeting in each of the seven counties within the
10 Authority's region. At least one public hearing must take place
11 before the authority's board;
12
13

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10 (for drafter's use only)

Bill No. 251

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure
3 Representative Galvano offered the following:

4
5 **Amendment**

6 Between lines 365 and 366 insert:

7 (f) Within one year after adoption of the regional
8 transportation master plan, each local government shall
9 incorporate its jurisdiction's portion of the master plan into
10 its comprehensive plan.

11

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 11 (for drafter's use only)

Bill No. 251

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	X	(Y/N) 3/29
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: Economic Expansion &
2 Infrastructure
3 Representative Galvano offered the following:

4
5 **Amendment**

6 Remove lines 921-923 and insert:

7 The authority may request proposals and receive unsolicited
8 proposals for public-private multimodal transportation projects
9 AND upon receipt of any unsolicited proposal or determination to
10 issue a request for proposals, the authority must publish a
11 notice in the
12

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Council/Committee/Subcommittee on

Economic Expansion & Infrastructure

Date 3-29-07

*Adopted
w/o obj*

Action _____

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. 12

Bill No. 251

(For filing with the Clerk. Council, Committee and Member Amendments **must** be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on Glorioso

offered the following amendment:

Amendment

on page 37, line(s) 1011-1016,

Delete lines 1011-1016 and insert:

applicable federal, state, and local laws. The
extension and

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

3/29/2007 9:00:00AM

Location: 404 HOB

HB 545 : Motor Vehicles

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 545

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)	(Bucher "N")
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)	
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)	
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)	
WITHDRAWN	<input type="checkbox"/>	(Y/N)	
OTHER	<input type="checkbox"/>		

*Questions/Comments
Rep Bucher*

1 Council/Committee hearing bill:
2 Representative Patterson offered the following:

4 **Amendment (with directory and title amendments)**

5 Remove line(s) 63-68 and insert: *update for drafting error*
6 inspection of emission controls.

8 ===== D I R E C T O R Y A M E N D M E N T =====

9 Remove line(s) and insert:

12 ===== T I T L E A M E N D M E N T =====

13 Remove line(s) and insert:

*Debate on Amend:
• Rep Bucher
• Rep Glorioso*

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COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

HB 815 : Motor Vehicle Dealers

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 815

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council hearing bill: Economic Expansion & Infrastructure
2 Representative McKeel offered the following:

3
4 **Amendment**

5 Remove line(s) 84 - 87 and insert:
6 applicant or licensee can demonstrate that such refusal,
7 limitation, or restriction is justified by consideration of
8 reasonable facility and financial requirements and the dealer's
9 performance for the existing line-make.

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

HB 841 : Economic Development Incentives

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Economic Development Incentives
 Mark Jeffries (Lobbyist) - Proponent
 Orange County
 201 S. Rosalind St., 5th Floor
 Orlando FL 32801
 Phone: 407 836-5909

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No.841

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council hearing bill: Economic Expansion and Infrastructure
2 Representative Flores offered the following:

3
4 **Amendment**

5 Remove line 166 and insert:

6
7 s. 288.1172. Distributions shall be used solely to fund the
8 installation of renewable energy technologies, as defined in s.
9 377.803, F.S., for use at the qualifying convention center, and
10 to encourage and
11
12
13

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No.841

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council hearing bill: Economic Expansion and Infrastructure
2 Representative Flores offered the following:

3
4 **Amendment**

5 Between lines 238 and 239 insert:

6
7 Distributions may not be used to encourage or otherwise provide
8 incentives or payments to existing businesses that have offices
9 within this state for the purpose of relocating those offices to
10 another location within this state.
11
12
13

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COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

3/29/2007 9:00:00AM

Location: 404 HOB

HB 851 : Historic Preservation

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher			X		
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

3/29/2007 9:00:00AM

Location: 404 HOB

HB 853 : Pub. Rec./St. Augustine Historic Preservation Donors

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

3/29/2007 9:00:00AM

Location: 404 HOB

HB 979 : Use of the Term "Chamber of Commerce"

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Use of the Term "Chamber of Commerce"
 Doug Wheeler (Lobbyist) - Proponent
 Tallahassee FL 32301

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

HB 1003 : Law Enforcement Vehicles

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1003

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council hearing bill: Economic Expansion & Infrastructure

2 Representative Pickens offered the following:

3

4 **Amendment**

5 Remove lines 27 - 28 and insert:

6 gear, such as helmets, which is ordinarily required for use by

7 operators or passengers on such vehicles.

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COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

HB 1049 : False, Deceptive, or Misleading Advertising

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

False, Deceptive, or Misleading Advertising

Jeffrey Sharkey (Lobbyist) - Proponent

Ticketmaster

106 E. College Ave.

Tallahassee FL32308 32301

Phone: 850 224-1660

False, Deceptive, or Misleading Advertising

David Bishop (Lobbyist) - Proponent

Truth in Music

519 E. Park Ave.

Tallahassee FL32308 32301

Phone: 850 201-0888

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

3/29/2007 9:00:00AM

Location: 404 HOB
HB 1305 : Notaries Public

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Notaries Public
 Daniel Perry (General Public) - Proponent
 Attorney & Civil Law Notary
 4767 New Bread St.
 Orlando FL 32814
 Phone: 407 894-9003

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1305

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N) 3/29
OTHER	—	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure Council
 3 Representative N. Thompson offered the following:

Amendment (with title amendment)

Delete lines (13-78) and insert:

8 WHEREAS, notaries public are among the longest serving
 9 public officials in the United States, and

10 WHEREAS, in Florida, notaries public are commissioned and
 11 regulated by the Executive Office of the Governor, and

12 WHEREAS, notaries public are the time-tested defense
 13 against identity fraud, mortgage fraud, and other kinds of fraud
 14 that represent a threat to a healthy economy, and

15 WHEREAS, notaries public provide a disinterested third-
 16 party witness in a broad spectrum of transactions, ensuring
 17 credibility and reliability to signatures on documents vital to
 18 our economy, and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

19 WHEREAS, a notary public's signature and seal is vital to
20 the authenticity and integrity of notarized documents, and

21 WHEREAS, the advent of electronic notarization demands that
22 the issues of security and identity in the electronic
23 notarization process be subject to accountability and uniform
24 standards so as to foster public trust and protect consumers,
25 and

26 WHEREAS, to ensure that electronic notarizations enjoy the
27 same level of credibility as paper-based notarizations, it is
28 imperative that appropriate, substantive, secure, and uniform
29 standards and procedures be adopted, and

30 WHEREAS, the absence of uniform standards represents a
31 hindrance to the adoption of technologically available
32 electronic notarization systems, NOW, THEREFORE,

33

34 Be It Enacted by the Legislature of the State of Florida:

35

36 Section 1. Section 117.021, Florida Statutes, is created
37 to read:

38 117.021 Electronic notarization. --

39 (1) Any document requiring notarization may be notarized
40 electronically. The provisions of ss.117.01, 117.03, 117.04,
41 117.05(1)-(11), (13), and (14), 117.105, and 117.107 apply to
42 all notarizations under this section.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

43 (2) In performing an electronic notarial act, a notary
44 public shall use an electronic signature that is:

45 (a) Unique to the notary public;

46 (b) Capable of independent verification;

47 (c) Retained under the notary public's sole control; and

48 (d) Attached to or logically associated with the
49 electronic document in a manner that any subsequent alteration
50 to the electronic document displays evidence of the alteration.

51 (3) When a signature is required to be accompanied by a
52 notary public seal, the requirement is satisfied when the
53 electronic signature of the notary public contains all of the
54 following seal information:

55 (a) The full name of the notary public exactly as provided
56 on the notary public's application for commission;

57 (b) The words "Notary Public State of Florida";

58 (c) The date of expiration of the commission of the notary
59 public; and

60 (d) The notary public's commission number.

61 (4) Failure of a notary public to comply with any of the
62 requirements of this section may constitute grounds for
63 suspension of the notary public's commission by the Executive
64 Office of the Governor.

65 (5) The Executive Office of the Governor may adopt rules
66 to ensure the security, reliability, and uniformity of
67 signatures and seals authorized in this section.

68 Section 2. This act shall take effect January 1, 2008.

70 ===== T I T L E A M E N D M E N T =====

71 Remove line(s) 3-11 and insert:

72
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

73 F.S.; authorizing electronic notarization; requiring
74 electronic signatures to include certain information;
75 providing requirements for the use of a notary public seal
76 with electronic signatures; providing that failure to
77 comply with such requirements may result in specified
78 sanctions against the notary public; authorizing the
79 Executive Office of the Governor to adopt rules to ensure
80 the security, reliability, and uniformity of the signatures
81 and seals; providing an effective date.
82

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 1305

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Expansion &
 2 Infrastructure Council
 3 Representative Cretul offered the following:

Amendment (with title amendment)

Delete lines (13-78) and insert:

8 WHEREAS, notaries public are among the longest serving
 9 public officials in the United States, and

10 WHEREAS, in Florida, notaries public are commissioned and
 11 regulated by the Executive Office of the Governor, and

12 WHEREAS, notaries public are the time-tested defense
 13 against identity fraud, mortgage fraud, and other kinds of fraud
 14 that represent a threat to a healthy economy, and

15 WHEREAS, notaries public provide a disinterested third-
 16 party witness in a broad spectrum of transactions, ensuring
 17 credibility and reliability to signatures on documents vital to
 18 our economy, and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

19 WHEREAS, a notary public's signature and seal is vital to
20 the authenticity and integrity of notarized documents, and

21 WHEREAS, the advent of electronic notarization demands that
22 the issues of security and identity in the electronic
23 notarization process be subject to accountability and uniform
24 standards so as to foster public trust and protect consumers,
25 and

26 WHEREAS, to ensure that electronic notarizations enjoy the
27 same level of credibility as paper-based notarizations, it is
28 imperative that appropriate, substantive, secure, and uniform
29 standards and procedures be adopted, and

30 WHEREAS, the absence of uniform standards represents a
31 hindrance to the adoption of technologically available
32 electronic notarization systems, NOW, THEREFORE,

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Section 117.021, Florida Statutes, is created
37 to read:

38 117.021 Electronic notarization. --

39 (1) Any document requiring notarization may be notarized
40 electronically. The provisions of ss.117.01, 117.03, 117.04,
41 117.05(1)-(11), (13), and (14), 117.105, and 117.107 apply to
42 all notarizations under this section.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

43 (2) In performing an electronic notarial act, a notary
44 public shall use an electronic signature that is:

- 45 (a) Unique to the notary public;
46 (b) Capable of independent verification;
47 (c) Retained under the notary public's sole control; and
48 (d) Attached to or logically associated with the
49 electronic document in a manner that any subsequent alteration
50 to the electronic document displays evidence of the alteration.

51 (3) When a signature is required to be accompanied by a
52 notary public seal, the requirement is satisfied when the
53 electronic signature of the notary public contains all of the
54 following seal information:

- 55 (a) The full name of the notary public exactly as provided
56 on the notary public's application for commission;
57 (b) The words "Notary Public State of Florida";
58 (c) The date of expiration of the commission of the notary
59 public; and
60 (d) The notary public's commission number.

61 (4) Failure of a notary public to comply with any of the
62 requirements of this section may constitute grounds for
63 suspension of the notary public's commission by the Executive
64 Office of the Governor.

65 (5) The Department of State may adopt rules to ensure the
66 security, reliability, and uniformity of signatures and seals
67 authorized in this section.

68 Section 2. This act shall take effect January 1, 2008.

69
70 ===== T I T L E A M E N D M E N T =====

71 Remove line(s) 3-11 and insert:
72

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

73 F.S.; authorizing electronic notarization; requiring
74 electronic signatures to include certain information;
75 providing requirements for the use of a notary public seal
76 with electronic signatures; providing that failure to
77 comply with such requirements may result in specified
78 sanctions against the notary public; authorizing the
79 Department of State to adopt rules to ensure the security,
80 reliability, and uniformity of the signatures and seals;
81 providing an effective date.

82

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COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

HB 1457 : Recreational Vehicle Dealers and Manufacturers

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard			X		
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Recreational Vehicle Dealers and Manufacturers

Marc Dunbar (Lobbyist) - Proponent

FL RV Trade Association

215 S. Monroe St.

TLH FL 32301

Recreational Vehicle Dealers and Manufacturers

Lanee Wilson (General Public) - Proponent

Riverview FL 33569

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 1457

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N) 3/29

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER _____

1 Council hearing bill: Economic Expansion & Infrastructure
2 Representative Gardiner offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 320.3201, Florida Statutes, is created
7 to read:

8 320.3201 Legislative intent.--

9 (1) It is the intent of the Legislature to protect the
10 public health, safety, and welfare of the residents of the state
11 by regulating the relationship between recreational vehicle
12 dealers and manufacturers, maintaining competition, and
13 providing consumer protection and fair trade.

14 (2) It is the intent of the Legislature that the
15 provisions of this act be applied to manufacturer/dealer
16 agreements entered into on or after October 1, 2007.

17 Section 2. Section 320.3202, Florida Statutes, is created
18 to read:

19 321.3202 Definitions.--As used in ss. 320.3201-320.3211,
20 the term:

21 (1) "Area of sales responsibility" means the geographical
22 area agreed to by the dealer and the manufacturer in the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

23 manufacturer/dealer agreement within which the dealer has the
24 exclusive right to display or sell the manufacturer's new
25 recreational vehicles of a particular line-make.

26 (2) "Dealer" means any person, firm, corporation, or
27 business entity licensed or required to be licensed under s.
28 320.771.

29 (3) "Distributor" means any person, firm, corporation, or
30 business entity that purchases new recreational vehicles for
31 resale to dealers.

32 (4) "Factory campaign" means an effort on the part of a
33 warrantor to contact recreational vehicle owners or dealers in
34 order to address a part or equipment issue.

35 (5) "Family member" means a spouse, child, grandchild,
36 parent, sibling, niece, or nephew or the spouse thereof.

37 (6) "Line-make" means a specific series of recreational
38 vehicle products that:

39 (a) Are identified by a common series trade name or
40 trademark;

41 (b) Are targeted to a particular market segment, as
42 determined by their decor, features, equipment, size, weight,
43 and price range;

44 (c) Have lengths and interior floor plans that distinguish
45 the recreational vehicles from recreational vehicles with
46 substantially the same decor, equipment, features, price, and
47 weight; and

48 (d) Belong to a single, distinct classification of
49 recreational vehicle product type having a substantial degree of
50 commonality in the construction of the chassis, frame, and body.

51 (7) "Manufacturer" means any person, firm, corporation, or
52 business entity who engages in the manufacturing of recreational
53 vehicles.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

54 (8) "Manufacturer/dealer agreement" means a written
55 agreement or contract entered into between a manufacturer and a
56 dealer which fixes the rights and responsibilities of the
57 parties and pursuant to which the dealer sells new recreational
58 vehicles.

59 (9) "Proprietary part" means any part manufactured by or
60 for and sold exclusively by the manufacturer.

61 (10) "Recreational vehicle" means the category of motor
62 vehicle described s. 320.01(1)(b).

63 (11) "Transient customer" means a customer who is
64 temporarily traveling through a dealer's area of sales
65 responsibility.

66 (12) "Warrantor" means any person, firm, corporation, or
67 business entity that gives a warranty in connection with a new
68 recreational vehicle or parts, accessories, or components
69 thereof. The term does not include service contracts, mechanical
70 or other insurance, or extended warranties sold for separate
71 consideration by a dealer or other person not controlled by a
72 manufacturer.

73 Section 3. Section 320.3203, Florida Statutes, is created
74 to read:

75 320.3203 Requirement for a written manufacturer-dealer
76 agreement; area of sales responsibility.--

77 (1) A manufacturer or distributor may not sell a
78 recreational vehicle in this state to or through a dealer
79 without having first entered into a manufacturer/dealer
80 agreement with a dealer which has been signed by both parties.

81 (2) The manufacturer shall designate the area of sales
82 responsibility exclusively assigned to a dealer in the
83 manufacturer/dealer agreement and may not change such area or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

84 contract with another dealer for sale of the same line-make in
85 the designated area during the duration of the agreement.

86 (3) The area of sales responsibility may not be reviewed
87 or changed until 1 year after the execution of the
88 manufacturer/dealer agreement.

89 (4) A motor vehicle dealer may not sell a new recreational
90 vehicle in this state without having first entered into a
91 manufacturer/dealer agreement with a manufacturer or distributor
92 and may not sell outside of the area of sales responsibility
93 designated in the agreement.

94 (5) Notwithstanding subsection (4), a dealer may sell
95 outside of its designated area of sales responsibility if the
96 dealer obtains a supplemental license pursuant to s. 320.771(7)
97 and meets any one of the following conditions:

98 (a) For sales within another dealer's designated area of
99 sales responsibility, the dealer must obtain in advance of the
100 off-premise sale a written agreement signed by the dealer, the
101 manufacturer of the recreational vehicles to be sold at the off-
102 premise sale, and the dealer in whose designated area of sales
103 responsibility the off-premise sale will occur which:

- 104 1. Designates the recreational vehicles to be sold;
105 2. Sets forth the time period for the off-premise sale;
106 and
107 3. Affirmatively authorizes the sale of the recreational
108 vehicles.

109 (b) The off-premise sale is not located within any
110 dealer's designated area of sales responsibility and is in
111 conjunction with a public vehicle show.

112 (c) The off-premise sale is in conjunction with a public
113 vehicle show in which more than 35 dealers are participating and
114 the show is predominantly funded by manufacturers. For the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

115 purposes of this subsection, the term "public vehicle show"
116 means an event sponsored by an organization approved under s.
117 501(c)(6) of the Internal Revenue Code which has the purpose of
118 promoting the welfare of the recreational vehicle industry and
119 is located at a site that:

- 120 1. Will be used to display and sell recreational vehicles;
- 121 2. Is not used for off-premise sales for more than 10 days
122 in a calendar year; and
- 123 3. Is not the location set forth on any dealer's license
124 as its place of business.

125 Section 4. Section 320.3204, Florida Statutes, is created
126 to read:

127 320.3204 Sales of recreational vehicles by manufacturer or
128 distributor.--Sales of recreational vehicles by a manufacturer
129 or distributor shall be in accordance with published prices,
130 charges, and terms of sale in effect at any given time. The
131 manufacturer shall offer to sell products on the same basis,
132 with respect to all rebates, discounts, and programs, to all
133 competing dealers similarly situated.

134 Section 5. Section 320.3205, Florida Statutes, is created
135 to read:

136 320.3205 Termination, cancellation, and nonrenewal of a
137 manufacturer/dealer agreement.--

138 (1) A manufacturer or distributor, directly or through any
139 officer, agent, or employee, may not terminate, cancel, or fail
140 to renew a manufacturer/dealer agreement without good cause,
141 and, upon renewal, may not require additional inventory stocking
142 requirements or increased retail sales targets in excess of the
143 market growth in the dealer's area of sales responsibility.

144 (a) The manufacturer or distributor has the burden of
145 showing good cause for terminating, canceling, or failing to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

146 renew a manufacturer/dealer agreement with a dealer. For
147 purposes of determining whether there is good cause for the
148 proposed action, any of the following factors may be considered:

149 1. The extent of the affected dealer's penetration in the
150 relevant market area.

151 2. The nature and extent of the dealer's investment in its
152 business.

153 3. The adequacy of the dealer's service facilities,
154 equipment, parts, supplies, and personnel.

155 4. The effect of the proposed action on the community.

156 5. The extent and quality of the dealer's service under
157 recreational vehicle warranties.

158 6. The failure to follow agreed-upon procedures or
159 standards related to the overall operation of the dealership.

160 7. The dealer's performance under the terms of its
161 manufacturer/dealer agreement.

162 (b) Except as otherwise provided in this section, a
163 manufacturer or distributor shall provide a dealer with at least
164 120 days' prior written notice of termination, cancellation, or
165 nonrenewal of the manufacturer/dealer agreement.

166 1. The notice must state all reasons for the proposed
167 termination, cancellation, or nonrenewal and must further state
168 that if, within 30 days following receipt of the notice, the
169 dealer provides to the manufacturer or distributor a written
170 notice of intent to cure all claimed deficiencies, the dealer
171 will then have 120 days following receipt of the notice to
172 rectify the deficiencies. If the deficiencies are rectified
173 within 120 days, the manufacturer's or distributor's notice is
174 voided. If the dealer fails to provide the notice of intent to
175 cure the deficiencies in the prescribed time period, the
176 termination, cancellation, or nonrenewal takes effect 30 days

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

177 after the dealer's receipt of the notice unless the dealer has
178 new and untitled inventory on hand that may be disposed of
179 pursuant to subsection (3).

180 2. The notice period may be reduced to 30 days if the
181 grounds for termination, cancellation, or nonrenewal are due to:

182 a. Conviction of or plea of nolo contendere to a felony of
183 a dealer or one of its owners;

184 b. The abandonment or closing of the business operations
185 of the dealer for 10 consecutive business days unless the
186 closing is due to an act of God, strike, labor difficulty, or
187 other cause over which the dealer has no control;

188 c. A material misrepresentation by the dealer; or

189 d. A suspension or revocation of the dealer's license, or
190 refusal to renew the dealer's license, by the department.

191 3. The notice provisions of this paragraph do not apply if
192 the reason for termination, cancellation, or nonrenewal is
193 insolvency, the occurrence of an assignment for the benefit of
194 creditors, or bankruptcy.

195 (2) A dealer may terminate, cancel, or not renew its
196 manufacturer/dealer agreement with a manufacturer or distributor
197 with or without cause at any time by giving 30 days' written
198 notice to the manufacturer. If for cause, the dealer has the
199 burden of showing good cause. Any of the following items shall
200 be deemed good cause for the proposed action by a dealer:

201 (a) Conviction of or plea of nolo contendere to a felony
202 of a manufacturer or one of its subsidiary companies.

203 (b) The business operations of the manufacturer have been
204 abandoned or closed for 10 consecutive business days, unless the
205 closing is due to an act of God, strike, labor difficulty, or
206 other cause over which the manufacturer has no control.

207 (c) A significant misrepresentation by the manufacturer.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

208 (d) A material violation of ss. 320.3201-320.3211 which is
209 not cured within 30 days after written notice by the dealer.

210 (e) A declaration by the manufacturer of bankruptcy,
211 insolvency, or the occurrence of an assignment for the benefit
212 of creditors or bankruptcy.

213 (3) If the manufacturer/dealer agreement is terminated,
214 canceled, or not renewed by the manufacturer or distributor
215 without cause or by the dealer for cause, the manufacturer
216 shall, at the election of the dealer and within 30 days after
217 termination, cancellation, or nonrenewal, repurchase:

218 (a) All recreational vehicles, that are classified as
219 "new" for titling purposes under s. 319.001(8), that were
220 acquired from the manufacturer or distributor, and that have not
221 been used, except for demonstration purposes, or altered, or
222 damaged, at 100 percent of the net invoice cost, including
223 transportation, less applicable rebates and discounts to the
224 dealer. If any of the vehicles repurchased are damaged, the
225 amount due to the dealer shall be reduced by the cost to repair
226 the vehicle. Damage prior to delivery to the dealer will not
227 disqualify repurchase under this subsection;

228 (b) All undamaged accessories and proprietary parts sold
229 to the dealer for resale within the 12 months prior to
230 termination, cancellation, or nonrenewal, if accompanied by the
231 original invoice, at 105 percent of the original net price paid
232 to the manufacturer or distributor to compensate the dealer for
233 handling, packing, and shipping the parts; and

234 (c) Any properly functioning diagnostic equipment, special
235 tools, current signage, and other equipment and machinery at 100
236 percent of the dealer's net cost plus freight, destination,
237 delivery, and distribution charges and sales taxes, if any, if
238 it was purchased by the dealer within 5 years before

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

239 termination, cancellation, or nonrenewal and upon the
240 manufacturer's or distributor's request and can no longer be
241 used in the normal course of the dealer's ongoing business. The
242 manufacturer or distributor shall pay the dealer within 30 days
243 after receipt of the returned items.

244 Section 6. Section 320.3206, Florida Statutes, is created
245 to read:

246 320.3206 Transfer of ownership; family succession.--

247 (1) If a dealer desires to make a change in ownership by
248 the sale of the business assets, stock transfer, or otherwise,
249 the dealer shall give the manufacturer or distributor 30 days'
250 written notice before the closing, including all supporting
251 documentation as may be reasonably required by the manufacturer
252 or distributor. The manufacturer or distributor may not refuse
253 consent to the proposed change or sale and may not disapprove or
254 withhold approval of the change or sale unless the manufacturer
255 or distributor can show that its decision is based on the
256 manufacturer's reasonable criteria, which may include the
257 prospective transferee's business experience, moral character,
258 financial qualifications, and any criminal record.

259 (2) If the manufacturer or distributor rejects a proposed
260 change or sale, the manufacturer or distributor shall give
261 written notice of its reasons to the dealer within 30 days after
262 receipt of the dealer's notification and complete documentation.
263 The manufacturer or distributor has the burden of showing that
264 its rejection of the transfer or sale is reasonable. If the
265 manufacturer or distributor does not give notice of rejection,
266 the change or sale shall be deemed approved.

267 (3) It is unlawful for a manufacturer or distributor to
268 fail to provide a dealer an opportunity to designate, in
269 writing, a family member as a successor to the dealership in the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2(for drafter's use only)

270 event of the death, incapacity, or retirement of the dealer. It
271 is unlawful to prevent or refuse to honor the succession to a
272 dealership by a family member of the deceased, incapacitated, or
273 retired dealer unless the manufacturer or distributor has
274 provided to the dealer written notice of its objections within
275 30 days after receipt of the dealer's modification of the
276 dealer's succession plan. Grounds for objection include lack of
277 creditworthiness, conviction of a felony, lack of required
278 licenses or business experience, or other condition that makes
279 the succession unreasonable under the circumstances. The
280 manufacturer or distributor has the burden of showing the
281 unreasonableness of the succession. However, a family member may
282 not succeed to a dealership if the succession involves, without
283 the manufacturer's or distributor's consent, a relocation of the
284 business or an alteration of the terms and conditions of the
285 manufacturer/dealer agreement.

286 Section 7. Section 320.3207, Florida Statutes, is created
287 to read:

288 320.3207 Warranty obligations.--

289 (1) Each warrantor shall:

290 (a) Specify in writing to each of its dealer obligations,
291 if any, for preparation, delivery, and warranty service on its
292 products;

293 (b) Compensate the dealer for warranty service required of
294 the dealer by the warrantor; and

295 (c) Provide the dealer the schedule of compensation to be
296 paid and the time allowances for the performance of any work and
297 service.

298
299 The schedule of compensation must include reasonable
300 compensation for diagnostic work as well as warranty labor.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

301 (2) Time allowances for the diagnosis and performance of
302 warranty labor must be reasonable for the work to be performed.
303 The warrantor shall authorize the dealer to undertake warranty
304 repairs without prior approval if the repairs require less than
305 3 hours of labor. The compensation of a dealer for warranty
306 labor may not be less than the lowest retail labor rates
307 actually charged by the dealer for like nonwarranty labor as
308 long as such rates are reasonable.

309 (3) The warrantor shall reimburse the dealer for warranty
310 parts at actual wholesale cost plus a minimum 30-percent
311 handling charge and the cost, if any, of freight to return
312 warranty parts to the warrantor.

313 (4) Warranty audits of dealer records may be conducted by
314 the warrantor on a reasonable basis, and dealer claims for
315 warranty compensation may not be denied except for cause, such
316 as performance of nonwarranty repairs, material noncompliance
317 with warrantor's published policies and procedures, lack of
318 material documentation, fraud, or misrepresentation.

319 (5) The dealer shall submit warranty claims within 45 days
320 after completing work.

321 (6) The dealer shall notify the warrantor verbally or in
322 writing if the dealer is unable to perform material or
323 repetitive warranty repairs as soon as is reasonably possible.

324 (7) The warrantor shall disapprove warranty claims in
325 writing within 45 days after the date of submission by the
326 dealer in the manner and form prescribed by the warrantor.
327 Claims not specifically disapproved in writing within 45 days
328 shall be construed to be approved and must be paid within 60
329 days.

330 (8) It is a violation of ss. 320.3201-320.3211 for any
331 warrantor to:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

332 (a) Fail to perform any of its warranty obligations with
333 respect to its warranted products;

334 (b) Fail to include, in written notices of factory
335 campaigns to recreational vehicle owners and dealers, the
336 expected date by which necessary parts and equipment, including
337 tires and chassis or chassis parts, will be available to dealers
338 to perform the campaign work. The warrantor may ship parts to
339 the dealer to effect the campaign work, and, if such parts are
340 in excess of the dealer's requirements, the dealer may return
341 unused parts to the warrantor for credit after completion of the
342 campaign;

343 (c) Fail to compensate any of its dealers for authorized
344 repairs effected by the dealer of merchandise damaged in
345 manufacture or transit to the dealer, if the carrier is
346 designated by the warrantor, factory branch, distributor, or
347 distributor branch;

348 (d) Fail to compensate any of its dealers for authorized
349 warranty service in accordance with the schedule of compensation
350 provided to the dealer pursuant to this section if performed in
351 a timely and competent manner;

352 (e) Intentionally misrepresent in any way to purchasers of
353 recreational vehicles that warranties with respect to the
354 manufacture, performance, or design of the vehicle are made by
355 the dealer as warrantor or cowarrantor; or

356 (f) Require the dealer to make warranties to customers in
357 any manner related to the manufacture of the recreational
358 vehicle.

359 (9) It is a violation of ss. 320.3201-320.3211 for any
360 dealer:

361 (a) Fail to perform predelivery inspection functions, as
362 specified by the warrantor, in a competent and timely manner;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

363 (b) Fail to perform warranty service work authorized by
364 the warrantor in a reasonably competent and timely manner on any
365 transient customer's vehicle of the same line-make; or

366 (c) Misrepresent the terms of any warranty.

367 (10) Notwithstanding the terms of any manufacturer/dealer
368 agreement, it is a violation of ss. 320.3201-320.3211 for:

369 (a) A warrantor to fail to indemnify and hold harmless its
370 dealer against any losses or damages to the extent such losses
371 or damages are caused by the negligence or willful misconduct of
372 the warrantor. The dealer may not be denied indemnification for
373 failing to discover, disclose, or remedy a defect in the design
374 or manufacturing of the recreational vehicle. The dealer shall
375 provide to the warrantor a copy of any suit in which allegations
376 are made which come within this subsection within 10 days after
377 receiving such suit.

378 (b) A dealer to fail to indemnify and hold harmless its
379 warrantor against any losses or damages to the extent such
380 losses or damages are caused by the negligence or willful
381 misconduct of the dealer. The warrantor shall provide to the
382 dealer a copy of any suit in which allegations are made that
383 come within this subsection within 10 days after receiving such
384 suit.

385 Section 8. Section 320.3208, Florida Statutes, is created
386 to read:

387 320.3208 Inspection and rejection by the dealer.--

388 (1) Whenever a new recreational vehicle is damaged prior
389 to transit to the dealer or is damaged in transit to the dealer
390 when the carrier or means of transportation has been selected by
391 the manufacturer or distributor, the dealer shall notify the
392 manufacturer or distributor of the damage within the timeframe
393 specified in the manufacturer/dealer agreement and:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

394 (a) Request from the manufacturer or distributor
395 authorization to replace the components, parts, and accessories
396 damaged or otherwise correct the damage; or

397 (b) Reject the vehicle within the timeframe set forth in
398 subsection (3).

399
400 If the manufacturer or distributor refuses or fails to authorize
401 repair of such damage within 10 days after receipt of
402 notification or if the dealer rejects the recreational vehicle
403 because of damage, ownership of the new recreational vehicle
404 reverts to the manufacturer or distributor.

405 (2) The dealer shall exercise due care in custody of the
406 damaged recreational vehicle, but the dealer shall have no other
407 obligations, financial or otherwise, with respect to that
408 recreational vehicle.

409 (3) The timeframe for inspection and rejection by the
410 dealer must be part of the manufacturer/dealer agreement and may
411 not be less than 3 business days after the physical delivery of
412 the recreational vehicle.

413 (4) Any recreational vehicle that has, at the time of
414 delivery to the dealer, an unreasonable amount of miles on its
415 odometer, as determined by the dealer, may be subject to
416 rejection by the dealer and reversion of the vehicle to the
417 manufacturer or distributor.

418 Section 9. Section 320.3209, Florida Statutes, is created
419 to read:

420 320.3209 Coercion of dealer prohibited.--

421 (1) A manufacturer or distributor may not coerce or
422 attempt to coerce a dealer to:

423 (a) Purchase a product that the dealer did not order;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

424 (b) Enter into an agreement with the manufacturer or
425 distributor;

426 (c) Take any action that is unfair or unreasonable to the
427 dealer; or

428 (d) Enter into an agreement that requires the dealer to
429 submit its disputes to binding arbitration or otherwise waive
430 rights or responsibilities provided under ss. 320.3201-320.3211.

431 (2) As used in this section, the term "coerce" includes,
432 but is not limited to, threatening to terminate, cancel, or not
433 renew a manufacturer/dealer agreement without good cause or
434 threatening to withhold product lines or delay product delivery
435 as an inducement to amending the manufacturer/dealer agreement.

436 Section 10. Section 320.3210, Florida Statutes, is created
437 to read:

438 320.3210 Civil dispute resolution; mediation; relief.--

439 (1) A dealer, manufacturer, distributor, or warrantor
440 injured by another party's violation of ss. 320.3201-320.3211
441 may bring a civil action in circuit court to recover actual
442 damages. The court shall award attorney's fees and costs to the
443 prevailing party in such action. Venue for any civil action
444 authorized by this section must exclusively be in the county in
445 which the dealership is located. In an action involving more
446 than one dealer, venue may be in any county in which a dealer
447 who is party to the action is located.

448 (2) Before bringing suit under this section, the party
449 bringing suit for an alleged violation shall serve a written
450 demand for mediation upon the offending party.

451 (a) The demand for mediation shall be served upon the
452 offending party via certified mail at the address stated within
453 the agreement between the parties. In the event of a civil

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

454 action between two dealers, the demand must be mailed to the
455 address on the dealer's license filed with the department.

456 (b) The demand for mediation must contain a brief
457 statement of the dispute and the relief sought by the party
458 filing the demand.

459 (c) Within 20 days after the date a demand for mediation
460 is served, the parties shall mutually select an independent
461 certified mediator and meet with the mediator for the purpose of
462 attempting to resolve the dispute. The meeting place must be in
463 this state in a location selected by the mediator. The mediator
464 may extend the date of the meeting for good cause shown by
465 either party or upon stipulation of both parties.

466 (d) The service of a demand for mediation under this
467 subsection stays the time for the filing of any complaint,
468 petition, protest, or action under ss. 320.3201-320.3211 until
469 representatives of both parties have met with a mutually
470 selected mediator for the purpose of attempting to resolve the
471 dispute. If a complaint, petition, protest, or action is filed
472 before that meeting, the court shall enter an order suspending
473 the proceeding or action until the meeting has occurred and may,
474 upon written stipulation of all parties to the proceeding or
475 action that they wish to continue to mediate under this
476 subsection, enter an order suspending the proceeding or action
477 for as long a period as the court considers appropriate. A
478 suspension order issued under this paragraph may be revoked by
479 the court.

480 (e) The parties to the mediation shall bear their own
481 costs for attorney's fees and divide equally the cost of the
482 mediator.

483 (3) In addition to the remedies provided in this section
484 and notwithstanding the existence of any additional remedy at

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

485 law, a dealer or manufacturer may apply to a circuit court for
486 the grant, upon a hearing and for cause shown, of a temporary or
487 permanent injunction, or both, restraining any person from
488 acting as a dealer, manufacturer, distributor, or importer
489 without being properly licensed pursuant to this chapter, from
490 violating or continuing to violate any of the provisions of ss.
491 320.3201-320.3211, or from failing or refusing to comply with
492 the requirements of ss. 320.3201-320.3211. Such injunction shall
493 be issued without bond. A single act in violation of the
494 provisions of ss. 320.3201-320.3211 is sufficient to authorize
495 the issuance of an injunction.

496 Section 11. Section 320.3211, Florida Statutes, is created
497 to read:

498 320.3211 Penalties.--

499 (1) The department may suspend or revoke any license
500 issued under s. 320.771 upon a finding that the dealer,
501 manufacturer, or distributor violated any provision of ss.
502 320.3201-320.3211. The department may impose, levy, and collect
503 by legal process fines, in an amount not to exceed \$1,000 for
504 each violation, against any person if it finds that such person
505 has violated any provision of ss. 320.3201-320.3211. Such person
506 is entitled to an administrative hearing pursuant to chapter 120
507 to contest the action or fine levied, or about to be levied,
508 against the person.

509 (2) In addition to the civil and administrative remedies,
510 a person who violates any provision of ss. 320.3201-320.3211
511 commits a misdemeanor of the second degree, punishable as
512 provided in s. 775.082 or s. 775.083.

513 Section 12. Section 320.8225, Florida Statutes, is amended
514 to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

515 320.8225 Mobile home and recreational vehicle
516 manufacturer, distributor, and importer license ~~manufacturer's~~
517 ~~license.~~--

518 (1) LICENSE REQUIRED.--Any person who engages in the
519 business of a mobile home manufacturer or a recreational vehicle
520 manufacturer, distributor, or importer in this state, or who
521 manufactures mobile homes or recreational vehicles out of state
522 which are ultimately offered for sale in this state, shall
523 obtain annually a license for each factory location in this
524 state and for each factory location out of state which
525 manufactures mobile homes or recreational vehicles for sale in
526 this state, prior to distributing or importing mobile homes or
527 recreational vehicles for sale in this state.

528 (2) APPLICATION.--The application for a license must ~~shall~~
529 be in the form prescribed by the department and ~~shall~~ contain
530 sufficient information to disclose the identity, location, and
531 responsibility of the applicant. The application must ~~shall~~ also
532 include a copy of the warranty and a complete statement of any
533 service agreement or policy to be utilized by the applicant, any
534 information relating to the applicant's solvency and financial
535 standing, and any other pertinent matter commensurate with
536 safeguarding the public. The department may prescribe an
537 abbreviated application for renewal of a license if the licensee
538 has had previously filed an initial application pursuant to this
539 section. The application for renewal must ~~shall~~ include any
540 information necessary to make ~~bring~~ current the information
541 required in the initial application.

542 (3) FEES.--Upon submitting an ~~making~~ initial application,
543 the applicant shall pay to the department a fee of \$300. Upon
544 submitting a ~~making~~ renewal application, the applicant shall pay
545 to the department a fee of \$100. Any applicant for renewal who

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

546 ~~fails has failed~~ to submit his or her renewal application by
547 October 1 shall pay a renewal application fee equal to the
548 original application fee. No fee is refundable. All fees must
549 ~~shall~~ be deposited into the General Revenue Fund.

550 (4) NONRESIDENT.--Any person applying for a license who is
551 not a resident of this state must designate ~~shall have~~
552 ~~designated~~ an agent for service of process pursuant to s.
553 48.181.

554 (5) REQUIREMENT OF ASSURANCE.--

555 (a) Annually, prior to the receipt of a license to
556 manufacture mobile homes, the applicant or licensee shall submit
557 a surety bond, cash bond, or letter of credit from a financial
558 institution, or a proper continuation certificate, sufficient to
559 assure satisfaction of claims against the licensee for failure
560 to comply with appropriate code standards, failure to provide
561 warranty service, or violation of any provisions of this
562 section. The amount of the surety bond, cash bond, or letter of
563 credit must shall be \$50,000. Only one surety bond, cash bond,
564 or letter of credit shall be required for each manufacturer,
565 regardless of the number of factory locations. The surety bond,
566 cash bond, or letter of credit must shall be to the department,
567 in favor of any retail customer who suffers a ~~shall suffer~~ loss
568 arising out of noncompliance with code standards or failure to
569 honor or provide warranty service. The department may shall have
570 ~~the right to~~ disapprove any bond or letter of credit that does
571 not provide assurance as provided in this section.

572 (b) Annually, prior to the receipt of a license to
573 manufacture, distribute, or import recreational vehicles, the
574 applicant or licensee shall submit a surety bond, or a proper
575 continuation certificate, sufficient to assure satisfaction of
576 claims against the licensee for failure to comply with

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

577 appropriate code standards, failure to provide warranty service,
578 or violation of any provisions of this section. The amount of
579 the surety bond must ~~shall~~ be \$10,000 per year. The surety bond
580 must ~~shall~~ be to the department, in favor of any retail customer
581 who suffers ~~shall suffer~~ loss arising out of noncompliance with
582 code standards or failure to honor or provide warranty service.
583 The department may ~~shall have the right to~~ disapprove any bond
584 that ~~which~~ does not provide assurance as provided in this
585 section.

586 (c) The department shall adopt rules pursuant to chapter
587 120 relating to ~~consistent with this section in~~ providing
588 assurance of satisfaction of claims under this section.

589 (d) The department shall, upon denial, suspension, or
590 revocation of any license, notify the surety company of the
591 licensee, in writing, that the license has been denied,
592 suspended, or revoked and shall state the reason for such
593 denial, suspension, or revocation.

594 (e) Any surety company that ~~which~~ pays any claim against
595 the bond of any licensee shall notify the department, in
596 writing, that it has paid such a claim and shall state the
597 amount of the claim.

598 (f) Any surety company that ~~which~~ cancels the bond of any
599 licensee shall notify the department, in writing, of such
600 cancellation, giving reason for the cancellation.

601 (6) LICENSE YEAR.--A license issued to a mobile home
602 manufacturer or a recreational vehicle manufacturer,
603 distributor, or importer entitles the licensee to conduct ~~the~~
604 ~~business of a mobile home or recreational vehicle manufacturer~~
605 for a period of 1 year from October 1 preceding the date of
606 issuance.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

607 (7) DENIAL OF LICENSE.--The department may deny a mobile
608 home manufacturer or a recreational vehicle manufacturer,
609 distributor, or importer manufacturer's license on the ground
610 that:

611 (a) The applicant has made a material misstatement in his
612 or her application for a license.

613 (b) The applicant has failed to comply with any applicable
614 provision of this chapter.

615 (c) The applicant has failed to provide warranty service.

616 (d) The applicant or one or more of his or her principals
617 or agents has violated any law, rule, or regulation relating to
618 the manufacture or sale of mobile homes or recreational
619 vehicles.

620 (e) The department has proof of the unfitness of the
621 applicant.

622 (f) The applicant or licensee has engaged in previous
623 conduct in any state which would have been a ground for
624 revocation or suspension of a license in this state.

625 (g) The applicant or licensee has violated any provision
626 of the ~~provisions of the~~ National Mobile Home Construction and
627 Safety Standards Act of 1974 or any related rule or regulation
628 adopted by of the Department of Housing and Urban Development
629 ~~promulgated thereunder~~.

630
631 Upon denial of a license, the department shall notify the
632 applicant within 10 days, stating in writing its grounds for
633 denial. The applicant is entitled to an administrative ~~a public~~
634 hearing and may request that such hearing be held within 45 days
635 of denial of the license. All proceedings must ~~shall~~ be pursuant
636 to chapter 120.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

637 (8) REVOCATION OR SUSPENSION OF LICENSE.--The department
638 shall suspend or, in the case of a subsequent offense, shall
639 revoke any license upon a finding that the licensee violated any
640 provision of this chapter or any other law of this state
641 regarding the manufacture, warranty, or sale of mobile homes or
642 recreational vehicles. The department may reinstate the license
643 if it ~~When any license has been revoked or suspended by the~~
644 ~~department, it may be reinstated if the department~~ finds that
645 the former licensee has complied with all applicable
646 requirements of this chapter and an application for a license is
647 refiled pursuant to this section.

648 (9) CIVIL PENALTIES; PROCEDURE.--~~In addition to the~~
649 ~~exercise of other powers provided in this section,~~ The
650 department is authorized to assess, impose, levy, and collect by
651 legal process a civil penalty, in an amount not to exceed \$1,000
652 for each violation, against any licensee if it finds that a
653 licensee has violated any provision of this section or has
654 violated any other law of this state having to do with dealing
655 in motor vehicles. A Any licensee is shall be entitled to a
656 hearing pursuant to chapter 120 should the licensee wish to
657 contest the fine levied, or about to be levied, upon him or her.

658 Section 13. If any provision of this act or the
659 application thereof to any person or circumstance is held
660 invalid, the invalidity does not affect other provisions or
661 applications of the act which can be given effect without the
662 invalid provision or application and, to this end, the
663 provisions of this act are severable.

664 Section 14. This act shall take effect October 1, 2007.
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666

667 ===== T I T L E A M E N D M E N T =====

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

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Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to recreational vehicle manufacturers, distributors and dealers; creating s. 320.3201, F.S.; providing legislative intent; creating s. 320.3202, F.S.; providing definitions; creating s. 320.3203, F.S.; providing requirements for a manufacturer/dealer agreement; requiring designation of the area of sales responsibility; providing conditions for sales outside the dealer's area of sales responsibility; creating s. 320.3204, F.S.; providing requirements for sales by manufacturers and distributors; creating s. 320.3205, F.S.; providing requirements and procedures for termination, cancellation, or nonrenewal of a manufacturer/dealer agreement by a manufacturer or a dealer; providing for the repurchase by the manufacturer of vehicles, accessories, and parts and equipment, tools, signage, and machinery; creating s. 320.3206, F.S.; providing for change in ownership by a dealer; requiring notice to the manufacturer; providing requirements for rejection by the manufacturer; providing for a dealer to name a family member as a successor in case of retirement, incapacitation, or death of the dealer; providing requirements for rejection of the successor by the manufacturer; creating s. 320.3207, F.S.; providing requirements for warrantors, manufacturers, and dealers with respect to warranty obligations; providing requirements for compensation of the dealer; authorizing warranty audits by the warrantor; requiring cause for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

699 denial of compensation; providing for disposition of
700 warranty claims; prohibiting certain acts by the warrantor
701 and the dealer; requiring notice of certain pending suits;
702 creating s. 320.3208, F.S.; providing for inspection and
703 rejection of a recreational vehicle upon delivery to a
704 dealer; creating s. 320.3209, F.S.; prohibiting a
705 manufacturer or distributor from coercing a dealer to
706 perform certain acts; creating s. 320.3210, F.S.;
707 providing for resolution when a dealer, manufacturer,
708 distributor, or warrantor is injured by another party's
709 violation; authorizing civil action; providing for
710 mediation; providing for remedies; creating s. 320.3211,
711 F.S.; providing administrative and criminal penalties for
712 violations; providing for an administrative hearing to
713 contest a penalty imposed by the department; amending
714 s.320.8225, F.S.; providing licensure requirements for
715 distributors and importers; providing for severability;
716 providing an effective date.

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

3/29/2007 9:00:00AM

Location: 404 HOB

PCB EEIC 07-09 : Florida Transportation Commission

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council
3/29/2007 9:00:00AM

Location: 404 HOB

PCB EEIC 07-10 : Motor Vehicle Dealers/Deceptive & Unfair Trade Practices

Favorable With Amendments (3)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Thursday, March 29, 2007 1:45:48PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. PCB EEIC 07-10

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/29
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council hearing bill: Economic Expansion & Infrastructure
 2 Representative Cannon offered the following:

Amendment

Remove line(s) 351 - 370 and insert:

3
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5
6 (e) Describe the facts and how they give rise to an
7 alleged violation of this part;

8 (f) To the extent applicable, be accompanied by all
9 transaction or other documents in the claimant's possession upon
10 which the claim is based or upon which the claimant is relying
11 to assert the claim; and

12 (g) Include a statement describing each item of actual
13 damage demanded by the claimant and the amount claimed.

14 (3) The notice of the claim must be delivered to the
15 dealer by certified or registered United States mail, return
16 receipt requested. The postal costs shall be reimbursed to the
17 claimant by the dealer if the dealer pays the claim and if the
18 claimant requests reimbursement of the postal costs in the
19 notice of claim.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

21 (13) Failure to provide the information required in
22 subsection (11) by the dealer shall constitute waiver of the
23 notice required under this part.
24

25
26 ===== T I T L E A M E N D M E N T =====

27 Remove line(s) 50 - 54 and insert:
28 Legal Affairs to prepare a specified sample demand letter and an
29 explanation of part VI of ch. 501, F.S., and make the documents
30 available to the public; requiring the dealer to provide the
31 documents at the time of transaction; permitting a court to
32 abate litigation, without prejudice, until the claimant has
33 complied with the required procedures and the dealer has
34 opportunity to respond to demand; providing that failure to
35 supply the documents at the time of transaction constitutes
36 waiver by the dealer of the required notice; creating s. 501.99,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **PCB EEIC 07-10**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) <i>3/29</i>
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council hearing bill: Economic Expansion & Infrastructure
2 Representative Cannon offered the following:

3
4 **Amendment**

5 Remove lines 340, 375, 392, and 411,
6 remove: "30 days",
7 and insert: 15 business days

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Economic Expansion & Infrastructure Council

Amended Action Packet

March 29, 2007
9:00 am – 12:30 pm
404 House Office Building

*Added public testimony
appearances only, on
HCB EEIC 07-10.*

Marco Rubio
Speaker

Rep. Dean Cannon
Chair

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

3/29/2007 9:00:00AM

Location: 404 HOB

AMENDED

PCB EEIC 07-10 : Motor Vehicle Dealers/Deceptive & Unfair Trade Practices

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Edward Bullard	X				
Larry Cretul	X				
Joyce Cusack	X				
Don Davis			X		
Mike Davis	X				
Keith Fitzgerald	X				
Richard Glorioso	X				
Doug Holder	X				
Dick Kravitz	X				
Peter Nehr	X				
Pat Patterson	X				
Betty Reed	X				
Dean Cannon (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Motor Vehicle Dealers/Deceptive & Unfair Trade Practices

Aimee Lyon (Lobbyist) - Opponent

FL Justice Association
 218 S. Monroe St.
 TLH FL 32301
 Phone: 850 224-9403

Motor Vehicle Dealers/Deceptive & Unfair Trade Practices

Alice Vickers (Lobbyist) - Opponent

FL Legal Services
 2425 Torreya Dr.
 Tallahassee FL 32303
 Phone: 850 385-7900

Motor Vehicle Dealers/Deceptive & Unfair Trade Practices

David Ramba (Lobbyist) - Proponent

FL Automobile Dealers Assn.
 Tallahassee FL32308 32301
 Phone: 850 222-5702

Motor Vehicle Dealers/Deceptive & Unfair Trade Practices

Richard Sox (General Public) - Proponent

FL Automobile Dealers Assn.
 Tallahassee FL 32301
 Phone: 850 878-6404

Committee meeting was reported out: Friday, March 30, 2007 2:56:53PM

COUNCIL MEETING REPORT
Economic Expansion & Infrastructure Council

3/29/2007 9:00:00AM

AMENDED

Location: 404 HOB

Motor Vehicle Dealers/Deceptive & Unfair Trade Practices

Ted Smith - Proponent

FL Automobile Dealers Assn.

400 N. Meridian St.

Tallahassee FL 32301

Phone: 850 224-1466

Committee meeting was reported out: Friday, March 30, 2007 2:56:53PM