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| <b>Tab 1</b> | <b>SB 888</b> by <b>Martin</b> ; Compare to H 00699 Professional Services Contracts |
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| <b>Tab 2</b> | <b>SB 1516</b> by <b>Garcia (CO-INTRODUCERS) Yarborough</b> ; Identical to H 01299 Caller Identification Information |
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| <b>Tab 3</b> | <b>SB 1562</b> by <b>Trumbull</b> ; Similar to CS/H 00989 Motor Vehicle Dealers |
|--------------|---|

287160 D S LFAV CM, Trumbull Delete everything after 02/11 10:27 AM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMERCE AND TOURISM**  
**Senator Leek, Chair**  
**Senator Arrington, Vice Chair**

**MEETING DATE:** Wednesday, February 11, 2026

**TIME:** 9:00—11:30 a.m.

**PLACE:** *Toni Jennings Committee Room, 110 Senate Building*

**MEMBERS:** Senator Leek, Chair; Senator Arrington, Vice Chair; Senators Bracy Davis, Davis, DiCeglie, Mayfield, McClain, Smith, Wright, and Yarborough

| TAB | BILL NO. and INTRODUCER                          | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS   | COMMITTEE ACTION          |
|-----|--|--|---------------------------|
| 1   | <b>SB 888</b><br>Martin<br>(Compare H 699)       | <p>Professional Services Contracts; Providing that a professional services contract between a design professional and a contracting party, rather than between a design professional and a public agency, may require the design professional to indemnify and hold harmless the contracting party, and its officers and employees, only against certain liability and damages; specifying that a professional services contract must require a design professional to perform to a certain level of professional skill and care; prohibiting a professional services contract from subjecting a design professional to a different standard of care, etc.</p> <p>JU 01/27/2026 Favorable<br/>CM 02/11/2026 Favorable<br/>RC</p> | Favorable<br>Yea 9 Nays 0 |
| 2   | <b>SB 1516</b><br>Garcia<br>(Identical H 1299)   | <p>Caller Identification Information; Prohibiting the transmission of misleading or inaccurate caller identification information; requiring a telecommunications company to provide the telephone number and location from which each telephone call originates; defining the term "STIR/SHAKEN authentication framework"; requiring each telecommunications company to file a certification with the Federal Communications Commission, etc.</p> <p>CM 02/11/2026 Favorable<br/>RI<br/>RC</p>   | Favorable<br>Yea 9 Nays 0 |
| 3   | <b>SB 1562</b><br>Trumbull<br>(Similar CS/H 989) | <p>Motor Vehicle Dealers; Prohibiting applicants and licensees from selling more than a specified number of motor vehicles at wholesale to motor vehicle dealers in a certain period under certain circumstances, etc.</p> <p>TR 02/10/2026 Favorable<br/>CM 02/11/2026 Fav/CS<br/>RC</p>  | Fav/CS<br>Yea 9 Nays 1    |

Other Related Meeting Documents

**COMMITTEE MEETING EXPANDED AGENDA**

Commerce and Tourism

Wednesday, February 11, 2026, 9:00—11:30 a.m.

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 888

INTRODUCER: Senator Martin

SUBJECT: Professional Services Contracts

DATE: February 10, 2026 REVISED: \_\_\_\_\_

| ANALYST  | STAFF DIRECTOR | REFERENCE | ACTION             |
|----------|----------------|-----------|--------------------|
| 1. Bond  | Cibula         | JU        | <b>Favorable</b>   |
| 2. Dike  | McKay          | CM        | <b>Pre-meeting</b> |
| 3. _____ | _____          | RC        | _____              |

## **I. Summary:**

SB 888 provides that a contract for professional services by a design professional (an architect, landscape architect, surveyor, or engineer) may not require the design professional to assume liability for anything other than the negligence of the design professional or of a person employed by or used by the design professional. This limit on contractual indemnity clauses is in current law but it applies only to contracts between a design professional and a public agency. An indemnity clause that does not conform to the limits in the bill is void.

The bill also provides that a contract with a design professional must require that services be performed with the level of skill and care ordinarily provided by a competent design professional. Additionally, a contract may not require the design professional to list a contracting party or other party as an additional insured.

The bill is effective July 1, 2026.

## **II. Present Situation:**

### **Design Professionals**

A “design professional” is an individual or entity licensed by the state who holds a current certificate of registration or is qualified to practice architecture, landscape architecture, land surveying and mapping, or engineering.<sup>1</sup>

A design professional is generally like any other professional or indeed any other business entity in that the design professional is generally liable in tort for any negligent act that he or she commits. They are also like most businesses in their freedom to enter into most contract terms

<sup>1</sup> Section 725.08, F.S. Architecture and landscape architecture are regulated by ch. 481, F.S. land surveying and mapping are regulated by ch. 472, F.S., and engineering is regulated by ch. 471, F.S.

and conditions, and their freedom to decline work and reject contracts that they feel are not profitable enough or entail too much risk. Correspondingly, those who employ design professionals are mostly free to hire who they want, negotiate prices, negotiate contract terms, and seek a different design professional if they wish.<sup>2</sup>

One contract clause that is commonly found in contracts is an indemnification clause. Such clauses often use the terminology of “indemnify and hold harmless.” The term indemnification “refers to the broad concept of one party compensating another for losses, damages, or liabilities, usually due to third-party claims. It’s an agreement that safeguards one party against the financial impacts of specific actions or events.”<sup>3</sup>

There are limits to the generally broad freedom to contract. Current law provides that a contract between a design professional and a public agency may contain an indemnification clause, but that clause may only require the design professional to assume liability for negligence, recklessness, or intentionally wrongful conduct of the design professional and other people employed or utilized by the design professional.<sup>4</sup>

### **Professional Liability – In General**

The professional liability standard that applies to a design professional is similar to the liability standard of any other professional. The jury instruction is informative:

Negligence is the failure to use reasonable care. Reasonable care on the part of a (identify professional) is the care that a reasonably careful (identify professional) would use under like circumstances. Negligence is doing something that a reasonably careful (identify professional) would not do under like circumstances or failing to do something that a reasonably careful (identify professional) would do under like circumstances.<sup>5</sup>

### **History**

Section 725.08, F.S., was enacted in 2000. In the initial version of the statute the statute limited the terms of an indemnity clause in any contract with a design professional. This limitation provided that an indemnification clause may require a design professional to assume liability only for the negligence of the design professional or another person employed or utilized by the design professional.<sup>6</sup> In 2001, the statute was amended to the current form that applies the limitation only to a contract between a design professional and a public agency.<sup>7</sup>

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<sup>2</sup> FLA. CONST. art. I s. 2.

<sup>3</sup> Thomson Reuters, *Reduce the Risk of Claims with Indemnification Clauses in Contracts* (Oct. 20, 2024), available at <https://legal.thomsonreuters.com/en/insights/articles/indemnification-clauses-in-commercial-contracts> (last visited Feb. 10, 2026).

<sup>4</sup> Section 725.08(1), F.S.

<sup>5</sup> The Florida Bar, *Florida Standard Jury Instruction 402.5 Other Professional Negligence*, available at <https://www.floridabar.org/rules/florida-standard-jury-instructions/civil-jury-instructions/civil-instructions/#402> (last visited Feb. 10, 2026).

<sup>6</sup> Section 1, ch. 2000-162, Laws of Florida.

<sup>7</sup> Section 11, ch. 2001-211, Laws of Florida.

**III. Effect of Proposed Changes:**

SB 888 provides that, while a contract between a design professional (an architect, landscape architect, surveyor, or engineer) and any other person may require a design professional to indemnify and hold harmless the other contracting party, the indemnification clause is limited to the negligence, recklessness, or intentionally wrongful conduct of the design professional or any other persons employed or used by the design professional. A contract provision that violates this limitation is void.

The bill adds that a professional services contract must require the design professional to perform the services with the level of professional skill and care ordinarily provided by a competent design professional practicing under the same or similar circumstances and professional licenses as expeditiously as is prudent. This standard of care appears to reflect the ordinary standard of care that would apply to a claim against a design professional, absent any modification made by a contract. The bill further provides that a professional services contract may not subject a design professional to a different standard of care, and that a contract mandating a different standard of care must be interpreted as if the lawful standard of care applies.

The bill also adds that a professional services contract may not require a design professional to list a contracting party or any other person or entity as an additional insured on the design professional's policy of professional liability insurance.

The bill applies to any contract entered into on or after July 1, 2026, which is the effective date of the bill.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

This bill may allow for lower general liability or professional liability insurance costs paid by design professionals. Those costs, however, may increase for people who contract for the services of a design professional.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends s. 725.08 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Martin

33-00430-26

2026888

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

Section 1. Present subsections (3), (4), and (5) of section

Page 1 of 3

**CODING:** Words stricken are deletions; words underlined are additions.

33-00430-26

2026888

30 725.08, Florida Statutes, are redesignated as subsections (5),  
31 (6), and (7), respectively, new subsections (3) and (4) are  
32 added to that section, and subsections (1) and (2) and present  
33 subsection (5) of that section are amended, to read:

34           725.08 Design professional contracts; limitation in  
35 indemnification.—

48       (2) Except as specifically provided in subsection (1), a  
49 professional services contract entered into with a public agency  
50 may not require that the design professional defend, indemnify,  
51 or hold harmless the contracting party or agency, its employees,  
52 officers, directors, or agents from any liability, damage, loss,  
53 claim, action, or proceeding, and any such contract provision is  
54 shall be void as against the public policy of this state.

55 (3) (a) A professional services contract must require the  
56 design professional to perform the services with the level of  
57 professional skill and care ordinarily provided by a competent  
58 design professional practicing under the same or similar

Page 2 of 3

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33-00430-26

2026888

59     circumstances and professional licenses as expeditiously as is  
60     prudent.

61        (b) A professional services contract may not subject a  
62        design professional to a standard of care different than that  
63        provided in paragraph (a).

64        (c) If the standard of care in a professional services  
65        contract differs from the professional skill and care as  
66        described in paragraph (a), paragraph (a) applies.

67        (4) A professional services contract may not require a  
68        design professional to list a contracting party or any other  
69        person or entity as an additional insured on the design  
70        professional's policy of professional liability insurance.

71        (7) (5) This section does not affect contracts or agreements  
72        entered into before July 1, 2026 the effective date of this  
73        section.

74        Section 2. This act shall take effect July 1, 2026.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: SB 1516

INTRODUCER: Senator Garcia

SUBJECT: Caller Identification Information

DATE: February 10, 2026 REVISED: \_\_\_\_\_

| ANALYST          | STAFF DIRECTOR | REFERENCE | ACTION             |
|------------------|----------------|-----------|--------------------|
| 1. <u>Renner</u> | <u>McKay</u>   | <u>CM</u> | <u>Pre-meeting</u> |
| 2. _____         | _____          | <u>RI</u> | _____              |
| 3. _____         | _____          | <u>RC</u> | _____              |

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### **I. Summary:**

SB 1516 regulates the transmission, authentication, and accuracy of telephone caller ID information in Florida.

The bill prohibits the transmission of misleading or inaccurate caller ID with the intent to defraud, cause harm, or wrongfully obtain anything of value. The bill requires telecommunications companies to provide the telephone number and originating location of each call and to block calls and text messages with manipulated caller ID information that doesn't match the telephone number or location. The prohibition does not apply to authorized law enforcement activity or a court order. The bill establishes civil penalties for violations up to \$250,000.

The bill defines the Secure Telephone Identity Revisited (STIR) and Signature-based Handling of Asserted Information Using toKENS (SHAKEN) authentication framework and requires telecommunications companies to implement such caller ID authentication protocols by July 1, 2027, with certifications filed with the Federal Communications Commission. The bill establishes civil penalties for violations up to \$250,000.

The bill does not appear to have a fiscal impact on state or local government agencies.

The bill provides an effective date of October 1, 2026.

**Present Situation:****Federal Telephone Consumer Protections*****National Do Not Call Registry***

The Federal Trade Commission (FTC), in concert with the Federal Communications Commission (FCC), administers the National Do Not Call Registry.<sup>1</sup> Telephone solicitors may not contact a consumer who participates in the National Do Not Call Registry, unless the calls are:

- Made with a consumer's prior, express permission;
- Informational in nature, such as those made to convey a utility outage, school closing, or flight information; or
- Made by a tax-exempt organization.<sup>2</sup>

***The Truth in Caller ID Act<sup>3</sup>***

Caller ID information that is altered to conceal the true identity of the caller and mislead the person receiving the call is referred to as "spoofing."<sup>4</sup> In response to the growing practice of spoofing, Congress amended the Telephone Consumer Protection Act<sup>5</sup> to add the Truth in Caller ID Act of 2009 (Act). Under the Act and FCC rules, a person or entity is prohibited from transmitting false or misleading caller ID information "with the intent to defraud, cause harm, or wrongly obtain anything of value," with a penalty of up to \$10,000 for each violation.<sup>6</sup> However, spoofing is not illegal when no harm is intended or caused, or when the caller has legitimate reasons to hide their identity. Examples may include law enforcement agencies working on a case, a victim of domestic abuse, or a doctor who wishes to discuss private medical matters with a patient.<sup>7</sup>

***Caller ID Authentication***

The STIR/SHAKEN (Secure Telephone Identity Revisited and Signature-based Handling of Asserted Information Using toKENS) framework is a set of technical standards and protocols that allow for the authentication and verification of caller ID information for calls carried over Internet Protocol networks.<sup>8</sup> In practice, calls traveling through interconnected phone networks can have their caller ID "signed" as legitimate by originating carriers and validated by other

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<sup>1</sup> Federal Communications Commission, *Stop Unwanted Calls and Texts*, available at <https://www.fcc.gov/consumers/guides/stop-unwanted-robocalls-and-texts> (last visited Feb.10, 2026).

<sup>2</sup> 47 U.S.C. § 227(a)(4); *See also*, 47 C.F.R. § 64.1200 (2012).

<sup>3</sup> 47 U.S.C. § 227(e).

<sup>4</sup> Congression Research Service, *Federal Communications Commission: Progress Protecting Consumers from Illegal Robocalls*, p. 1 (April 10, 2020). Available at [https://www.everycrsreport.com/files/20200410\\_R46311\\_fbb112c0038279f12c7ce63471c9eb5593945a67.pdf](https://www.everycrsreport.com/files/20200410_R46311_fbb112c0038279f12c7ce63471c9eb5593945a67.pdf) (last visited Feb. 10, 2026).

<sup>5</sup> The Telephone Consumer Protect Act restricts the making of telemarketing calls and the use of automatic telephone dialing systems and artificial or prerecorded voice messages. *See* 47 U.S.C. § 227.

<sup>6</sup> 47 U.S.C. § 227(e).

<sup>7</sup> FCC, *Caller ID Spoofing*, <https://www.fcc.gov/consumers/guides/spoofing-and-caller-id> (last visited Feb. 10, 2026).

<sup>8</sup> 47 CFR. §64.6301.

carriers before reaching consumers.<sup>9</sup> Because the STIR/SHAKEN framework is only operational on IP networks, the FCC also requires providers using older network technologies to either upgrade their networks to IP or develop a caller ID authentication solution that works on non-IP networks.<sup>10</sup>

## Florida Telephone Consumer Protections

### ***Telecommunications Carriers***

The Public Service Commission (PSC), an arm of the legislative branch of government,<sup>11</sup> ensures that Florida consumers receive utility services, including electric, natural gas, water, wastewater, and telephone, in a safe, affordable, and reliable manner.<sup>12</sup> To do so, the PSC exercises authority over public utilities in the following areas: rate base or economic regulation, competitive market oversight, and monitoring of safety, reliability, and service issues.<sup>13</sup>

Under ch. 364, F.S., telecommunications carriers in Florida are subject to limited PSC regulation. Telecommunications companies are defined to include every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court, and every political subdivision in the state, offering two-way communications service to the public for hire within the state by use of a telecommunications facility.<sup>14</sup> The term *does not* include:<sup>15</sup>

- Entities that provide a telecommunications facility exclusively to a certificated telecommunications company;
- Entities that provide a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;
- Commercial mobile radio service providers (mobile phone service provided for profit and to the public);
- Facsimile transmission services;
- Private computer data network companies not offering service to the public for hire;
- Cable television companies providing cable service as defined in 47 U.S.C. s. 522;
- Intrastate interexchange telecommunications companies;
- Operator services providers; or
- Airports that provide communications services within the confines of their airport layout plan.

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<sup>9</sup> FCC, *Combating Spoofed Robocalls with Caller ID Authentication*, available at <https://www.fcc.gov/call-authentication> (last visited Feb. 10, 2026).

<sup>10</sup> *Id.*

<sup>11</sup> Section 350.001, F.S.

<sup>12</sup> See Florida Public Service Commission, *Florida Public Service Commission Homepage*, available at <https://www.psc.state.fl.us/> (last visited Feb. 10, 2026).

<sup>13</sup> Florida Public Service Commission, *About the PSC: Overview and Key Facts*, available at <https://www.psc.state.fl.us/about#OverviewAndKeyFacts> (last visited Feb. 10, 2026).

<sup>14</sup> Section 364.02(13), F.S.

<sup>15</sup> Section 364.02(13)(a)-(i), F.S.

### ***Florida Telemarketing Act***

Chapter 501, part IV, F.S., the Florida Telemarketing Act (FTA), requires non-exempt businesses engaged in telemarketing and their salespeople to be licensed by the Florida Department of Agriculture and Consumer Services (DACS) before operating in Florida. Certain exempt entities must have a valid affidavit of exemption on file prior to operating in Florida. There are approximately 28 exemptions, including: soliciting for religious, charitable, political or educational purposes; research companies; newspapers; book and video clubs; cable television; and persons or companies with whom the consumer has a prior business relationship.<sup>16</sup>

The FTA generally requires businesses that solicit the sale of consumer goods or services to:

- Be licensed;<sup>17</sup>
- Post a form of security;<sup>18</sup>
- License all of their salespeople<sup>19</sup> and
- Provide the DACS with a list of all telephone numbers used to make sales calls.<sup>20</sup>

An application for licensure as a telemarketer must include several pieces of information, including the applicant's identifying information, prior experience in the field, criminal and administrative history (especially relating to fraud, theft, or unfair and deceptive trade practices), phone numbers from which the telemarketer will make sales calls, and any parent or affiliate entities under which it will transact business, if applicable.<sup>21</sup>

### ***Call-Blocking Act<sup>22</sup>***

Under Florida's Call-Blocking Act, telecommunications companies that provide voice communications services to customers in Florida are authorized to preemptively block certain phone calls from reaching a customer's phone. In particular, consistent with federal law and FCC rules, such service providers may block calls:

- When the customer to which an originating number is assigned has requested that calls purporting to originate from that number be blocked because the number is used for inbound calls only.
- Originating from a number that is not a valid North American Numbering Plan (NANP) phone number.
- Originating from a valid NANP phone number that has not been allocated to a telephone service provider by the NANP Administrator or pooling administrator.<sup>23</sup>

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<sup>16</sup> Section 501.604, F.S.

<sup>17</sup> Section 501.605, F.S.

<sup>18</sup> Section 501.611, F.S., requires a \$50,000 bond, irrevocable letter of credit issued for the applicant, or a certificate of deposit in favor of the DACS for payment on findings of fraud, misrepresentation, breach of contract, or other violation by the applicant.

<sup>19</sup> Section. 501.607, F.S.

<sup>20</sup> Section 501.605(2)(k), F.S.

<sup>21</sup> Section 501.605(2), F.S.

<sup>22</sup> Section 365.176., F.S.

<sup>23</sup> A "pooling administrator" is defined as "the Thousands-Block Pooling Administrator as identified in 47. C.F.R., § 52.20." Thousands-block number pooling is a process designed to optimize the allocation of phone numbers. Under this process, 10,000 phone numbers are assigned to an individual geographic center and then split into 10 blocks of 1,000 numbers each. Each block can then be assigned to a service provider by a neutral number pooling administrator. See 47 C.F.R., § 52.20.

- Originating from a valid NANP phone number that has been allocated to a telephone service provider but is unused, if the provider blocking the calls: was allocated the number and confirms that the number is unused; or has obtained verification from the allocatee that the number is unused.

A service provider may not block a voice call from either of the first two categories listed above if the call is an emergency call placed to 911.

For purposes of blocking calls from certain originating numbers as authorized under the act, a provider may rely on caller identification service<sup>24</sup> information to determine the originating number.

While the Call-Blocking Act authorizes providers to block calls in specified scenarios, it is permissive and limited to scenarios consistent with authorization under federal law and FCC rules.

### ***Caller-ID Spoofing***

Pursuant to s. 817.487, F.S., a person is prohibited from entering or causing to be entered false information into a caller identification system with the intent to deceive, defraud, or mislead the call recipient. Additionally, a person may not make a telephone call knowing that false information was entered into the caller identification system with the intent to deceive, defraud, or mislead the recipient of the call. This does not apply to the blocking of caller ID information, to law enforcement agencies or federal intelligence agencies, or to telecommunications, broadband, or voice-over-internet service providers acting solely as intermediaries for the transmission of telephone service between a caller and a recipient. A person who violates this provision commits a first degree misdemeanor.<sup>25</sup>

However, a U.S. District Court in Miami found that Florida's Caller ID Anti-Spoofing Act (2008) violated the Commerce Clause of the United States Constitution because it had the effect of controlling spoofing practices that took place entirely outside the state.<sup>26</sup> Similarly, in 2020, a federal court in North Dakota struck down North Dakota's anti-spoofing law, which was substantially similar to Florida's.<sup>27</sup>

## **II. Effect of Proposed Changes:**

**Section 1** creates s. 364.242, F.S., prohibiting knowingly transmitting misleading or inaccurate caller ID information in connection with a telecommunications company. Telecommunication companies must provide the originating telephone number and location and must block all telephone calls and text messages with manipulated caller ID information that does not match the original number or location. This prohibition does not apply to transmissions in connection with

<sup>24</sup> "Caller identification service" is a service that allows a telephone subscriber to have the telephone number and, if available, the name of the calling party transmitted contemporaneously with the telephone call and displayed on a device in or connected to the subscriber's telephone. Section 365.176(2)(a), F.S.

<sup>25</sup> A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. Sections 775.082 and 775.083.F.S.

<sup>26</sup> *TelTech Systems, Inc. v. McCollum*, No. 08-61664-CIV-MARTINEZ-BROWN (S.D. Fla. Filed Oct. 16, 2008), 2009 WL 10626585.

<sup>27</sup> *SpoofCard, LLC v. Burgum*, 499 F. Supp 3d 647 (D.N.D. Nov. 9, 2020).

the authorized activity of law enforcement agencies or to court orders specifically authorizing the manipulation of caller ID information. The bill establishes \$250,000 civil penalties for violations of this provision.

**Section 2** establishes s. 364.243, F.S., defining the STIR/SHAKEN authentication framework and requiring that all telecommunications companies adopt the STIR/SHAKEN authentication framework, or an equivalent technology that offers similar or enhanced capabilities for verifying and authenticating caller ID information on the company's Internet protocol networks, by July 1, 2027.

Telecommunications companies must file a certification with the FCC stating that their traffic is either digitally verified by the STIR/SHAKEN authentication framework or subject to a compliant automated call mitigation program. A copy of such certification must be provided to the Attorney General or the PSC upon request. The bill establishes \$250,000 civil penalties for violations of this provision.

**Section 3** amends s. 365.176, F.S., to make conforming changes made by the bill, and specify that a provider may rely on information provided by the pooling administrator to deliver the originating number.

**Section 4** provides an effective date of October 1, 2026.

### **III. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None identified.

### **IV. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Telecommunications companies may incur costs to implement or enhance STIR/SHAKEN protocols and compliance systems for authentication, blocking, and reporting.

Businesses and consumers may benefit from reduced fraud if caller ID manipulation diminishes; however, compliance costs and potential litigation could affect carriers.

**C. Government Sector Impact:**

Regulatory oversight and enforcement responsibility costs could be incurred and absorbed by the Attorney General or the Public Service Commission.

**V. Technical Deficiencies:**

None.

**VI. Related Issues:**

None.

**VII. Statutes Affected:**

This bill substantially amends section 365.176 of the Florida Statutes.

This bill creates sections 364.242 and 364.243 of the Florida Statutes.

**VIII. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Garcia

36-01313A-26

20261516

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

Section 1. Section 364.242, Florida Statutes, is created to read:

364.242 Misleading or inaccurate caller identification.—  
(1) A person may not, in connection with a  
telecommunications company, cause a caller identification  
service as defined in s. 365.176 to knowingly transmit

Page 1 of 3

**CODING:** Words stricken are deletions; words underlined are additions.

36-01313A-26

20261516

30 misleading or inaccurate caller identification information with  
31 the intent to defraud, cause harm, or wrongfully obtain anything  
32 of value.

38                   (3) This section does not apply to transmissions in  
39 connection with:

40                   (a) Any authorized activity of a law enforcement agency; or  
41                   (b) A court order that specifically authorizes manipulation  
42 of caller identification information.

44 The commission shall determine additional exemptions from this  
45 section as it deems appropriate.

46 (4) A telecommunications company may be held civilly liable  
47 and, notwithstanding s. 364.285(1), subject to a penalty of  
48 \$250,000 if it is found to be in violation of this section.

49 Section 2. Section 364.243, Florida Statutes, is created to  
50 read:

51 364.243 Authentication framework implementation.—

52       (1) As used in this section, the term "STIR/SHAKEN  
53 authentication framework" means the Secure Telephone Identity  
54 Revisited (STIR) and Signature-based Handling of Asserted  
55 Information Using toKENs (SHAKEN) standards proposed by the  
56 information and communications technology industry.

57                   (2) By July 1, 2027, the commission shall require every  
58 telecommunications company to implement the STIR/SHAKEN

Page 2 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 authentication framework or an alternative technology that  
60 provides comparable or superior capability to verify and  
61 authenticate caller identification information in the Internet  
62 protocol networks of the telecommunications company.

63 (3) Notwithstanding any other provision of law, a  
64 telecommunications company shall file a certification with the  
65 Federal Communications Commission that the company's traffic is  
66 either digitally verified by the STIR/SHAKEN authentication  
67 framework or subject to a compliant automated call mitigation  
68 program. The company shall provide a copy of such certification  
69 to the Attorney General or the commission upon request.

70 (4) A telecommunications company may be held civilly liable  
71 and, notwithstanding s. 364.285(1), subject to a penalty of  
72 \$250,000 if it is found to be in violation of this section.

73 Section 3. Present subsection (4) of section 365.176,  
74 Florida Statutes, is redesignated as subsection (5) and amended,  
75 and a new subsection (4) is added to that section, to read:

76 365.176 Florida Call-Blocking Act.-

77 (4) Under s. 364.242, providers must block calls that  
78 contain manipulated caller identification information that does  
79 not match the originating number or location of the call.

80 (5)(4) For purposes of blocking calls from certain  
81 originating numbers as authorized and required in this section,  
82 a provider may rely on caller identification service information  
83 provided by the pooling administrator to determine the  
84 originating number.

85 Section 4. This act shall take effect October 1, 2026.

February 11, 2026

Meeting Date

Senate Commerce & Tourism

Committee

Name **Brian Jogerst**

Address **PO Box 11094**

Street

**Tallahassee**

**FL**

**32302**

City

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Elder Law Section/Florida Bar AND The Academy of Florida Elder Law Attorneys**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to Senate professional staff conducting the meeting

**Senate Bill 1516**

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-933-1985**

Email **brian@thegriffingroup.com**

2-11-26 - 9 AM

Meeting Date

Commerce & Tourism

Committee

Name AARP - Karen Murillo

Address 215 S. Monroe St., Ste. 603

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

|  |  |  |
|--|--|--|
| <p><b>PLEASE CHECK ONE OF THE FOLLOWING:</b></p> <p><input type="checkbox"/> I am appearing without compensation or sponsorship.</p> <p><input checked="" type="checkbox"/> I am a registered lobbyist, representing:<br/><b>AARP Florida</b></p> <p><input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:</p> |  |  |
|--|--|--|

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1516 - Caller Identification Info

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-567-0414

Email kmurillo@aarp.org



The Florida Senate

## Committee Agenda Request

**To:** Senator Thomas Leek, Chair  
Committee on Commerce and Tourism

**Subject:** Committee Agenda Request

**Date:** January 20, 2026

---

I respectfully request that **Senate Bill #1516**, relating to Caller Identification Information, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Ileana Garcia".

---

Senator Ileana Garcia  
Florida Senate, District 36

The Florida Senate  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 1562

INTRODUCER: Commerce and Tourism Committee and Senator Trumbull

SUBJECT: Motor Vehicle Dealers

DATE: February 12, 2026 REVISED: \_\_\_\_\_

| ANALYST     | STAFF DIRECTOR | REFERENCE | ACTION           |
|-------------|----------------|-----------|------------------|
| 1. Shutes   | Vickers        | TR        | <b>Favorable</b> |
| 2. McMillan | McKay          | CM        | <b>Fav/CS</b>    |
| 3. _____    | _____          | RC        | _____            |

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 1562 prohibits a licensed motor vehicle manufacturer, distributor, importer or factory branch (licensee) that sells 1,000 or more vehicles of a particular line-make to motor vehicle dealers within the state during any 12-month period from selling more than 33.33 percent of such vehicles to any single dealer or group of dealers with common ownership or control. However, the bill exempts any licensee that had a franchised dealer in the state as of January 1, 2026, or if they are not otherwise prohibited from owning or operating their own dealership.

The bill expands the grounds on which a licensee may prevent or reject the succession, transfer, assignment, or sale of a motor vehicle dealership franchise to include when such action would result in the licensee selling more than 33.33 percent of its wholesale volume in the state to any single dealer or group of dealers with common ownership or control, in violation of ch. 320, F.S.

The bill will have an indeterminate fiscal impact on the private sector. See Section V., Fiscal Impact Statement for details.

The bill takes effect July 1, 2026.

## II. Present Situation:

### Florida Automobile Dealership Act

The Florida Automobile Dealership Act (Act)<sup>1</sup> governs the licensure of, and contractual relationship between motor vehicle manufacturers<sup>2</sup>, distributors<sup>3</sup>, and importers<sup>4</sup>, and provides substantial protections and safeguards for motor vehicle dealers.

The Department of Highway Safety and Motor Vehicles (DHSMV) administers and enforces the Act, which generally specifies:

- Motor vehicle manufacturers, distributors, and importers (applicants or licensees) must be licensed under the Act to engage in business in Florida, and the conditions under which the DHSMV may deny, suspend, or revoke such licenses;
- The requirements for licensees wishing to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a request;
- The procedures licensees must follow to add a franchised dealership in an area already served by a franchised dealer, the protest process, and the DHSMV's role in such circumstances;
- The damages assessable against a licensee who violates the Act; and
- DHSMV's authority to adopt rules to implement the Act.<sup>5</sup>

### Motor Vehicle Dealers

Under the Act, motor vehicle dealers<sup>6</sup> are classified as either franchised dealers or independent dealers. A franchised motor vehicle dealer is any person or business who engages in the business of repairing, servicing, buying, selling, or dealing in motor vehicles pursuant to a franchise agreement.<sup>7</sup> An independent motor vehicle dealer is any person or business other than a

<sup>1</sup> Chapter 70-424, Laws of Florida, codified in ch. 320, F.S.

<sup>2</sup> Section 320.60(11), F.S., defines "manufacturer" as any person, whether a resident or nonresident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. The term includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, it distributes its product.

<sup>3</sup> Section 320.60(5), F.S., defines "distributor" as a person, resident or nonresident, who, in whole or in part, sells or distributes motor vehicles to motor vehicle dealers or who maintains distributor representatives.

<sup>4</sup> Section 320.60(7), F.S., defines "importer" as any person who imports vehicles from a foreign country into the United States or into this state for the purpose of sale or lease.

<sup>5</sup> Section 320.011, F.S.

<sup>6</sup> Section 320.60(13) F.S., defines "motor vehicle dealer" as any person, firm, company, corporation, or other entity, who holds a license pursuant to s. 320.27, F.S. as a "franchised motor vehicle dealer" and, for commission, money, or other things of value, repairs or services motor vehicles or used motor vehicles pursuant to a franchise agreement; sells, exchanges, buys, leases or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles; or is engaged wholly or in part in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, company, or corporation. Further, any person who repairs or services three or more motor vehicles or used motor vehicles; buys, sells, or deals in three or more motor vehicles in any 12-month period; or offers or displays for sale three or more motor vehicles in any 12-month period is presumed to be a motor vehicle dealer, with exceptions.

<sup>7</sup> Section 320.60(1),(14), F.S., defines "franchise agreement" as a contract, franchise, new motor vehicle franchise, sales and service agreement, or dealer agreement or any other terminology used to describe the contractual relationship between a manufacturer, factory branch, distributor, or importer, and a motor vehicle dealer, pursuant to which the motor vehicle dealer is authorized to transact business pertaining to motor vehicles of a particular line-make. "Line-make vehicles" are those

franchised or wholesale motor vehicle dealer<sup>8</sup> who engages in the business of buying, selling, or dealing in motor vehicles, and who may service and repair motor vehicles.<sup>9</sup>

Currently, no person or entity may engage in business as a motor vehicle dealer without first obtaining a motor vehicle dealer license. Generally, only dealers may advertise vehicles belonging to others, unless the sale arises from a bona fide legal proceeding, court order, estate settlement, or operation of law. However, a vehicle owner may advertise and sell vehicles titled in their own name without a license.<sup>10</sup>

### *Restrictions on Owning or Operating Dealerships*

The Act prohibits licensees, manufacturers, distributors, agents of a manufacturer or distributor, or any parent, subsidiary, common entity<sup>11</sup>, officer, or representative of a licensee from owning or operating a dealership in Florida for the sale or service of a line-make of motor vehicles that are already offered for sale under a franchise agreement with a dealer in this state.<sup>12</sup> However, if a manufacturer has no franchised dealers in the state for a line-make, they may be allowed to sell directly to consumers.

Other instances in which a manufacturer or distributor may own or operate a dealership include when the licensee:

- Operates a dealership temporarily, not to exceed one year, during the transition between owners.
- Temporarily operates a dealership to broaden diversity within its dealer body or provide opportunities to qualified persons who lack the resources to purchase the dealership outright, in a bona fide relationship with an independent person<sup>13</sup> who has made a significant investment and is reasonable expected to acquire full ownership.
- Operates a dealership when DHSMV, after a hearing, determines that no independent person is available in the community or territory to own and operate the dealership in a manner consistent with the public interest.

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motor vehicles which are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer of same. However, motor vehicles sold or leased under multiple brand names or marks shall constitute a single line-make when they are included in a single franchise agreement and every motor vehicle dealer in this state authorized to sell or lease any such vehicles has been offered the right to sell or lease all of the multiple brand names or marks covered by the single franchise agreement.

<sup>8</sup> Section 320.27(1)(c) F.S., defines “wholesale motor vehicle dealer” as any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions.

<sup>9</sup> Section 320.27(1)(c), F.S.

<sup>10</sup> Section 320.27(2), F.S.

<sup>11</sup> Section 320.60(2)(a), F.S., defines “common entity” means a person or business who is directly or indirectly controlled by, or has more than 30 percent of its equity interest directly or indirectly owned by, a manufacturer, importer, distributor, or licensee, or an affiliate thereof; or who has more than 30 percent of its equity interest directly or indirectly controlled or owned by one or more persons who also directly or indirectly control or own more than 30 percent of the equity interests of a manufacturer, an importer, a distributor, or a licensee, or an affiliate thereof.

<sup>12</sup> Section 320.645(1), F.S.

<sup>13</sup> Section 320.60(8), F.S., defines “Independent person” means a person who is not an agent; a parent; a subsidiary; a common entity; an officer; a director; or an employed representative of a licensee, a manufacturer, an importer, or a distributor.

In all such cases, the dealership must be continually offered for sale to independent persons at a fair and reasonable price, and approval of the sale of a proposed dealer may not be unreasonably withheld.<sup>14</sup>

### **Manufacturer, Factory Branch, Distributor, and Importer Licenses**

Under the Act, motor vehicle manufacturers, factory branches, distributors, and importers must be licensed before engaging in business in the state. No motor vehicle may be sold,<sup>15</sup> leased, or offered for sale or lease in this state unless the manufacturer, importer, or distributor of such motor vehicle is licensed under s. 320.61, F.S.<sup>16</sup>

### **Denying, Revoking, or Suspending a License**

A motor vehicle manufacturer, distributor, or importer license may be denied, suspended, or revoked, for a specific location or statewide, if there is sufficient evidence of repeated violations of ch. 320, F.S., demonstrating a pattern of misconduct.<sup>17</sup> Current law identifies a substantial, enumerated list of conduct in which licensees are prohibited from engaging. Grounds for denying, suspending, or revoking a license generally arise from the licensee's dealings with its franchised motor vehicle dealers.<sup>18</sup>

### *Succession of a Motor Vehicle Dealership*

Current law prohibits a licensee from preventing or refusing to accept the succession of a motor vehicle dealership franchise to a dealer's legal heir or devisee, notwithstanding the terms of any franchise agreement. A licensee may reject a proposed successor only if:<sup>19</sup>

- The heir or devisee fails to meet the licensee's written, reasonable, and uniformly applied minimum qualifications for dealer applicants; or
- Following notice and an administrative hearing, the succession is shown to be detrimental to the public interest or the licensee's representation.

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<sup>14</sup> Section 320.645(1), F.S.

<sup>15</sup> Section 320.60(16), F.S., defines "Sell" or "sold" as accepting a deposit or receiving a payment for the retail purchase, lease, or other use of a motor vehicle; accepting a reservation from a retail consumer for a specific motor vehicle identified by a vehicle identification number or other product identifier; setting the retail price for the purchase, lease, or other use of a motor vehicle, but does not include setting a manufacturer's suggested retail price; offering or negotiating with a retail consumer terms for the purchase, lease, or other use of a motor vehicle; offering or negotiating with a retail consumer a value for a motor vehicle being traded in as part of the purchase, lease, or other use of a motor vehicle, but does not include a website or other means of electronic communication that identifies to a consumer a conditional trade-in value and that contains language informing the consumer that the trade-in value is not binding on any motor vehicle dealer; any transaction where the title of a motor vehicle or a used motor vehicle is transferred to a retail consumer; or any retail lease transaction where a retail consumer leases a vehicle for a period of at least 12 months, but does not include administering lease agreements, taking assignments of leases, performing required actions pursuant to such leases, or receiving payments under a lease agreement that was originated by a motor vehicle dealer.

<sup>16</sup> Section 320.61, F.S.

<sup>17</sup> Section 320.64, F.S.

<sup>18</sup> *Id.*

<sup>19</sup> Section 320.64(16), F.S.

### *Termination, Cancellation, or Nonrenewal of Franchise Agreement*

Current law requires licensees to repurchase certain property from a dealer following the voluntary or involuntary termination, cancellation or nonrenewal of a franchise agreement. Property subject to repurchase includes new vehicles with limited mileage, new and resalable parts and accessories purchased directly from the licensee, undamaged signs bearing the licensee's trademark, and special tools, automotive service equipment, and data processing equipment recommended or supplied by the licensee.<sup>20</sup> Specifically, the licensee must pay the dealer the net cost paid by the dealer for each new car or truck in the dealer's inventory with mileage of 2,000 miles or less, or a motor cycle with mileage of 100 miles or less, not counting mileage placed on the vehicle before it was delivered to the dealer.<sup>21</sup> Licensees are also responsible for reasonable costs associated with transporting, handling, packing, storing, and loading the property.

If the termination, cancellation or nonrenewal results from a plan, scheme, or corporate action intended to reduce the number of franchised dealers, or from bankruptcy or cessation of a line-make, the licensee must additionally compensate the dealer for the fair market value of the franchise, reflecting the goodwill of the dealership within its community or territory. Compensation is generally due upon tender of the property, with clear procedures for returning inventory and other items. Certain transactions, including the sale of the dealer's assets or ownership interests, are exempt from these repurchase requirements.<sup>22</sup>

### **Transfer, Assignment, or Sale of Franchise**

Under current law, a motor vehicle dealer may sell, assign, transfer, or otherwise dispose of a franchise agreement to another person, including a corporation established to hold the franchise. A licensee may only refuse or penalize such a transfer if:<sup>23</sup>

- The proposed transferee, or the transferee's controlling executive management, is not of good moral character; or
- The transferee does not meet the licensee's written, reasonable, and uniformly applied qualifications regarding financial capacity and business experience.

A dealer seeking to transfer a franchise must provide written notice to the licensee, including the transferee's name, address, financial qualifications, and recent business experience.

Subsequently, the licensee has 60 days to object in writing and specify the material reasons for rejecting the transferee. If the licensee does not respond within 60 days, the transfer is considered approved.<sup>24</sup> Further, any transfer is valid only if the transferee agrees in writing to comply with all existing franchise requirements, with ownership changed to the transferee.<sup>25</sup>

### **Industry Background**

<sup>20</sup> Section 320.64(36), F.S.

<sup>21</sup> Section 320.64(36)(a), F.S.

<sup>22</sup> Section 320.64(36)(b), F.S.

<sup>23</sup> Section 320.643(1)(a), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

Historically, Florida's motor vehicle industry has been one of the largest in the country, driven by sustained population growth, high vehicle demand, and a dense network of franchised dealerships across the state. In 2024, Florida's dealership network was credited with creating over 186,400 jobs and contributing over \$115 billion to the state economy.<sup>26</sup> As of June 2025, Florida's annual new motor vehicle sales ranked third overall in the United States, totaling almost \$60 million in sales in the first half of the year.<sup>27</sup> Florida also had the third most motor vehicle dealers in the nation, with 943 new-car dealers.<sup>28</sup>

However, the motor vehicle retail market is increasingly dominated by large dealer groups. Ongoing consolidation through mergers, acquisitions, and multi-brand ownership has concentrated market share among fewer corporate entities, many of which operate countless dealerships across the state or nationwide. For example, AutoNation, one of the largest motor vehicle retailers in the U.S., operates 51 of its 267 nationwide retail locations in Florida, where it sells 31 different motor vehicles brands, including domestic, import, and premium luxury lines.<sup>29</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 320.64, F.S., to prohibit a licensed motor vehicle manufacturer, distributor, importer or factory branch (licensee) that sells 1,000 or more vehicles of a particular line-make to motor vehicle dealers within the state during any 12-month period from selling more than 33.33 percent of such vehicles to any single dealer or group of dealers with common ownership or control.

A group of dealers is commonly owned or controlled when:

- One dealer owns or controls more than 30 percent of another dealer; or
- The same person or entity owns or controls more than 30 percent of each dealer.

However, the bill exempts any licensee that had a franchised dealer in the state as of January 1, 2026, or if they are not otherwise prohibited from owning their own dealership.

The bill expands the grounds on which a licensee may prevent or reject the succession, transfer assignment, or sale of a motor vehicle dealership franchise to include when such action would result in the licensee selling more than 33.33 percent of its wholesale volume in the state to any single dealer or group of dealers with common ownership or control, in violation of chapter 320, F.S.

The bill takes effect July 1, 2026.

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<sup>26</sup> Florida Automobile Dealers Association, *Driving Florida's Economy. Annual Contribution of Florida's New-Car Dealers*, available at <https://www.flada.org/about-fada/economic-impact/> (last visited February 11, 2026).

<sup>27</sup> National Automobile Dealers Association, *NADA Data 2025: Midyear Report*, at 5, available at <https://www.nada.org/media/4694/download?inline> (last visited February 11, 2026).

<sup>28</sup> *Id.*

<sup>29</sup> AutoNation, *2024 Annual Report*, <AutoNation-2025-Annual-Report.pdf> (last visited February 11, 2026).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The bill may have an indeterminate impact on the private sector. The bill may have a positive fiscal impact on motor vehicle dealers as it adds additional protections to Florida's franchise dealer regulatory model.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 320.64 and 320.643 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism Committee on February 11, 2026:**

The committee substitute:

- Prohibits a licensed motor vehicle manufacturer, distributor, importer or factory branch (licensee) that sells 1,000 or more vehicles of a particular line-make to motor vehicle dealers within the state during any 12-month period from selling more than 33.33 percent of such vehicles to any single dealer or group of dealers with common ownership or control.
- Exempts any licensee that had a franchised dealer in the state as of January 1, 2026, or if they are not otherwise prohibited from owning or operating their own dealership.
- Expands the grounds on which a licensee may prevent or reject the succession, transfer, assignment, or sale of a motor vehicle dealership franchise to include when such action would result in the licensee selling more than 33.33 percent of its wholesale volume in the state to any single dealer or group of dealers with common ownership or control.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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 287160

LEGISLATIVE ACTION

House

Senate  
Comm: FAV  
02/11/2026

The Committee on Commerce and Tourism (Trumbull) recommended the following:

**Senate Amendment (with title amendment)**

1 Delete everything after the enacting clause  
2 and insert:  
3 Section 1. Subsection (16) and paragraph (a) of subsection  
4 (36) of section 320.64, Florida Statutes, are amended, and  
5 subsection (44) is added to that section, to read:  
6 320.64 Denial, suspension, or revocation of license;  
7 grounds.—A license of a licensee under s. 320.61 may be denied,  
8 suspended, or revoked within the entire state or at any specific

Page 1 of 10

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40 transferee under this subsection shall have the burden of  
41 establishing in any proceeding where such rejection is in issue  
42 that the rejection of the successor transferee complies with  
43 this subsection.

44 (36)(a) Notwithstanding the terms of any franchise  
45 agreement, in addition to any other statutory or contractual  
46 rights of recovery after the voluntary or involuntary  
47 termination, cancellation, or nonrenewal of a franchise, failing  
48 to pay the motor vehicle dealer, as provided in paragraph (d),  
49 the following amounts:

50 1. The net cost paid by the dealer for each new motor  
51 vehicle other than motorcycles car or truck in the dealer's  
52 inventory with mileage of 2,000 miles or less, or each new a  
53 motorcycle in the dealer's inventory with mileage of 100 miles  
54 or less, exclusive of mileage placed on the motor vehicle before  
55 it was delivered to the dealer.

56 2. The current price charged for each new, unused,  
57 undamaged, or unsold part or accessory that:

58 a. Is in the current parts catalog and is still in the  
59 original, resalable merchandising package and in an unbroken  
60 lot, except that sheet metal may be in a comparable substitute  
61 for the original package; and

62 b. Was purchased by the dealer directly from the  
63 manufacturer or distributor or from an outgoing authorized  
64 dealer as a part of the dealer's initial inventory.

65 3. The fair market value of each undamaged sign owned by  
66 the dealer which bears a trademark or trade name used or claimed  
67 by the applicant or licensee or its representative which was  
68 purchased from or at the request of the applicant or licensee or

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11 location or locations within the state at which the applicant or  
12 licensee engages or proposes to engage in business, upon proof  
13 that the section was violated with sufficient frequency to  
14 establish a pattern of wrongdoing, and a licensee or applicant  
15 shall be liable for claims and remedies provided in ss. 320.695  
16 and 320.697 for any violation of any of the following  
17 provisions. A licensee is prohibited from committing the  
18 following acts:

19 (16)(a) Notwithstanding the terms of any franchise  
20 agreement, the applicant or licensee prevents or refuses to  
21 accept the succession to any interest in a franchise agreement  
22 by any legal heir or devisee under the will of a motor vehicle  
23 dealer or under the laws of descent and distribution of this  
24 state; provided, the applicant or licensee is not required to  
25 accept a succession:

26 1. When ~~where~~ such heir or devisee does not meet licensee's  
27 written, reasonable, and uniformly applied minimal standard  
28 qualifications for dealer applicants;

29 2. ~~or~~ Which, after notice and administrative hearing  
30 pursuant to chapter 120, is demonstrated to be detrimental to  
31 the public interest or to the representation of the applicant or  
32 licensee; or

33 3. When the direct result of such succession will cause the  
34 applicant or licensee to be in violation of subsection (44).

35 (b) This subsection does not ~~Nothing contained herein,~~  
36 however, shall prevent a motor vehicle dealer, during his or her  
37 lifetime, from designating any person as his or her successor in  
38 interest by written instrument filed with and accepted by the  
39 applicant or licensee. A licensee who rejects the successor

Page 2 of 10

2/9/2026 12:40:24 PM

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 287160

69 its representative.

70 4. The fair market value of all special tools, data  
71 processing equipment, and automotive service equipment owned by  
72 the dealer which:

73 a. Were recommended in writing by the applicant or licensee  
74 or its representative and designated as special tools and  
75 equipment;

76 b. Were purchased from or at the request of the applicant  
77 or licensee or its representative; and  
78 c. Are in usable and good condition except for reasonable  
79 wear and tear.

80 5. The cost of transporting, handling, packing, storing,  
81 and loading any property subject to repurchase under this  
82 section.

83 (44)(a) The applicant or licensee has directly or  
84 indirectly distributed 1,000 or more motor vehicles of a  
85 particular line-make to motor vehicle dealers in this state  
86 during any 12-month period and has directly or indirectly  
87 distributed more than 33.33 percent of those same line-make  
88 motor vehicles during that 12-month period to one motor vehicle  
89 dealer or to multiple motor vehicle dealers that share common  
90 ownership or control. For purposes of this subsection, a motor  
91 vehicle dealer shares common ownership or control with another  
92 motor vehicle dealer if:

93 1. It is directly or indirectly controlled by or has more  
94 than 30 percent of its equity interest directly or indirectly  
95 owned by another motor vehicle dealer; or  
96 2. It has more than 30 percent of its equity interest  
97 directly or indirectly controlled or owned by one or more

Page 3 of 10

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Page 4 of 10

2/9/2026 12:40:24 PM

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98 persons who also directly or indirectly control or own more than  
99 30 percent of the equity interests of another motor vehicle  
100 dealer.

101 (b) This subsection does not apply to any line-make of  
102 motor vehicle for which there exists a licensed franchised  
103 dealer in this state as of January 1, 2026, or to an applicant  
104 or licensee who is not prohibited by s. 320.645 from owning or  
105 operating a motor vehicle dealership.

106 A motor vehicle dealer who can demonstrate that a violation of,  
107 or failure to comply with, any of the preceding provisions by an  
108 applicant or licensee will or may adversely and pecuniarily  
109 affect the complaining dealer, shall be entitled to pursue all  
110 of the remedies, procedures, and rights of recovery available  
111 under ss. 320.695 and 320.697.

112 Section 2. Subsections (1) and (2) of section 320.643, Florida Statutes, are amended to read:

113 320.643 Transfer, assignment, or sale of franchise  
114 agreements.—

115 (1)(a) Notwithstanding the terms of any franchise  
116 agreement, a licensee may shall not, by contract or otherwise,  
117 fail or refuse to give effect to, prevent, prohibit, or penalize  
118 or attempt to refuse to give effect to, prohibit, or penalize  
119 any motor vehicle dealer from selling, assigning, transferring,  
120 alienating, or otherwise disposing of its franchise agreement to  
121 any other person or persons, including a corporation established  
122 or existing for the purpose of owning or holding a franchise  
123 agreement, unless the licensee proves at a hearing pursuant to a  
124 complaint filed by a motor vehicle dealer under this section

Page 5 of 10

2/9/2026 12:40:24 PM

577-02560-26



156 determination that the proposed transferee has been rejected in  
157 violation of this section. The licensee has the burden of proof  
158 with respect to all issues raised by the complaint. The  
159 department shall determine, and enter an order providing, that  
160 the proposed transferee is either qualified or is not and cannot  
161 be qualified for specified reasons, or the order may provide the  
162 conditions under which a proposed transferee would be qualified.  
163 If the licensee fails to file such a response to the motor  
164 vehicle dealer's complaint within 30 days after receipt of the  
165 complaint, unless the parties agree in writing to an extension,  
166 or if the department, after a hearing, renders a decision other  
167 than one disqualifying the proposed transferee, the franchise  
168 agreement between the motor vehicle dealer and the licensee is  
169 deemed amended to incorporate such transfer or amended in  
170 accordance with the determination and order rendered, effective  
171 upon compliance by the proposed transferee with any conditions  
172 set forth in the determination or order.

173 (2)(a) Notwithstanding the terms of any franchise  
174 agreement, a licensee may shall not, by contract or otherwise,  
175 fail or refuse to give effect to, prevent, prohibit, or  
176 penalize, or attempt to refuse to give effect to, prevent,  
177 prohibit, or penalize, any motor vehicle dealer or any  
178 proprietor, partner, stockholder, owner, or other person who  
179 holds or otherwise owns an interest therein from selling,  
180 assigning, transferring, alienating, or otherwise disposing of,  
181 in whole or in part, the equity interest of any of them in such  
182 motor vehicle dealer to any other person or persons, including a  
183 corporation established or existing for the purpose of owning or  
184 holding the stock or ownership interests of other entities,

Page 7 of 10

2/9/2026 12:40:24 PM

577-02560-26



128 that the sale, transfer, alienation, or other disposition:

129 1. Is to a person who is not, or whose controlling  
130 executive management is not, of good moral character;  
131 2. Is to a person who ~~or~~ does not meet the written,  
132 reasonable, and uniformly applied standards or qualifications of  
133 the licensee relating to financial qualifications of the  
134 transferee and business experience of the transferee or the  
135 transferee's executive management; or  
136 3. Would directly cause the licensee to be in violation of  
137 s. 320.64(44).

138 (b) A motor vehicle dealer who desires to sell, assign,  
139 transfer, alienate, or otherwise dispose of a franchise shall  
140 notify, or cause the proposed transferee to notify, the  
141 licensee, in writing, setting forth the prospective transferee's  
142 name, address, financial qualifications, and business experience  
143 during the previous 5 years. A licensee who receives such notice  
144 may, within 60 days following such receipt, notify the motor  
145 vehicle dealer, in writing, that the proposed transferee is not  
146 a person qualified to be a transferee under this section and  
147 setting forth the material reasons for such rejection. Failure  
148 of the licensee to notify the motor vehicle dealer within the  
149 60-day period of such rejection shall be deemed an approval of  
150 the transfer. No such transfer, assignment, or sale shall be  
151 valid unless the transferee agrees in writing to comply with all  
152 requirements of the franchise then in effect, but with the  
153 ownership changed to the transferee.

154 (c) A motor vehicle dealer whose proposed sale is  
155 rejected may, within 60 days following such receipt of such  
156 rejection, file with the department a complaint for a

Page 6 of 10

2/9/2026 12:40:24 PM

577-02560-26



185 unless the licensee proves at a hearing pursuant to a complaint  
186 filed by a motor vehicle dealer under this section that the  
187 sale, transfer, alienation, or other disposition:

188 1. Is to a person who is not, or whose controlling

189 executive management is not, of good moral character; or

190 2. Would directly cause the licensee to be in violation of

191 s. 320.64(44).

192 (b) A motor vehicle dealer, or any proprietor, partner,  
193 stockholder, owner, or other person who holds or otherwise owns  
194 an interest in the motor vehicle dealer, who desires to sell,  
195 assign, transfer, alienate, or otherwise dispose of any interest  
196 in such motor vehicle dealer shall notify, or cause the proposed  
197 transferee to so notify, the licensee, in writing, of the  
198 identity and address of the proposed transferee. A licensee who  
199 receives such notice may, within 60 days following such receipt,  
200 notify the motor vehicle dealer in writing that the proposed  
201 transferee is not a person qualified to be a transferee under  
202 this section and setting forth the material reasons for such  
203 rejection. Failure of the licensee to notify the motor vehicle  
204 dealer within the 60-day period of such rejection shall be  
205 deemed an approval of the transfer. Any person whose proposed  
206 sale of stock is rejected may file within 60 days of receipt of  
207 such rejection a complaint with the department alleging that the  
208 rejection was in violation of the law or the franchise  
209 agreement. The licensee has the burden of proof with respect to  
210 all issues raised by such complaint. The department shall  
211 determine, and enter an order providing, that the proposed  
212 transferee either is qualified or is not and cannot be qualified  
213 for specified reasons; or the order may provide the conditions

Page 8 of 10

2/9/2026 12:40:24 PM

577-02560-26

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214 under which a proposed transferee would be qualified. If the  
215 licensee fails to file a response to the motor vehicle dealer's  
216 complaint within 30 days of receipt of the complaint, unless the  
217 parties agree in writing to an extension, or if the department,  
218 after a hearing, renders a decision on the complaint other than  
219 one disqualifying the proposed transferee, the transfer shall be  
220 deemed approved in accordance with the determination and order  
221 rendered, effective upon compliance by the proposed transferee  
222 with any conditions set forth in the determination or order.

223 ~~(c)(4)(B)~~ Notwithstanding paragraph (a), a licensee may not  
224 reject a proposed transfer of a legal, equitable, or beneficial  
225 interest in a motor vehicle dealer to a trust or other entity,  
226 or to any beneficiary thereof, which is established by an owner  
227 of any interest in a motor vehicle dealer for purposes of estate  
228 planning, if the controlling person of the trust or entity, or  
229 the beneficiary, is of good moral character.

230 Section 3. This act shall take effect July 1, 2026.

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

232 And the title is amended as follows:

233 Delete everything before the enacting clause  
234 and insert:

235 A bill to be entitled

236 An act relating to motor vehicle manufacturers,  
237 importers, and distributors and franchised motor  
238 vehicle dealers; amending s. 320.64, F.S.; authorizing  
239 licensees to reject the succession to interest in a  
240 franchise agreement of a motor vehicle dealer under  
241 certain circumstances; clarifying the motor vehicles

Page 9 of 10  
2/9/2026 12:40:24 PM

577-02560-26

 287160

243 for which a licensee must pay certain costs to a motor  
244 vehicle dealer under certain circumstances;  
245 prohibiting a licensee from distributing more than a  
246 specified percentage of a specified number of motor  
247 vehicles of a particular line-make during a certain  
248 period to one motor vehicle dealer or dealers that  
249 share common ownership or control; providing  
250 applicability; amending s. 320.643, F.S.; authorizing  
251 a licensee to reject a sale, transfer, alienation, or  
252 other disposition of a franchise agreement or an  
253 equity interest in a motor vehicle dealer under  
254 certain circumstances; providing an effective date.

Page 10 of 10  
2/9/2026 12:40:24 PM

577-02560-26

By Senator Trumbull

2-00862-26

20261562

A bill to be entitled

An act relating to motor vehicle dealers; amending s. 320.64, F.S.; prohibiting applicants and licensees from selling more than a specified number of motor vehicles at wholesale to motor vehicle dealers in a certain period under certain circumstances; providing applicability; providing construction; providing an effective date.

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

Section 1. Subsection (44) is added to section 320.64, Florida Statutes, to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license of a licensee under s. 320.61 may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, upon proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing, and a licensee or applicant shall be liable for claims and remedies provided in ss. 320.695 and 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:

(44) The applicant or licensee has sold at least 3,000 motor vehicles at wholesale to motor vehicle dealers in this state in a 12-month period without first establishing at least five motor vehicle dealers in this state which are all independent from each other. This subsection applies only if the

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

2-00862-26

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applicant or licensee is prohibited by s. 320.645 from owning or operating a motor vehicle dealer. For purposes of this subsection, a motor vehicle dealer is independent from another motor vehicle dealer if all of the following conditions are met:

(a) The motor vehicle dealer is not controlled by another motor vehicle dealer.

(b) The motor vehicle dealer is not controlled by one or more persons who also control another motor vehicle dealer.

(c) The motor vehicle dealer has no more than 30 percent of its equity interest directly or indirectly owned, beneficially or of record, through any form of ownership structure by another motor vehicle dealer.

(d) The motor vehicle dealer has no more than 30 percent of its equity interest directly or indirectly controlled or owned, beneficially or of record, through any form of ownership structure by one or more persons who also directly or indirectly control or own, beneficially or of record, more than 30 percent of the equity interests of another motor vehicle dealer.

A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with, any of the preceding provisions by an applicant or licensee will or may adversely and pecuniarily affect the complaining dealer, shall be entitled to pursue all of the remedies, procedures, and rights of recovery available under ss. 320.695 and 320.697.

Section 2. This act shall take effect July 1, 2026.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: FAV  | . |       |
| 02/11/2026 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

The Committee on Commerce and Tourism (Trumbull) recommended the following:

1                   **Senate Amendment (with title amendment)**

2  
3                   Delete everything after the enacting clause  
4 and insert:

5                   Section 1. Subsection (16) and paragraph (a) of subsection  
6 (36) of section 320.64, Florida Statutes, are amended, and  
7 subsection (44) is added to that section, to read:

8                   320.64 Denial, suspension, or revocation of license;  
9 grounds.—A license of a licensee under s. 320.61 may be denied,  
10 suspended, or revoked within the entire state or at any specific



11 location or locations within the state at which the applicant or  
12 licensee engages or proposes to engage in business, upon proof  
13 that the section was violated with sufficient frequency to  
14 establish a pattern of wrongdoing, and a licensee or applicant  
15 shall be liable for claims and remedies provided in ss. 320.695  
16 and 320.697 for any violation of any of the following  
17 provisions. A licensee is prohibited from committing the  
18 following acts:

19 (16) (a) Notwithstanding the terms of any franchise  
20 agreement, the applicant or licensee prevents or refuses to  
21 accept the succession to any interest in a franchise agreement  
22 by any legal heir or devisee under the will of a motor vehicle  
23 dealer or under the laws of descent and distribution of this  
24 state; provided, the applicant or licensee is not required to  
25 accept a succession:

26 1. When ~~where~~ such heir or devisee does not meet licensee's  
27 written, reasonable, and uniformly applied minimal standard  
28 qualifications for dealer applicants;

29 2. ~~or~~ Which, after notice and administrative hearing  
30 pursuant to chapter 120, is demonstrated to be detrimental to  
31 the public interest or to the representation of the applicant or  
32 licensee; or

33 3. When the direct result of such succession will cause the  
34 applicant or licensee to be in violation of subsection (44).

35 (b) This subsection does not ~~Nothing contained herein,~~  
36 ~~however,~~ shall prevent a motor vehicle dealer, during his or her  
37 lifetime, from designating any person as his or her successor in  
38 interest by written instrument filed with and accepted by the  
39 applicant or licensee. A licensee who rejects the successor



40 transferee under this subsection shall have the burden of  
41 establishing in any proceeding where such rejection is in issue  
42 that the rejection of the successor transferee complies with  
43 this subsection.

44 (36) (a) Notwithstanding the terms of any franchise  
45 agreement, in addition to any other statutory or contractual  
46 rights of recovery after the voluntary or involuntary  
47 termination, cancellation, or nonrenewal of a franchise, failing  
48 to pay the motor vehicle dealer, as provided in paragraph (d),  
49 the following amounts:

50 1. The net cost paid by the dealer for each new motor  
51 vehicle other than motorcycles ~~car or truck~~ in the dealer's  
52 inventory with mileage of 2,000 miles or less, or each new ~~a~~  
53 motorcycle in the dealer's inventory with mileage of 100 miles  
54 or less, exclusive of mileage placed on the motor vehicle before  
55 it was delivered to the dealer.

56 2. The current price charged for each new, unused,  
57 undamaged, or unsold part or accessory that:

58 a. Is in the current parts catalog and is still in the  
59 original, resalable merchandising package and in an unbroken  
60 lot, except that sheet metal may be in a comparable substitute  
61 for the original package; and

62 b. Was purchased by the dealer directly from the  
63 manufacturer or distributor or from an outgoing authorized  
64 dealer as a part of the dealer's initial inventory.

65 3. The fair market value of each undamaged sign owned by  
66 the dealer which bears a trademark or trade name used or claimed  
67 by the applicant or licensee or its representative which was  
68 purchased from or at the request of the applicant or licensee or



69 its representative.

70       4. The fair market value of all special tools, data  
71 processing equipment, and automotive service equipment owned by  
72 the dealer which:

73       a. Were recommended in writing by the applicant or licensee  
74 or its representative and designated as special tools and  
75 equipment;

76       b. Were purchased from or at the request of the applicant  
77 or licensee or its representative; and

78       c. Are in usable and good condition except for reasonable  
79 wear and tear.

80       5. The cost of transporting, handling, packing, storing,  
81 and loading any property subject to repurchase under this  
82 section.

83       (44) (a) The applicant or licensee has directly or  
84 indirectly distributed 1,000 or more motor vehicles of a  
85 particular line-make to motor vehicle dealers in this state  
86 during any 12-month period and has directly or indirectly  
87 distributed more than 33.33 percent of those same line-make  
88 motor vehicles during that 12-month period to one motor vehicle  
89 dealer or to multiple motor vehicle dealers that share common  
90 ownership or control. For purposes of this subsection, a motor  
91 vehicle dealer shares common ownership or control with another  
92 motor vehicle dealer if:

93       1. It is directly or indirectly controlled by or has more  
94 than 30 percent of its equity interest directly or indirectly  
95 owned by another motor vehicle dealer; or

96       2. It has more than 30 percent of its equity interest  
97 directly or indirectly controlled or owned by one or more



98 persons who also directly or indirectly control or own more than  
99 30 percent of the equity interests of another motor vehicle  
100 dealer.

101 (b) This subsection does not apply to any line-make of  
102 motor vehicle for which there exists a licensed franchised  
103 dealer in this state as of January 1, 2026, or to an applicant  
104 or licensee who is not prohibited by s. 320.645 from owning or  
105 operating a motor vehicle dealership.

106  
107 A motor vehicle dealer who can demonstrate that a violation of,  
108 or failure to comply with, any of the preceding provisions by an  
109 applicant or licensee will or may adversely and pecuniarily  
110 affect the complaining dealer, shall be entitled to pursue all  
111 of the remedies, procedures, and rights of recovery available  
112 under ss. 320.695 and 320.697.

113 Section 2. Subsections (1) and (2) of section 320.643,  
114 Florida Statutes, are amended to read:

115 320.643 Transfer, assignment, or sale of franchise  
116 agreements.—

117 (1) (a) Notwithstanding the terms of any franchise  
118 agreement, a licensee may shall not, by contract or otherwise,  
119 fail or refuse to give effect to, prevent, prohibit, or penalize  
120 or attempt to refuse to give effect to, prohibit, or penalize  
121 any motor vehicle dealer from selling, assigning, transferring,  
122 alienating, or otherwise disposing of its franchise agreement to  
123 any other person or persons, including a corporation established  
124 or existing for the purpose of owning or holding a franchise  
125 agreement, unless the licensee proves at a hearing pursuant to a  
126 complaint filed by a motor vehicle dealer under this section



127 that the sale, transfer, alienation, or other disposition:

128       1. Is to a person who is not, or whose controlling  
129 executive management is not, of good moral character;  
130       2. Is to a person who ~~or~~ does not meet the written,  
131 reasonable, and uniformly applied standards or qualifications of  
132 the licensee relating to financial qualifications of the  
133 transferee and business experience of the transferee or the  
134 transferee's executive management; or

135       3. Would directly cause the licensee to be in violation of  
136 s. 320.64(44).

137       (b) A motor vehicle dealer who desires to sell, assign,  
138 transfer, alienate, or otherwise dispose of a franchise shall  
139 notify, or cause the proposed transferee to notify, the  
140 licensee, in writing, setting forth the prospective transferee's  
141 name, address, financial qualifications, and business experience  
142 during the previous 5 years. A licensee who receives such notice  
143 may, within 60 days following such receipt, notify the motor  
144 vehicle dealer, in writing, that the proposed transferee is not  
145 a person qualified to be a transferee under this section and  
146 setting forth the material reasons for such rejection. Failure  
147 of the licensee to notify the motor vehicle dealer within the  
148 60-day period of such rejection shall be deemed an approval of  
149 the transfer. No such transfer, assignment, or sale shall be  
150 valid unless the transferee agrees in writing to comply with all  
151 requirements of the franchise then in effect, but with the  
152 ownership changed to the transferee.

153       (c) A motor vehicle dealer whose proposed sale is  
154 rejected may, within 60 days following such receipt of such  
155 rejection, file with the department a complaint for a



156 determination that the proposed transferee has been rejected in  
157 violation of this section. The licensee has the burden of proof  
158 with respect to all issues raised by the complaint. The  
159 department shall determine, and enter an order providing, that  
160 the proposed transferee is either qualified or is not and cannot  
161 be qualified for specified reasons, or the order may provide the  
162 conditions under which a proposed transferee would be qualified.  
163 If the licensee fails to file such a response to the motor  
164 vehicle dealer's complaint within 30 days after receipt of the  
165 complaint, unless the parties agree in writing to an extension,  
166 or if the department, after a hearing, renders a decision other  
167 than one disqualifying the proposed transferee, the franchise  
168 agreement between the motor vehicle dealer and the licensee is  
169 deemed amended to incorporate such transfer or amended in  
170 accordance with the determination and order rendered, effective  
171 upon compliance by the proposed transferee with any conditions  
172 set forth in the determination or order.

173 (2) (a) Notwithstanding the terms of any franchise  
174 agreement, a licensee may ~~shall~~ not, by contract or otherwise,  
175 fail or refuse to give effect to, prevent, prohibit, or  
176 penalize, or attempt to refuse to give effect to, prevent,  
177 prohibit, or penalize, any motor vehicle dealer or any  
178 proprietor, partner, stockholder, owner, or other person who  
179 holds or otherwise owns an interest therein from selling,  
180 assigning, transferring, alienating, or otherwise disposing of,  
181 in whole or in part, the equity interest of any of them in such  
182 motor vehicle dealer to any other person or persons, including a  
183 corporation established or existing for the purpose of owning or  
184 holding the stock or ownership interests of other entities,



unless the licensee proves at a hearing pursuant to a complaint filed by a motor vehicle dealer under this section that the sale, transfer, alienation, or other disposition:

1. Is to a person who is not, or whose controlling executive management is not, of good moral character; or
2. Would directly cause the licensee to be in violation of s. 320.64(44).

(b) A motor vehicle dealer, or any proprietor, partner, stockholder, owner, or other person who holds or otherwise owns an interest in the motor vehicle dealer, who desires to sell, assign, transfer, alienate, or otherwise dispose of any interest in such motor vehicle dealer shall notify, or cause the proposed transferee to so notify, the licensee, in writing, of the identity and address of the proposed transferee. A licensee who receives such notice may, within 60 days following such receipt, notify the motor vehicle dealer in writing that the proposed transferee is not a person qualified to be a transferee under this section and setting forth the material reasons for such rejection. Failure of the licensee to notify the motor vehicle dealer within the 60-day period of such rejection shall be deemed an approval of the transfer. Any person whose proposed sale of stock is rejected may file within 60 days of receipt of such rejection a complaint with the department alleging that the rejection was in violation of the law or the franchise agreement. The licensee has the burden of proof with respect to all issues raised by such complaint. The department shall determine, and enter an order providing, that the proposed transferee either is qualified or is not and cannot be qualified for specified reasons; or the order may provide the conditions



214 under which a proposed transferee would be qualified. If the  
215 licensee fails to file a response to the motor vehicle dealer's  
216 complaint within 30 days of receipt of the complaint, unless the  
217 parties agree in writing to an extension, or if the department,  
218 after a hearing, renders a decision on the complaint other than  
219 one disqualifying the proposed transferee, the transfer shall be  
220 deemed approved in accordance with the determination and order  
221 rendered, effective upon compliance by the proposed transferee  
222 with any conditions set forth in the determination or order.

223 (c)(b) Notwithstanding paragraph (a), a licensee may not  
224 reject a proposed transfer of a legal, equitable, or beneficial  
225 interest in a motor vehicle dealer to a trust or other entity,  
226 or to any beneficiary thereof, which is established by an owner  
227 of any interest in a motor vehicle dealer for purposes of estate  
228 planning, if the controlling person of the trust or entity, or  
229 the beneficiary, is of good moral character.

230 Section 3. This act shall take effect July 1, 2026.

231  
232 ===== T I T L E A M E N D M E N T =====

233 And the title is amended as follows:

234 Delete everything before the enacting clause  
235 and insert:

236 A bill to be entitled

237 An act relating to motor vehicle manufacturers,  
238 importers, and distributors and franchised motor  
239 vehicle dealers; amending s. 320.64, F.S.; authorizing  
240 licensees to reject the succession to interest in a  
241 franchise agreement of a motor vehicle dealer under  
242 certain circumstances; clarifying the motor vehicles



243 for which a licensee must pay certain costs to a motor  
244 vehicle dealer under certain circumstances;  
245 prohibiting a licensee from distributing more than a  
246 specified percentage of a specified number of motor  
247 vehicles of a particular line-make during a certain  
248 period to one motor vehicle dealer or dealers that  
249 share common ownership or control; providing  
250 applicability; amending s. 320.643, F.S.; authorizing  
251 a licensee to reject a sale, transfer, alienation, or  
252 other disposition of a franchise agreement or an  
253 equity interest in a motor vehicle dealer under  
254 certain circumstances; providing an effective date.