

ENROLLED
CS/HB 437

2011 Legislature

1 A bill to be entitled
2 An act relating to motor vehicle licenses; amending s.
3 320.60, F.S.; redefining the term "line-make vehicles" to
4 clarify circumstances under which vehicles sold or leased
5 under multiple brand names or marks constitute a single
6 line-make; amending s. 320.6992, F.S.; revising the
7 application of provisions relating to franchise
8 agreements; providing an effective date.

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

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12 Section 1. Subsection (14) of section 320.60, Florida
13 Statutes, is amended to read:

14 320.60 Definitions for ss. 320.61-320.70.—Whenever used in
15 ss. 320.61-320.70, unless the context otherwise requires, the
16 following words and terms have the following meanings:

17 (14) "Line-make vehicles" are those motor vehicles which
18 are offered for sale, lease, or distribution under a common
19 name, trademark, service mark, or brand name of the manufacturer
20 of same. However, motor vehicles sold or leased under multiple
21 brand names or marks shall constitute a single line-make when
22 they are included in a single franchise agreement and every
23 motor vehicle dealer in this state authorized to sell or lease
24 any such vehicles has been offered the right to sell or lease
25 all of the multiple brand names or marks covered by the single
26 franchise agreement. Except, such multiple brand names or marks
27 shall be considered individual franchises for purposes of s.
28 320.64(36).

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29 Section 2. Section 320.6992, Florida Statutes, is amended
30 to read:

31 320.6992 Application.—Sections 320.60-320.70, including
32 amendments to ss. 320.60-320.70, ~~This act shall~~ apply to all
33 presently existing or hereafter established systems of
34 distribution of motor vehicles in this state, except to the
35 extent that such application would impair valid contractual
36 agreements in violation of the State Constitution or Federal
37 Constitution. Sections 320.60-320.70 do ~~The provisions of this~~
38 ~~act shall~~ not apply to any judicial or administrative proceeding
39 pending as of October 1, 1988. All agreements renewed, amended,
40 or entered into subsequent to October 1, 1988, shall be governed
41 by ss. 320.60-320.70, including any amendments to ss. 320.60-
42 320.70 which have been or may be from time to time adopted,
43 unless the amendment specifically provides otherwise, and except
44 to the extent that such application would impair valid
45 contractual agreements in violation of the State Constitution or
46 Federal Constitution ~~hereby~~.

47 Section 3. This act shall take effect July 1, 2011.