



141476

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2017	.	
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The Committee on Commerce and Tourism (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 76 - 135
and insert:
licensee or an authorized governmental agency, including recalls
issued prior to July 1, 2017, regardless of whether the vehicle
is identified by its vehicle identification number;
(c) That is held by the motor vehicle dealer in the
dealer's inventory at the time the recall notice is issued or
that is taken by the motor vehicle dealer into the dealer's



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11 inventory after the recall notice as a result of a trade-in,
12 lease return, or otherwise;

13 (d) That cannot be repaired due to the unavailability,
14 within 30 days after issuance of the recall notice, of remedy or
15 parts necessary for the motor vehicle dealer to make the recall
16 repair; and

17 (e) For which the licensee has not issued a written
18 statement to the motor vehicle dealer indicating that the used
19 motor vehicle may be sold or delivered to a retail customer
20 before completion of the recall repair.

21 (2) The licensee shall pay the required compensation within
22 30 days after the motor vehicle dealer's application for
23 payment. Applications for compensation payments must be
24 submitted monthly, as necessary, through the licensee's existing
25 warranty application system or another system or process
26 established by the licensee which is not unduly burdensome or
27 which does not require information unnecessary for the payment.

28 (3) Compensation under this section must be the greater of:

29 (a) Payment at a rate of at least 1.75 percent per month of
30 the motor vehicle value, as determined by the average Black Book
31 value of the corresponding model year vehicle of average
32 condition, of each eligible used motor vehicle in the motor
33 vehicle dealer's inventory for each month that the dealer does
34 not receive a remedy or parts to complete the required repair.
35 Such payment must be prorated for any period less than a month
36 based on the number of days during the month each eligible used
37 motor vehicle is in the motor vehicle dealer's inventory.
38 Payments shall be calculated from the date the recall was issued
39 or the vehicle was acquired, whichever is later.



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40 (b) Payment under a national program applicable to all
41 motor vehicle dealers holding a franchise agreement with the
42 licensee for the motor vehicle dealer's costs associated with
43 holding the eligible used motor vehicles.

44 (4) For purposes of this section, a licensee does not
45 include a motorcycle manufacturer, distributor, or importer.

46 Section 3. For the purpose of incorporating the amendment
47 made by this act to section 320.64, Florida Statutes, and
48 section 320.6407, Florida Statutes, as created by this act, in
49 references thereto, section 320.6992, Florida Statutes, is
50 reenacted to read:

51 320.6992 Application.—Sections 320.60-320.70, including
52 amendments to ss. 320.60-320.70, apply to all presently existing
53 or hereafter established systems of distribution of motor
54 vehicles in this state, except to the extent that such
55 application would impair valid contractual agreements in
56 violation of the State Constitution or Federal Constitution.
57 Sections 320.60-320.70 do not apply to any judicial or
58 administrative proceeding pending as of October 1, 1988. All
59 agreements renewed, amended, or entered into subsequent to
60 October 1, 1988, shall be governed by ss. 320.60-320.70,
61 including any amendments to ss. 320.60-320.70 which have been or
62 may be from time to time adopted, unless the amendment
63 specifically provides otherwise, and except to the extent that
64 such application would impair valid contractual agreements in
65 violation of the State Constitution or Federal Constitution.

66 Section 4. This act shall take effect July 1, 2017.

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



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69 And the title is amended as follows:

70 Delete lines 12 - 21

71 and insert:

72 specified circumstances; providing retroactive
73 applicability; requiring the manufacturer, factory
74 branch, distributor, or importer to pay the
75 compensation within a specified timeframe after the
76 motor vehicle dealer's application for payment;
77 requiring such applications to be submitted monthly,
78 as necessary, through the manufacturer's, factory
79 branch's, distributor's, or importer's warranty
80 application system or certain other system or process;
81 providing for calculation of the amount of
82 compensation; providing applicability; reenacting s.
83 320.6992, F.S., relating