

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 429 (2025)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing bill: Commerce Committee
Representative Yeager offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (42) of section 320.64, Florida Statutes, is amended, and subsection (43) is added to that section, 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

497703 - h0429-strike.docx

Published On: 4/14/2025 11:34:16 AM

Amendment No. 1

17 and 320.697 for any violation of any of the following
18 provisions. A licensee is prohibited from committing the
19 following acts:

20 (42)(a) The applicant or licensee, or a common entity
21 thereof, has established, implemented, or enforced criteria for
22 measuring the sales or service performance of any of its
23 franchised motor vehicle dealers in this state which have a
24 material or adverse effect on any motor vehicle dealer and
25 which:

- 26 1. Are unfair, unreasonable, arbitrary, or inequitable; or
- 27 2. Do not include all relevant and material local and
28 regional criteria, data, and facts. Relevant and material
29 criteria, data, or facts include, but are not limited to, those
30 of motor vehicle dealerships of comparable size in comparable
31 markets. If such performance measurement criteria are based, in
32 whole or in part, on a survey, such survey must be based on a
33 statistically significant and valid random sample.

34 (b) The ~~An~~ applicant ~~or~~, licensee, or a common entity
35 thereof, has implemented or enforced criteria for measuring the
36 sales or service performance of any of its franchised motor
37 vehicle dealers in this state without first making available and
38 readily accessible, before such implementation or enforcement, a
39 written description to each such franchised, ~~or an affiliate~~
40 thereof, which enforces against any motor vehicle dealer any
41 such performance measurement criteria shall, upon the request of

497703 - h0429-strike.docx

Published On: 4/14/2025 11:34:16 AM

Amendment No. 1

~~the motor vehicle dealer, describe in writing to the motor~~
vehicle dealer in this state which describes, in detail, how the
performance measurement criteria were designed, calculated,
established, and uniformly applied.

(43) The applicant or licensee, or a common entity
thereof, has engaged in an action, or implemented a policy,
standard, rule, practice, or program, taken as retaliation
against a motor vehicle dealer because the dealer invoked a
statutory right created by ss. 320.60-320.70, asserted that the
applicant, licensee, or common entity has acted in a manner that
violates a provision of ss. 320.60-320.70, or has testified,
assisted, or participated in any manner in an investigation, a
proceeding, or a hearing that may directly affect the applicant,
licensee, or common entity.

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. Subsection (3) of section 320.641, Florida
Statutes, is amended to read:**

320.641 Discontinuations, cancellations, nonrenewals,
modifications, and replacement of franchise agreements.—

497703 - h0429-strike.docx

Published On: 4/14/2025 11:34:16 AM

Amendment No. 1

(3) Any motor vehicle dealer who receives a notice of intent to discontinue, cancel, not renew, modify, or replace may, within the 90-day notice period, file a petition or complaint for a determination of whether such action is an unfair or prohibited discontinuation, cancellation, nonrenewal, modification, or replacement. Agreements and certificates of appointment must ~~shall~~ continue in effect until final determination of the issues raised in such petition or complaint by the motor vehicle dealer. A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; is not undertaken for good cause; or is not based on a material and substantial ~~an alleged~~ breach of the franchise agreement by the motor vehicle dealer ~~which is not in fact a material and substantial breach~~; or, if the grounds relied upon for termination, cancellation, or nonrenewal have not been applied in a uniform and consistent manner by the licensee. If the notice of discontinuation, cancellation, or nonrenewal relates to an alleged failure of the new motor vehicle dealer's sales or service performance obligations under the franchise agreement, the new motor vehicle dealer must first be provided with at least 180 days to correct the alleged failure before a licensee may send the notice of discontinuation, cancellation, or nonrenewal. A modification or replacement is unfair if it is not clearly permitted by the franchise agreement; is not

497703 - h0429-strike.docx

Published On: 4/14/2025 11:34:16 AM

Amendment No. 1

undertaken in good faith; or is not undertaken for good cause.
The applicant or licensee has ~~shall have~~ the burden of proof
that such discontinuation, cancellation, nonrenewal,
modification, or replacement ~~action~~ is fair and not prohibited.

Section 3. This act shall take effect July 1, 2025.

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

Remove everything before the enacting clause and insert:

An act relating to motor vehicle manufacturers and
franchised motor vehicle dealers; amending s. 320.64,
F.S.; prohibiting an applicant or a licensee, or a
common entity thereof, from establishing,
implementing, or enforcing certain criteria for
measuring the sales or service performance of its
franchised motor vehicle dealers unless certain
conditions are met; prohibiting an applicant or a
licensee, or a common entity thereof, from engaging in
an action that is taken as retaliation against a motor
vehicle dealer under certain circumstances; amending
s. 320.641, F.S.; revising the circumstances in which
a discontinuation, cancellation, nonrenewal,
modification, or replacement of a franchise agreement
is deemed unfair; providing an effective date.