

By Senator Smith

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A bill to be entitled
An act relating to repair of mobility devices;
creating part XIV of ch. 559, F.S., entitled "Repair
of Mobility Devices"; creating s. 559.971, F.S.;
providing a short title; creating s. 559.972, F.S.;
defining terms; creating s. 559.973, F.S.; requiring
original equipment manufacturers to make available
documentation, parts, and tools required for the
diagnosis, maintenance, or repair of mobility devices
and parts for such devices; requiring original
equipment manufacturers of mobility devices with
electronic security locks to make available any
special documentation, parts, and tools required to
access and reset the locks when disabled in the course
of diagnosis, maintenance, or repair; creating s.
559.974, F.S.; providing that violation of the act is
an unlawful practice under the Florida Deceptive and
Unfair Trade Practices Act; creating s. 559.975, F.S.;
providing that original equipment manufacturers are
not required to divulge trade secrets; providing that
the act does not alter the terms of an arrangement
between an authorized repair provider and an original
equipment manufacturer; providing an exception;
limiting the liability of original equipment
manufacturers and authorized repair providers in
certain circumstances; creating s. 559.976, F.S.;
providing applicability; providing an effective date.

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

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Section 1. Part XIV of chapter 559, Florida Statutes, consisting of ss. 559.971-559.976, is created and entitled "Repair of Mobility Devices."

Section 2. Section 559.971, Florida Statutes, is created to read:

559.971 Short title.—This part may be cited as the "Right to Repair Act for Mobility Devices."

Section 3. Section 559.972, Florida Statutes, is created to read:

559.972 Definitions.—As used in this part, the term:

(1) "Authorized repair provider" means an individual or a business that has an arrangement with the original equipment manufacturer under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance, or repair of a mobility device under the name of the original equipment manufacturer, or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer. An original equipment manufacturer that offers the services of diagnosis, maintenance, or repair of its own mobility device, and that does not have an arrangement with an unaffiliated individual or business, is considered an authorized repair provider with respect to mobility devices.

(2) "Documentation" means a manual, diagram, reporting output, service code description, schematic diagram, security code, password, or any other guidance or information used in

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59 effecting the services of diagnosis, maintenance, or repair of a
60 mobility device.

61 (3) "Fair and reasonable terms" means making available
62 documentation, tools, or parts as follows:

63 (a) Documentation made available by the original equipment
64 manufacturer at no charge, except that when a physical copy is
65 requested, a charge may be included for the reasonable actual
66 costs of preparing and sending the copy.

67 (b) Tools made available by the original equipment
68 manufacturer at no charge:

69 1. Without requiring authorization or Internet access for
70 use or operation of the tools.

71 2. Without imposing impediments to access or use the tools
72 to diagnose, maintain, or repair and enable full functionality
73 of digital electronic equipment.

74 3. In a manner that does not impair the efficient and cost-
75 effective performance of any such diagnosis, maintenance, or
76 repair.

77
78 However, if a tool is requested in physical form, a charge may
79 be included for the reasonable actual costs of preparing and
80 sending the tool.

81 (c) Parts made available by the original equipment
82 manufacturer, either directly or through an authorized repair
83 provider, to independent repair providers and owners at costs
84 and terms that are equivalent to the most favorable costs and
85 terms under which an original equipment manufacturer offers the
86 parts to an authorized repair provider, and that:

87 1. Accounts for a discount, rebate, convenient and timely

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means of delivery, means of enabling fully restored and updated
functionality, rights of use, or:

a. Any other incentive or preference the original
manufacturer offers to an authorized repair provider; or

b. Any additional cost or impediment the original equipment
manufacturer imposes on an owner or independent repair provider.

2. Are not conditioned upon or do not impose a substantial
obligation or restriction that is not reasonably necessary for
enabling the owner or independent repair provider to engage in
the diagnosis, maintenance, or repair of equipment made by or on
behalf of the original equipment manufacturer.

3. Are not conditioned upon an arrangement with the
original equipment manufacturer.

(4) "Independent repair provider" means an individual or
business operating in this state which is unaffiliated with an
original equipment manufacturer and which is engaged in the
services of diagnosis, maintenance, or repair of mobility
devices.

(5) "Original equipment manufacturer" means a business
engaged in selling, leasing, or supplying new mobility devices
designed for individuals with physical disabilities including,
but not limited to, power wheelchairs, manual wheelchairs,
mobility scooters, and power assist devices for manual
wheelchairs which are manufactured by or on behalf of such
business for sale to an individual or business.

(6) "Owner" means an individual or business that owns or
leases a mobility device purchased or used in this state.

(7) "Part" means any replacement part, either new or used,
made available by an original equipment manufacturer for

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117 purposes of effecting the services of maintenance or repair of a
118 mobility device manufactured by or on behalf of, sold, or
119 otherwise supplied by the original equipment manufacturer.

120 (8) "Tool" means any software, hardware, or other apparatus
121 used for the diagnosis, maintenance, or repair of a mobility
122 device, including, but not limited to, software or any other
123 mechanism that programs a new part, calibrates functionality, or
124 performs any other function required to return the mobility
125 device to its fully functional condition, which includes any
126 updates.

127 (9) "Trade secret" has the same meaning as in s. 688.002.

128 Section 4. Section 559.973, Florida Statutes, is created to
129 read:

130 559.973 Requirements.—

131 (1) For mobility devices and parts for mobility devices
132 that are sold or used in this state, an original equipment
133 manufacturer must make available to any independent repair
134 provider or owner by, on behalf of, or sold by such original
135 equipment manufacturer, on fair and reasonable terms, any
136 documentation, parts, and tools required for the diagnosis,
137 maintenance, or repair of such devices and parts, which includes
138 any updates. The documentation, parts, and tools must be made
139 available either directly by the original equipment manufacturer
140 or by an authorized repair provider.

141 (2) For equipment that contains an electronic security lock
142 or other security-related function, the original equipment
143 manufacturer must make available to an owner or independent
144 repair provider, on fair and reasonable terms, any special
145 documentation, tools, and parts required to access and reset the

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lock or function when disabled in the course of diagnosis,
maintenance, or repair of the mobility device. The
documentation, parts, and tools may be made available through
appropriate secure release systems.

Section 5. Section 559.974, Florida Statutes, is created to
read:

559.974 Enforcement.—A violation of this part is punishable
under the Florida Deceptive and Unfair Trade Practices Act.

Section 6. Section 559.975, Florida Statutes, is created to
read:

559.975 Limitations.—

(1) This part does not require an original equipment
manufacturer to divulge a trade secret to an owner or
independent service provider.

(2) This part does not alter the terms of an arrangement
between an authorized repair provider and an original equipment
manufacturer, including, but not limited to, the performance or
provision of warranty or recall repair work by an authorized
repair provider on behalf of an original equipment manufacturer
and pursuant to such arrangement. However, any terms that waive,
avoid, restrict, or limit the original equipment manufacturer's
obligation to comply with this part are void.

(3) An original equipment manufacturer or an authorized
repair provider is not liable for any damage or injury caused by
an independent repair provider or owner to a mobility device
which occurs during the course of repair, diagnosis, or
maintenance.

Section 7. Section 559.976, Florida Statutes, is created to
read:

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175 559.976 Applicability.—This part applies with respect to
176 mobility devices sold or in use on or after July 1, 2026.
177 Section 8. This act shall take effect July 1, 2026.