

1 A bill to be entitled

2 An act relating to the financing of motor vehicles;
3 amending s. 545.01, F.S.; revising definitions;
4 defining terms; creating s. 545.045, F.S.; prohibiting
5 a finance company that is affiliated with or
6 controlled by, or that has a contractual relationship
7 to represent, a manufacturer or wholesale distributor
8 from adopting or implementing a policy or business
9 practice that results in specified actions relating to
10 certain finance obligations arising from the retail
11 sale or lease of a motor vehicle that includes a
12 specified third party automotive related product;
13 providing an effective date.

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

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17 Section 1. Section 545.01, Florida Statutes, is reordered
18 and amended to read:

19 545.01 Definitions.—As used in this chapter, the term:

20 (1) "Automotive related product" means a motor vehicle
21 service agreement, as defined in s. 634.011, or a guaranteed
22 asset protection product, as defined in s. 520.02, or other
23 ancillary product that is purchased or otherwise provided as
24 part of the sale or lease of a motor vehicle by a dealer.

25 (2) ~~(5)~~ The term "Dealer" means a franchised motor vehicle
26 dealer, as defined in s. 320.27(1)(c)1. ~~any person who is~~

27 ~~engaged in, or who intends to engage in the business of selling~~
28 ~~motor vehicles at retail in this state. The term "dealer" shall~~
29 ~~also include "retail agent."~~

30 ~~(3)(6) The term "Finance company" means a~~ any ~~person~~
31 ~~engaged in the business of financing the sale or lease of motor~~
32 ~~vehicles, or engaged in the business of purchasing or acquiring~~
33 ~~vehicle contracts conditional bills of sale, or promissory~~
34 ~~notes, either secured by vendor's lien or chattel mortgages, or~~
35 ~~arising from the sale of motor vehicles in this state.~~

36 ~~(4)(3) The term "Manufacturer" means a~~ any ~~person~~
37 ~~engaged, directly or indirectly, in the manufacture of motor~~
38 ~~vehicles.~~

39 ~~(5)(1) The term "Person" as used in this chapter means an~~
40 ~~any individual, firm, corporation, partnership, limited~~
41 ~~liability company, association, trustee, receiver, or assignee~~
42 ~~for the benefit of creditors.~~

43 ~~(6)(2) The terms "Sell," "sold," "buy," or and~~
44 ~~"purchase," includes as used in this chapter, include an~~
45 ~~exchange, barter, gift, or and offer to contract to sell or buy.~~

46 ~~(7) "Vehicle contract" means a conditional sales contract,~~
47 ~~retail installment sales contract, chattel mortgage, lease~~
48 ~~agreement, promissory note, or any other financial obligation~~
49 ~~arising from the retail sale or lease of a motor vehicle.~~

50 ~~(8)(4) The term "Wholesale distributor" means a~~ any
51 ~~person engaged, directly or indirectly, in the sale or~~
52 ~~distribution of motor vehicles to agents or to dealers.~~

53 Section 2. Section 545.045, Florida Statutes, is created
54 to read:

55 545.045 Purchase or assignment of third-party financing.-

56 (1) A finance company that is affiliated with or
57 controlled by a manufacturer or wholesale distributor through
58 common ownership, officers, directors, or management, or that
59 has a contractual agreement to represent a manufacturer or
60 wholesale distributor with respect to financing the sale or
61 lease of motor vehicles, may not adopt or implement a policy or
62 business practice that results in:

63 (a) A refusal to purchase or accept the assignment of a
64 vehicle contract from a dealer because the vehicle contract
65 includes a third party automotive related product;

66 (b) A charge to a dealer of an additional fee or surcharge
67 for the purchase, or acceptance of the assignment, of a vehicle
68 contract from a dealer because the vehicle contract includes a
69 third party automotive related product; or

70 (c) An offer to purchase or accept assignment of a vehicle
71 contract from a dealer on less favorable terms than a vehicle
72 contract that contains otherwise substantially similar credit
73 risk, duration, and other terms, because the vehicle contract
74 includes a third party automotive related product.

75 (2) This section applies only if the third party
76 automotive related product contained in the vehicle contract is
77 of substantially similar or superior kind and quality to an
78 automotive related product offered by the finance company or the

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79 | manufacturer or wholesale distributor that is affiliated with or
80 | controls the finance company or with which the finance company
81 | has a contractual agreement.

82 | Section 3. This act shall take effect July 1, 2014.