

Tab 1 | **SB 126** by **Bradley**; Similar to H 00101 Prescription Hearing Aids

Tab 2 | **SB 232** by **Rodriguez**; Identical to H 00147 Debt Collection

109918	D	S	CM, Rodriguez	Delete everything after	02/10 08:22 AM
357150	A	S	CM, Gruters	Delete L.93 - 95:	02/28 01:04 PM

Tab 3 | **SB 600** by **Truenow**; Identical to H 00561 Manufacturing

Tab 4 | **SB 602** by **Truenow**; Identical to H 00563 Fees/Florida Manufacturing Promotional Campaign

Tab 5 | **SB 92** by **Gruters**; Identical to H 00807 Motor Vehicle Repair Work

442480	A	S	CM, Gruters	Delete L.59 - 65:	02/28 12:55 PM
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Tab 6 | **SB 412** by **Smith**; Similar to H 00311 Repair of Motorized Wheelchairs

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Leek, Chair
Senator Arrington, Vice Chair

MEETING DATE: Monday, March 3, 2025
TIME: 1:00—3:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Leek, Chair; Senator Arrington, Vice Chair; Senators Davis, DiCeglie, Gruters, McClain, Smith, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 126 Bradley (Similar H 101)	Prescription Hearing Aids; Authorizing the sale and distribution of prescription hearing aids to consumers through the mail if certain conditions are met before the sale, etc. HP 02/18/2025 Favorable CM 03/03/2025 RC	
2	SB 232 Rodriguez (Identical H 147)	Debt Collection; Revising prohibited practices for a person attempting to collect consumer debt, etc. CM 02/11/2025 Temporarily Postponed CM 03/03/2025 BI RC	
3	SB 600 Truenow (Identical H 561, Compare H 563, Linked S 602)	Manufacturing; Creating the Statewide Office of Manufacturing within the Department of Commerce for a certain purpose; requiring that the office be headed by a Chief Manufacturing Officer appointed by and serving at the pleasure of the Secretary of Commerce; requiring the department to biennially prepare a report regarding manufacturing efforts in this state; creating the Florida Manufacturers' Workforce Development Grant Program; requiring the department, the Chief Manufacturing Officer, and the state Manufacturing Extension Partnership to review applications submitted and to select specified projects, etc. CM 03/03/2025 ATD AP	

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Monday, March 3, 2025, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 602 Truenow (Identical H 563, Compare H 561, Linked S 600)	Fees/Florida Manufacturing Promotional Campaign; Requiring the Department of Commerce to establish by rule registration and renewal fees sufficient to fund the costs of administering the Florida Manufacturing Promotional Campaign; requiring the department to assess and collect fees for the purpose of promoting the campaign; requiring that such fees be deposited into the Economic Development Trust Fund for a specified purpose, etc.	CM 03/03/2025 ATD AP
5	SB 92 Gruters (Identical H 807)	Motor Vehicle Repair Work; Citing this act as the "Lilly Glaubach Act"; requiring a motor vehicle repair shop to request a written crash report from a customer under certain circumstances; requiring a motor vehicle repair shop to prepare a transaction form under certain circumstances; authorizing the appropriate law enforcement agency to request an original transaction form from a motor vehicle repair shop under certain circumstances; providing criminal penalties, etc.	CM 03/03/2025 AEG FP
6	SB 412 Smith (Similar H 311)	Repair of Motorized Wheelchairs; Creating the "Motorized Wheelchair Right to Repair Act"; requiring an original equipment manufacturer to make available any documentation, parts, and tools required for the diagnosis, maintenance, or repair of a motorized wheelchair and parts for the motorized wheelchair; providing that violation of the act is an unlawful practice under the Florida Deceptive and Unfair Trade Practices Act; providing that an original equipment manufacturer is not required to divulge trade secrets, etc.	CM 03/03/2025 AEG FP

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 126

INTRODUCER: Senator Bradley

SUBJECT: Prescription Hearing Aids

DATE: February 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Smith</u>	<u>Brown</u>	<u>HP</u>	<u>Favorable</u>
2.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 126 authorizes the sale and distribution of prescription hearing aids to consumers through the mail if a licensed hearing aid specialist or a licensed audiologist conducts required testing procedures before the sale.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

Hearing Aids

Federal Regulations

The Food and Drug Administration (FDA) Reauthorization Act of 2017 (FDARA), s. 709,¹ directed the FDA to establish a category of over-the-counter (OTC) hearing aids through rulemaking and set forth various requirements for OTC hearing aids, including defining general controls for reasonable assurance of safety and effectiveness, as well as Federal preemption provisions.

On August 17, 2022, the FDA finalized a rule revising 21 C.F.R. 800,² 801,³ and 874.⁴ The FDA's new rule establishes a new category for OTC hearing aids. An OTC hearing aid is an air-

¹21 U.S.C. 301, Food and Drug Administration Reauthorization Act of 1917, s. 709, *Regulation of Over-The-Counter Hearing Aids*, available at <https://www.congress.gov/115/plaws/publ52/PLAW-115publ52.pdf> (last visited Feb. 28, 2025).

² 21 CFR 800.30, available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-800#800.30> (last visited Feb. 28, 2025).

³ 21 CFR 801.60 - 63, available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-801/subpart-C> (last visited Feb. 28, 2025).

⁴ 21 CFR 874.5300 available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-874/subpart-F/section-874.5300> (last visited Feb. 28, 2025).

conduction hearing aid that does not require implantation or other surgical intervention and is intended for use by a person aged 18 or older to compensate for perceived mild to moderate hearing impairment. The device, through tools, tests, or software, allows the user to control the hearing aid and customize it to the user's hearing needs. The device may use wireless technology or may include tests for self-assessment of hearing loss.

The device is available OTC, without the supervision, prescription, or other order, involvement, or intervention of a licensed person, to consumers through in-person transactions, by mail, or online, provided that the device satisfies the requirements for consumers with "perceived mild to moderate hearing impairment" who wish to buy lower cost hearing aids not bundled with professional services and not requiring professional advice, fitting, adjustment, or maintenance. The rule became effective on October 16, 2022.⁵

The FDA rule includes provisions for simplified labeling, output limits, maximum insertion depth, and conditions for sale and distribution for both OTC and prescription hearing aids. The rule prohibits states from requiring the order, involvement, or intervention of a licensed person for consumers to access OTC hearing aids; a licensed person may service, market, sell, dispense, provide customer support for, or distribute OTC hearing aids.

Florida Regulations

In Florida, there are currently 1,289 licensed hearing aid specialists, and 1,654 licensed audiologists.⁶ In 2023, Florida's practice acts for hearing aid specialists and audiologists were amended to distinguish between prescription hearing aids and OTC hearing aids to conform to the new FDA rules.⁷ Under Florida law, prescription hearing aids are dispensed by hearing aid specialists and audiologists who are subject to the Department of Health (DOH) regulation under the Board of Hearing Aid Specialist (BHAS) and Board of Speech-Language Pathology and Audiology (BSLPA).⁸ Selling or distributing prescription hearing aids through the mail to the ultimate consumer is unlawful and is punishable as a misdemeanor of the second degree.⁹

Scope of Practice

Florida law defines the scope of practice for hearing aid specialists and audiologists and specifies the procedures which each health care practitioner is authorized to perform. Both hearing aid specialists and audiologists may provide services through telehealth within this state.¹⁰ Out-of-state hearing aid specialists and audiologists may register to provide services through telehealth to patients located in this state.¹¹

⁵ 21 CFR 800.30, available at <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-H/part-800#800.30> (last visited Feb. 28, 2025).

⁶ Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan, 2023 - 2024*, available at <https://mqawebteam.com/annualreports/2324/> (last visited Feb. 28, 2025).

⁷ Laws of Fla. 2023-71.

⁸ See Part II, ch. 484, and Part I, ch. 468, F.S., respectively.

⁹ Sections 468.1265 and 484.054, F.S.

¹⁰ Section 456.47, F.S.

¹¹ *Id.*

Hearing Aid Specialists

Under s. 484.041, F.S., hearing aid specialists may dispense prescription hearing aids. Dispensing prescription hearing aids includes conducting and interpreting hearing tests for purposes of selecting suitable hearing aids, making earmolds or ear impressions for the fitting of hearing aids, and providing appropriate counseling regarding a suitable hearing aid device. This also includes all acts pertaining to the selling, renting, leasing, pricing, delivery, and warranty of hearing aids.¹²

Hearing aid specialists are licensed and regulated by the BHAS.¹³ Licensure for a hearing aid specialist is in accordance with s. 484.045, F.S., and includes the following requirements:

- Graduation of an accredited high school or its equivalent;
- Meeting one of the qualifying methods:
 - Completing a Florida sponsored training program;
 - Having a valid, current license as a hearing aid specialist or its equivalent from another state and has been actively practicing¹⁴ in such capacity for at least 12 months; or
 - Is currently certified by the National Board for Certification in Hearing Instrument Sciences (NBC-HIS) and has been actively practicing for at least 12 months.
- Has successfully completed:
 - International Licensing Examination (ILE); or
 - Active certification from the National Board for Certification in Hearing Instrument Sciences (NBC-HIS).
- Completion of a two-hour course relating to Florida laws and rules taught by an instructor approved by the BHAS.

Effective July 1, 2025, an applicant for licensure must also submit to a background screening test in accordance with s. 456.0135, F.S.

Audiologists

The practice of audiology includes the application of principles, methods, and procedures for the prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction, treatment, and research, relative to hearing and the disorders of hearing, and to related language and speech disorders.¹⁵ Licensed audiologists may offer, render, plan, direct, conduct, consult, or supervise services to individuals or groups of individuals who have or are suspected of having disorders of hearing, including prevention, identification, evaluation, treatment, consultation, habilitation, rehabilitation, instruction, and research.¹⁶ This includes the fitting and dispensing of hearing aids. They may also provide the following:

- Participate in hearing conservation, evaluation of noise environment, and noise control;

¹² Section 484.041(3)(a), F.S.

¹³ Section 484.042, F.S.

¹⁴ See Fla. Admin. Code R. 64B6-2.002 (2025), which defines “actively practicing” as dispensing hearing aids directly to clients for at least 12 months, as shown by at least two sales receipts per month for at least 12 months, each receipt bearing the applicant’s signature and address of place(s) of business.

¹⁵ Section 468.1125(6)(a), F.S.

¹⁶ Section 468.1125(6)(b), F.S.

- Conduct and interpret tests of vestibular function and nystagmus, electrophysiologic auditory-evoked potentials, central auditory function, and calibration of measurement equipment used for such purposes;
- Habilitate and rehabilitate, including, but not limited to, hearing aid evaluation, prescription, preparation, fitting and dispensing, assistive listening device selection and orientation, auditory training, aural habilitation, aural rehabilitation, speech conservation, and speechreading;
- Fabricate earmolds;
- Evaluate tinnitus; and
- Conduct speech and language screening, limited to a pass-fail determination for identifying individuals with disorders of communication.¹⁷

Audiologists are licensed and regulated by the BSLPA.¹⁸ Licensure for audiologists includes, among other requirements, the following:

- Submission of an application and all required fees.
- A doctoral degree with a major emphasis in audiology and:
 - Applicants who have earned a doctoral degree from an approved program before January 1, 2008, must complete 60 semester hours, 24 of which must be in audiology.¹⁹
 - Applicants who earned a doctoral degree from an approved program after January 1, 2008, must complete 75 semester hours.
 - 300 clock hours of supervised experience (clinical practicum) with at least 200 hours in the area of audiology.
- Eleven months of supervised clinical experience. This requirement may be met if the applicant holds a doctoral degree, meets the requirements of s. 468.1155, F.S., and can demonstrate one year of clinical work experience within the doctoral program.
- Applicants for licensure as an audiologist with a master's degree conferred before January 1, 2008, must document that, prior to licensure, the applicant completed one year of clinical work experience.
- Passing the licensure examination no more than three years prior to the date of the application.²⁰

Effective July 1, 2025, an applicant for licensure must also submit to a background screening test in accordance with s. 456.0135, F.S.

Minimal Procedures and Equipment²¹

Florida law requires hearing aid specialists, and audiologists only when indicated, to perform all of the following procedures to be used in the fitting and selling of prescription hearing aids:

- Pure tone audiometric testing by air and bone to determine the type and degree of hearing deficiency.
- Effective masking.

¹⁷ *Id.*

¹⁸ Section 468.1135, F.S.

¹⁹ Section 468.1155, F.S.

²⁰ Section 468.1185, F.S. and Fla. Admin. Code R. 64B20-2.005 (2022) The BSDPA has designated the Educational Testing Services Praxis Series Examination in Speech-Language Pathology or Audiology as the licensure examination.

²¹ Sections 468.1225 and 484.0501, F.S. See also Fla. Admin. Code R. 64B6-6, 64B20-8, and 64B20-9.

- Appropriate testing to determine speech reception thresholds, speech discrimination scores, the most comfortable listening levels, uncomfortable loudness levels, and the selection of the best fitting arrangement for maximum hearing aid benefit.

A wide range audiometer that meets the specifications of the American National Standards Institute for diagnostic audiometers, and a speech audiometer or a master hearing aid must be used by hearing aid specialists, and audiologists only when indicated, in the fitting and selling of prescription hearing aids.

A hearing aid specialist must make a final fitting ensuring physical and operational comfort of the prescription hearing aid. An audiologist must make such a final fitting only when indicated.

Each audiometric test must be made in a testing room that has been certified by the DOH and meets certain requirements established in statute and rule. However, this requirement may be waived by a client who has been provided written notice of the benefits and advantages of having the test conducted in a certified testing room.

III. Effect of Proposed Changes:

Sections 1 and 2 of the bill amend ss. 468.1265 and 484.054, F.S., to create an exception that would allow for prescription hearing aids to be sold and distributed to a consumer through the mail if, before the sale, all required testing procedures as outlined in s. 468.1225, F.S., or s. 484.0501, F.S., are conducted by an audiologist licensed under s. 468.1185, F.S., or a hearing aid specialist licensed under s. 484.045, F.S., respectively. The two statutory sections are identical.

Under the bill, if a hearing aid specialist or an audiologist (as indicated) fails to complete all required testing procedures in each enumerated section, then the practitioner would commit a misdemeanor of the second degree, punishable as provided in s. 775.072, F.S., or s. 775.083, F.S.²²

Section 3 of the bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²² Section 775.082(4)(b), F.S., provides that a person who has been convicted of a misdemeanor of the second degree may be sentenced to a definite term of imprisonment not to exceed 60 days. Section 775.083(1)(e), F.S., provides that fines for a misdemeanor of the second degree may not exceed \$500.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Under the bill, a hearing aid specialist or audiologist must complete “all required testing procedures *outlined in* s. 468.1225 or s. 484.0501” before the sale of prescription hearing aids distributed through the mail. Section 468.1225(7), F.S., gives rulemaking authority to the Board of Speech-Language Pathology and Audiology, and s. 484.0501(7), F.S., gives rulemaking authority to the Board of Hearing Aid Specialists. It is unclear whether a court would interpret the requirements in the respective rules to be included as “required testing procedures outlined in” those sections because the rulemaking authority is derived therein.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

To implement the bill, the Department of Health would need to develop a communication plan to ensure compliance and operational readiness. The department anticipates that this would include updating websites and the Artificial Intelligence chatbot, notifying stakeholder groups, and communicating the statutory changes to staff through training.²³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 468.1265 and 484.054 of the Florida Statutes.

²³ Department of Health, Senate Bill 126 Legislative Analysis (Feb. 11, 2025) (on file with the Senate Committee on Health Policy).

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Bradley

6-00498-25

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1 A bill to be entitled
2 An act relating to prescription hearing aids; amending
3 ss. 468.1265 and 484.054, F.S.; authorizing the sale
4 and distribution of prescription hearing aids to
5 consumers through the mail if certain conditions are
6 met before the sale; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Section 468.1265, Florida Statutes, is amended
11 to read:

12 468.1265 Sale or distribution of prescription hearing aids
13 through mail; penalty.—It is unlawful for any person to sell or
14 distribute prescription hearing aids through the mail to the
15 ultimate consumer. However, prescription hearing aids may be
16 sold and distributed to a consumer through the mail if, before
17 the sale, all required testing procedures as outlined in s.
18 468.1225 or s. 484.0501 are conducted by an audiologist licensed
19 under s. 468.1185 or a hearing aid specialist licensed under s.
20 484.045, respectively. Any person who violates this section
21 commits a misdemeanor of the second degree, punishable as
22 provided in s. 775.082 or s. 775.083.

23 Section 2. Section 484.054, Florida Statutes, is amended to
24 read:

25 484.054 Sale or distribution of prescription hearing aids
26 through mail; penalty.—It is unlawful for any person to sell or
27 distribute prescription hearing aids through the mail to the
28 ultimate consumer. However, prescription hearing aids may be
29 sold and distributed to a consumer through the mail if, before

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30 the sale, all required testing procedures as outlined in s.
31 468.1225 or s. 484.0501 are conducted by an audiologist licensed
32 under s. 468.1185 or a hearing aid specialist licensed under s.
33 484.045, respectively. Any violation of this section constitutes
34 a misdemeanor of the second degree, punishable as provided in s.
35 775.082 or s. 775.083.

36

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 232

INTRODUCER: Senator Rodriguez

SUBJECT: Debt Collection

DATE: February 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Pre-meeting
2.			BI	
3.			RC	

I. Summary:

SB 232 revises the Florida Consumer Collection Practices Act (FCCPA) to clarify that consumer debt collectors may not communicate with a debtor *via telephone call* between the hours of 9 p.m. and 8 a.m. The bill also incorporates and reenacts other, related statutes which would be affected by this change in law.

The bill takes effect July 1, 2025.

II. Present Situation:

The Florida Consumer Collection Practices Act

The FCCPA¹ prohibits certain practices by any person when attempting to collect on a debt.² This law is the counterpart to the federal Fair Debt Collection Practices Act (FDCPA) with the purpose of eliminating “abusive and harassing tactics in the collection of debts.”³ When collecting consumer debts,⁴ collectors are not allowed to use or threaten violence,⁵ use profane or

¹ Sections 559.55-559.785, F.S.

² “Debt collector” means any person who uses any instrumentality of commerce within this state, whether initiated from within or outside this state, in any business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. The term “debt collector” includes any creditor who, in the process of collecting her or his own debts, uses any name other than her or his own which would indicate that a third person is collecting or attempting to collect such debts. Section 559.55(7), F.S.

³ The Consumer Prot. Law Comm. of the Florida Bar, *The Consumer Law Bench Book*, p. 46, available at <https://www.floridabar.org/about/cmtes/cmte-cm410/cplc-bench-manual/> (last visited Feb. 28, 2025).

⁴ “Debt” or “consumer debt” means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgement. Section 559.55(6), F.S.

⁵ Section 559.72(2), F.S.

vulgar language,⁶ or attempt to enforce an illegitimate debt.⁷ Among the list of prohibited practices, a collector is not allowed to “communicate with the debtor between the hours of 9 p.m. and 8 a.m. in the debtor’s time zone without the prior consent of the debtor.”⁸ The current version of the statute does not specify what type of communication is prohibited between these hours. Further, Florida law provides that “in the event of an inconsistency between any provision of the [FCCPA] and any provision of the federal act, the provision that is more protective of the consumer or debtor shall prevail.”⁹

A debtor¹⁰ may bring a civil action against a consumer collection agency¹¹ or any person attempting to collect on a debt in a manner prohibited by law within two years of the date the alleged violation occurred.¹² The debtor may file such action “in the county in which the alleged violator resides or has his or her principal place of business or in the county where the alleged violation occurred.”¹³ If a collector does not comply with the provisions of s. 559.72, F.S., they are liable for actual and statutory damages up to \$1000, court costs and attorney’s fees that are incurred by the plaintiff,¹⁴ and punitive damages or other equitable relief the court finds necessary or proper.¹⁵

The Fair Debt Collection Practices Act

The federal Fair Debt Collection Practices Act (FDCPA) (15 USC 1692 et seq.), which became effective in March 1978, was designed to eliminate abusive, deceptive, and unfair debt collection practices.¹⁶ Pursuant to 12 CFR s. 1006.06(b)(1)(i), with certain exceptions (prior consent, or permission by a court), a debt collector must not communicate or attempt to communicate with a consumer in connection with the collection of any debt at any unusual time, or at a time that the debt collector knows or should know is inconvenient to the consumer. In the absence of the debt collector's knowledge of circumstances to the contrary, a time before 8:00 a.m. and after 9:00

⁶ Section 559.72(8), F.S.

⁷ Section 559.72(9), F.S.

⁸ Section 559.72(17), F.S.

⁹ Section 559.552, F.S.

¹⁰ “Debtor” or “consumer” means any natural person obligated or allegedly obligated to pay any debt. Section 559.55(8), F.S.

¹¹ “Consumer collection agency” means any debt collector or business entity engaged in the business of soliciting consumer debts for collection or of collecting consumer debts, which debt collector or business is not expressly exempted as set forth in s. 559.553(3). Section 559.55(3), F.S.

¹² Section 559.77(4), F.S.

¹³ Section 559.77(1), F.S.

¹⁴ Section 559.77(2), F.S.

¹⁵ *Id.*

¹⁶ The Fed. Rsrv., *Consumer Compliance Handbook*, available at <https://www.federalreserve.gov/boarddocs/supmanual/cch/fairdebt.pdf>, (last visited Feb. 28, 2025).

p.m. local time at the consumer's location is inconvenient. Email and text communications¹⁷ are permitted, but the consumer must be offered a reasonable and simple method for opting out.¹⁸

Recent Litigation

The U.S. District Court for the Southern District of Florida recently interpreted what it means to “communicate with” a consumer under the FCCPA.¹⁹ In this case, plaintiff sued a debt collector for sending her an e-mail at 8:23 p.m. which was delivered to her at 10:14 p.m. and which she did not open or read until 11:44 a.m. the next day.²⁰ Plaintiff argued that this constituted a communication in violation of s. 559.72(17), F.S.²¹ Without legal precedent on point, the court determined that “no e-mail communication “with” the customer takes place until the consumer reads the message, or at least receives it.”²² Under this interpretation, the court found that the debt collector did not communicate with plaintiff until 11:44 a.m. because that was when she read the message, and as such, defendant’s motion for summary judgment was granted.²³

As this case was one of first impression, there is a chance that Florida courts or other federal district courts could deviate from this interpretation. Moreover, this interpretation diverges from the Consumer Financial Protection Bureau’s interpretation of what it means to “communicate with” a debtor under the FDCPA.²⁴ Without statutory clarification, Florida courts are open to litigation over debt collection e-mails received and read after 9 p.m. and before 8 a.m.

III. Effect of Proposed Changes:

Prohibited Practices for Debt Collection

Section 1 amends s. 559.72, F.S., specifying that a consumer debt collector may not communicate with a debtor by telephone call between the hours of 9 p.m. and 8 a.m. This requirement narrows the type of communication that is prohibited under the statute at night from any communication to only communications by telephone call. Therefore, a debtor would not have a cause of action against a collector for receiving e-mails, letters, or other non-telephone communications after 9 p.m.

¹⁷ According to a recent news release, email communications are used by 74% of debt collectors, and use of text messaging grew by 5% between 2023 and 2024. TransUnion, *More Than Half of Debt Collection Companies Saw Increased Volume of Accounts in Past 12 Months*, available at <https://newsroom.transunion.com/more-than-half-of-debt-collection-companies-saw-increased-volume-of-accounts-in-past-12-months/#:~:text=Use%20of%20text%2FSMS%20messaging,engage%20consumers%20regarding%20a%20debt>, (last visited Feb 10, 2025).

¹⁸ The Consumer Fin. Prot. Bureau, *What laws limit what debt collectors can say or do?*, available at <https://www.consumerfinance.gov/ask-cfpb/what-laws-limit-what-debt-collectors-can-say-or-do-en-329/>, (last visited Feb. 28, 2025).

¹⁹ *Quinn-Davis v. TrueAccord Corp.*, Case No. 1:23-cv-23590-LEIBOWITZ/REID (S.D. Fla. Nov. 20, 2024).

²⁰ *Id.* at 2.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 14.

²⁴ *Id.* at 8 (“The CFPB interprets “communicate with” under the FDCPA to mean that a debt collector communicates with a customer when the debt collector “sends” an electronic communication.”).

Incorporating Related Statutes

Sections 2-6 reenact ss. 559.565, 559.725, 559.77, 648.44, and 817.7001, F.S., respectively, for the purpose of incorporating the amendments to s. 559.72, F.S., in section 1 of the bill.

Effective Date

Section 7 provides an effective date of July 1, 2025.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 559.72, F.S.

For the purpose of incorporating the amendments to s. 559.72, F.S., the bill reenacts the following sections: 559.72, 559.565, 559.725, 559.77, 648.44, 817.7001.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



109918

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 559.72, Florida Statutes, is amended to read:

559.72 Prohibited practices generally.—Unless otherwise authorized by law, in collecting consumer debts, a debt collector may not ~~no person shall:~~

(1) Simulate in any manner a law enforcement officer or a



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representative of any governmental agency.

(2) Use or threaten force or violence.

(3) Tell a debtor who disputes a consumer debt that she or he or any person employing her or him will disclose to another, orally or in writing, directly or indirectly, information affecting the debtor's reputation for credit worthiness without also informing the debtor that the existence of the dispute will also be disclosed as required by subsection (6).

(4) Communicate or threaten to communicate with a debtor's employer before obtaining final judgment against the debtor, unless the debtor gives her or his permission in writing to contact her or his employer or acknowledges in writing the existence of the debt after the debt has been placed for collection. However, this does not prohibit a debt collector ~~person~~ from telling the debtor that her or his employer will be contacted if a final judgment is obtained.

(5) Disclose to a person other than the debtor or her or his family information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information or that the information is false.

(6) Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact. If a disclosure is made before such dispute has been asserted and written notice is received from the debtor that any part of the debt is disputed, and if such dispute is reasonable, the debt collector ~~person~~ who made the original disclosure must reveal upon the request of the debtor within 30 days the details



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of the dispute to each person to whom disclosure of the debt without notice of the dispute was made within the preceding 90 days.

(7) Willfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family.

(8) Use profane, obscene, vulgar, or willfully abusive language in communicating with the debtor or any member of her or his family.

(9) Claim, attempt, or threaten to enforce a debt when such debt collector ~~person~~ knows that the debt is not legitimate, or assert the existence of some other legal right to enforce the debt when such debt collector ~~person~~ knows that the right to such enforcement does not exist.

(10) Use a communication that simulates in any manner legal or judicial process or that gives the appearance of being authorized, issued, or approved by a government, governmental agency, or attorney at law, when it is not.

(11) Communicate with a debtor under the guise of an attorney by using the stationery of an attorney or forms or instruments that only attorneys are authorized to prepare.

(12) Orally communicate with a debtor in a manner that gives the false impression or appearance that such debt collector ~~person~~ is or is associated with an attorney.

(13) Advertise or threaten to advertise for sale any debt as a means to enforce payment except under court order or when acting as an assignee for the benefit of a creditor.



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(14) Publish or post, threaten to publish or post, or cause to be published or posted before the general public individual names or any list of names of debtors, commonly known as a deadbeat list, for the purpose of enforcing or attempting to enforce collection of consumer debts.

(15) Refuse to provide adequate identification of herself or himself or her or his employer or other entity whom she or he represents if requested to do so by a debtor from whom she or he is collecting or attempting to collect a consumer debt.

(16) Mail any communication to a debtor in an envelope or postcard with words typed, written, or printed on the outside of the envelope or postcard calculated to embarrass the debtor. An example of this would be an envelope addressed to "Deadbeat, Jane Doe" or "Deadbeat, John Doe."

(17) Communicate with the debtor by telephone call between the hours of 9 p.m. and 8 a.m. in the debtor's time zone without the prior consent of the debtor.

(a) The debt collector ~~person~~ may presume that the time a telephone call is received conforms to the local time zone assigned to the area code of the number called, unless the debt collector ~~person~~ reasonably believes that the debtor's telephone is located in a different time zone.

(b) If, such as with toll-free numbers, an area code is not assigned to a specific geographic area, the debt collector ~~person~~ may presume that the time a telephone call is received conforms to the local time zone of the debtor's last known place of residence, unless the debt collector ~~person~~ reasonably believes that the debtor's telephone is located in a different time zone.



98 (18) Communicate with a debtor, other than communicating
99 purely for informational communications, regular billing
100 statements, or notices required by law, if the debt collector
101 person knows that the debtor is represented by an attorney with
102 respect to such debt and has knowledge of, or can readily
103 ascertain, such attorney's name and address, unless the debtor's
104 attorney fails to respond within 30 days to a communication from
105 the debt collector person, unless the debtor's attorney consents
106 to a direct communication with the debtor, or unless the debtor
107 initiates the communication.

108 (19) Cause a debtor to be charged for communications by
109 concealing the true purpose of the communication, including
110 collect telephone calls and telegram fees.

111 Section 2. For the purpose of incorporating the amendment
112 made by this act to section 559.72, Florida Statutes, in a
113 reference thereto, subsection (2) of section 559.565, Florida
114 Statutes, is reenacted to read:

115 559.565 Enforcement action against out-of-state consumer
116 debt collector.—The remedies of this section are cumulative to
117 other sanctions and enforcement provisions of this part for any
118 violation by an out-of-state consumer debt collector, as defined
119 in s. 559.55(11).

120 (2) A person, whether or not exempt from registration under
121 this part, who violates s. 559.72 is subject to sanctions the
122 same as any other consumer debt collector, including imposition
123 of an administrative fine. The registration of a duly registered
124 out-of-state consumer debt collector is subject to revocation or
125 suspension in the same manner as the registration of any other
126 registrant under this part.



127 Section 3. For the purpose of incorporating the amendment
128 made by this act to section 559.72, Florida Statutes, in a
129 reference thereto, subsection (2) of section 559.725, Florida
130 Statutes, is reenacted to read:

131 559.725 Consumer complaints; administrative duties.—

132 (2) The office shall inform and furnish relevant
133 information to the appropriate regulatory body of the state or
134 the Federal Government, or The Florida Bar in the case of
135 attorneys, if a person has been named in a consumer complaint
136 pursuant to subsection (3) alleging violations of s. 559.72. The
137 Attorney General may take action against any person in violation
138 of this part.

139 Section 4. For the purpose of incorporating the amendment
140 made by this act to section 559.72, Florida Statutes, in
141 references thereto, subsections (1) and (2) of section 559.77,
142 Florida Statutes, are reenacted to read:

143 559.77 Civil remedies.—

144 (1) A debtor may bring a civil action against a person
145 violating the provisions of s. 559.72 in the county in which the
146 alleged violator resides or has his or her principal place of
147 business or in the county where the alleged violation occurred.

148 (2) Any person who fails to comply with any provision of s.
149 559.72 is liable for actual damages and for additional statutory
150 damages as the court may allow, but not exceeding \$1,000,
151 together with court costs and reasonable attorney's fees
152 incurred by the plaintiff. In determining the defendant's
153 liability for any additional statutory damages, the court shall
154 consider the nature of the defendant's noncompliance with s.
155 559.72, the frequency and persistence of the noncompliance, and



156 the extent to which the noncompliance was intentional. In a
157 class action lawsuit brought under this section, the court may
158 award additional statutory damages of up to \$1,000 for each
159 named plaintiff and an aggregate award of additional statutory
160 damages up to the lesser of \$500,000 or 1 percent of the
161 defendant's net worth for all remaining class members; however,
162 the aggregate award may not provide an individual class member
163 with additional statutory damages in excess of \$1,000. The court
164 may award punitive damages and may provide such equitable relief
165 as it deems necessary or proper, including enjoining the
166 defendant from further violations of this part. If the court
167 finds that the suit fails to raise a justiciable issue of law or
168 fact, the plaintiff is liable for court costs and reasonable
169 attorney's fees incurred by the defendant.

170 Section 5. For the purpose of incorporating the amendment
171 made by this act to section 559.72, Florida Statutes, in a
172 reference thereto, paragraph (o) of subsection (1) of section
173 648.44, Florida Statutes, is reenacted to read:

174 648.44 Prohibitions; penalty.—

175 (1) A bail bond agent or bail bond agency may not:

176 (o) Attempt to collect, through threat or coercion, amounts
177 due for the payment of any indebtedness related to the issuance
178 of a bail bond in violation of s. 559.72.

179 Section 6. For the purpose of incorporating the amendment
180 made by this act to section 559.72, Florida Statutes, in a
181 reference thereto, paragraph (b) of subsection (2) of section
182 817.7001, Florida Statutes, is reenacted to read:

183 817.7001 Definitions.—As used in this part:

184 (2)



185 (b) "Credit service organization" does not include:

186 1. Any person authorized to make loans or extensions of
187 credit under the laws of this state or the United States who is
188 subject to regulation and supervision by this state or the
189 United States or a lender approved by the United States
190 Secretary of Housing and Urban Development for participation in
191 any mortgage insurance program under the National Housing Act;

192 2. Any bank, savings bank, or savings and loan association
193 whose deposits or accounts are eligible for insurance by the
194 Federal Deposit Insurance Corporation or the Federal Savings and
195 Loan Insurance Corporation, or a subsidiary of such bank,
196 savings bank, or savings and loan association;

197 3. Any credit union, federal credit union, or out-of-state
198 credit union doing business in this state;

199 4. Any nonprofit organization exempt from taxation under s.
200 501(c)(3) of the Internal Revenue Code;

201 5. Any person licensed as a real estate broker by this
202 state if the person is acting within the course and scope of
203 that license;

204 6. Any person collecting consumer claims pursuant to s.
205 559.72;

206 7. Any person licensed to practice law in this state if the
207 person renders services within the course and scope of his or
208 her practice as an attorney and does not engage in the credit
209 service business on a regular and continuing basis;

210 8. Any broker-dealer registered with the Securities and
211 Exchange Commission or the Commodity Futures Trading Commission
212 if the broker-dealer is acting within the course and scope of
213 that regulation; or



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214 9. Any consumer reporting agency as defined in the Federal
215 Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681t.

216 Section 7. This act shall take effect upon becoming a law.

217
218 ===== T I T L E A M E N D M E N T =====
219 And the title is amended as follows:

220 Delete everything before the enacting clause
221 and insert:

222 A bill to be entitled
223 An act relating to debt collection; amending s.
224 559.72, F.S.; revising prohibited practices for a debt
225 collector attempting to collect consumer debt; making
226 technical changes; reenacting ss. 559.565(2),
227 559.725(2), 559.77(1) and (2), 648.44(1)(o), and
228 817.7001(2)(b), F.S., relating to enforcement action
229 against out-of-state consumer debt collector, consumer
230 complaints and administrative duties, civil remedies,
231 prohibitions and penalties, and definitions,
232 respectively, to incorporate the amendment made to s.
233 559.72, F.S., in references thereto; providing an
234 effective date.

235
236 WHEREAS, the Legislature finds that technical changes to s.
237 559.72, Florida Statutes, are necessary to clarify that existing
238 law prohibiting communication between a debtor and a debt
239 collector between the hours of 9 p.m. and 8 a.m. applies only to
240 telephone calls, NOW, THEREFORE,



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LEGISLATIVE ACTION

Senate		House
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	.	

The Committee on Commerce and Tourism (Gruters) recommended the following:

- 1 **Senate Amendment (with title amendment)**
- 2
- 3 Delete lines 93 - 95
- 4 and insert:
- 5 (17) Communicate with the debtor between the hours of 9
- 6 p.m. and 8 a.m. in the debtor's time zone without the prior
- 7 consent of the debtor. This subsection does not apply to an e-
- 8 mail communication that is sent to an e-mail address and which
- 9 otherwise complies with this section.
- 10



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11 ===== T I T L E A M E N D M E N T =====
12 And the title is amended as follows:

13 Delete line 4

14 and insert:

15 person attempting to collect consumer debt; providing
16 applicability; making a

By Senator Rodriguez

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A bill to be entitled

An act relating to debt collection; amending s. 559.72, F.S.; revising prohibited practices for a person attempting to collect consumer debt; making a technical change; reenacting ss. 559.565(2), 559.725(2), 559.77(1) and (2), 648.44(1)(c), and 817.7001(2)(b), F.S., relating to enforcement action against out-of-state consumer debt collector, consumer complaints and administrative duties, civil remedies, prohibitions and penalties, and definitions, respectively, to incorporate the amendment made to s. 559.72, F.S., in references thereto; providing an effective date.

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

Section 1. Section 559.72, Florida Statutes, is amended to read:

559.72 Prohibited practices generally.—Unless otherwise authorized by law, in collecting consumer debts, a ~~no~~ person may not shall:

- (1) Simulate in any manner a law enforcement officer or a representative of any governmental agency.
- (2) Use or threaten force or violence.
- (3) Tell a debtor who disputes a consumer debt that she or he or any person employing her or him will disclose to another, orally or in writing, directly or indirectly, information affecting the debtor's reputation for credit worthiness without also informing the debtor that the existence of the dispute will

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also be disclosed as required by subsection (6).

(4) Communicate or threaten to communicate with a debtor's employer before obtaining final judgment against the debtor, unless the debtor gives her or his permission in writing to contact her or his employer or acknowledges in writing the existence of the debt after the debt has been placed for collection. However, this does not prohibit a person from telling the debtor that her or his employer will be contacted if a final judgment is obtained.

(5) Disclose to a person other than the debtor or her or his family information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information or that the information is false.

(6) Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact. If a disclosure is made before such dispute has been asserted and written notice is received from the debtor that any part of the debt is disputed, and if such dispute is reasonable, the person who made the original disclosure must reveal upon the request of the debtor within 30 days the details of the dispute to each person to whom disclosure of the debt without notice of the dispute was made within the preceding 90 days.

(7) Willfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family.

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59 (8) Use profane, obscene, vulgar, or willfully abusive
60 language in communicating with the debtor or any member of her
61 or his family.

62 (9) Claim, attempt, or threaten to enforce a debt when such
63 person knows that the debt is not legitimate, or assert the
64 existence of some other legal right when such person knows that
65 the right does not exist.

66 (10) Use a communication that simulates in any manner legal
67 or judicial process or that gives the appearance of being
68 authorized, issued, or approved by a government, governmental
69 agency, or attorney at law, when it is not.

70 (11) Communicate with a debtor under the guise of an
71 attorney by using the stationery of an attorney or forms or
72 instruments that only attorneys are authorized to prepare.

73 (12) Orally communicate with a debtor in a manner that
74 gives the false impression or appearance that such person is or
75 is associated with an attorney.

76 (13) Advertise or threaten to advertise for sale any debt
77 as a means to enforce payment except under court order or when
78 acting as an assignee for the benefit of a creditor.

79 (14) Publish or post, threaten to publish or post, or cause
80 to be published or posted before the general public individual
81 names or any list of names of debtors, commonly known as a
82 deadbeat list, for the purpose of enforcing or attempting to
83 enforce collection of consumer debts.

84 (15) Refuse to provide adequate identification of herself
85 or himself or her or his employer or other entity whom she or he
86 represents if requested to do so by a debtor from whom she or he
87 is collecting or attempting to collect a consumer debt.

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88 (16) Mail any communication to a debtor in an envelope or
89 postcard with words typed, written, or printed on the outside of
90 the envelope or postcard calculated to embarrass the debtor. An
91 example of this would be an envelope addressed to "Deadbeat,
92 Jane Doe" or "Deadbeat, John Doe."

93 (17) Communicate with the debtor by telephone call between
94 the hours of 9 p.m. and 8 a.m. in the debtor's time zone without
95 the prior consent of the debtor.

96 (a) The person may presume that the time a telephone call
97 is received conforms to the local time zone assigned to the area
98 code of the number called, unless the person reasonably believes
99 that the debtor's telephone is located in a different time zone.

100 (b) If, such as with toll-free numbers, an area code is not
101 assigned to a specific geographic area, the person may presume
102 that the time a telephone call is received conforms to the local
103 time zone of the debtor's last known place of residence, unless
104 the person reasonably believes that the debtor's telephone is
105 located in a different time zone.

106 (18) Communicate with a debtor if the person knows that the
107 debtor is represented by an attorney with respect to such debt
108 and has knowledge of, or can readily ascertain, such attorney's
109 name and address, unless the debtor's attorney fails to respond
110 within 30 days to a communication from the person, unless the
111 debtor's attorney consents to a direct communication with the
112 debtor, or unless the debtor initiates the communication.

113 (19) Cause a debtor to be charged for communications by
114 concealing the true purpose of the communication, including
115 collect telephone calls and telegram fees.

116 Section 2. For the purpose of incorporating the amendment

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117 made by this act to section 559.72, Florida Statutes, in a
118 reference thereto, subsection (2) of section 559.565, Florida
119 Statutes, is reenacted to read:

120 559.565 Enforcement action against out-of-state consumer
121 debt collector.—The remedies of this section are cumulative to
122 other sanctions and enforcement provisions of this part for any
123 violation by an out-of-state consumer debt collector, as defined
124 in s. 559.55(11).

125 (2) A person, whether or not exempt from registration under
126 this part, who violates s. 559.72 is subject to sanctions the
127 same as any other consumer debt collector, including imposition
128 of an administrative fine. The registration of a duly registered
129 out-of-state consumer debt collector is subject to revocation or
130 suspension in the same manner as the registration of any other
131 registrant under this part.

132 Section 3. For the purpose of incorporating the amendment
133 made by this act to section 559.72, Florida Statutes, in a
134 reference thereto, subsection (2) of section 559.725, Florida
135 Statutes, is reenacted to read:

136 559.725 Consumer complaints; administrative duties.—

137 (2) The office shall inform and furnish relevant
138 information to the appropriate regulatory body of the state or
139 the Federal Government, or The Florida Bar in the case of
140 attorneys, if a person has been named in a consumer complaint
141 pursuant to subsection (3) alleging violations of s. 559.72. The
142 Attorney General may take action against any person in violation
143 of this part.

144 Section 4. For the purpose of incorporating the amendment
145 made by this act to section 559.72, Florida Statutes, in

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146 references thereto, subsections (1) and (2) of section 559.77,
147 Florida Statutes, are reenacted to read:

148 559.77 Civil remedies.—

149 (1) A debtor may bring a civil action against a person
150 violating the provisions of s. 559.72 in the county in which the
151 alleged violator resides or has his or her principal place of
152 business or in the county where the alleged violation occurred.

153 (2) Any person who fails to comply with any provision of s.
154 559.72 is liable for actual damages and for additional statutory
155 damages as the court may allow, but not exceeding \$1,000,
156 together with court costs and reasonable attorney's fees
157 incurred by the plaintiff. In determining the defendant's
158 liability for any additional statutory damages, the court shall
159 consider the nature of the defendant's noncompliance with s.
160 559.72, the frequency and persistence of the noncompliance, and
161 the extent to which the noncompliance was intentional. In a
162 class action lawsuit brought under this section, the court may
163 award additional statutory damages of up to \$1,000 for each
164 named plaintiff and an aggregate award of additional statutory
165 damages up to the lesser of \$500,000 or 1 percent of the
166 defendant's net worth for all remaining class members; however,
167 the aggregate award may not provide an individual class member
168 with additional statutory damages in excess of \$1,000. The court
169 may award punitive damages and may provide such equitable relief
170 as it deems necessary or proper, including enjoining the
171 defendant from further violations of this part. If the court
172 finds that the suit fails to raise a justiciable issue of law or
173 fact, the plaintiff is liable for court costs and reasonable
174 attorney's fees incurred by the defendant.

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175 Section 5. For the purpose of incorporating the amendment
 176 made by this act to section 559.72, Florida Statutes, in a
 177 reference thereto, paragraph (o) of subsection (1) of section
 178 648.44, Florida Statutes, is reenacted to read:
 179 648.44 Prohibitions; penalty.—
 180 (1) A bail bond agent or bail bond agency may not:
 181 (o) Attempt to collect, through threat or coercion, amounts
 182 due for the payment of any indebtedness related to the issuance
 183 of a bail bond in violation of s. 559.72.
 184 Section 6. For the purpose of incorporating the amendment
 185 made by this act to section 559.72, Florida Statutes, in a
 186 reference thereto, paragraph (b) of subsection (2) of section
 187 817.7001, Florida Statutes, is reenacted to read:
 188 817.7001 Definitions.—As used in this part:
 189 (2)
 190 (b) "Credit service organization" does not include:
 191 1. Any person authorized to make loans or extensions of
 192 credit under the laws of this state or the United States who is
 193 subject to regulation and supervision by this state or the
 194 United States or a lender approved by the United States
 195 Secretary of Housing and Urban Development for participation in
 196 any mortgage insurance program under the National Housing Act;
 197 2. Any bank, savings bank, or savings and loan association
 198 whose deposits or accounts are eligible for insurance by the
 199 Federal Deposit Insurance Corporation or the Federal Savings and
 200 Loan Insurance Corporation, or a subsidiary of such bank,
 201 savings bank, or savings and loan association;
 202 3. Any credit union, federal credit union, or out-of-state
 203 credit union doing business in this state;

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204 4. Any nonprofit organization exempt from taxation under s.
 205 501(c)(3) of the Internal Revenue Code;
 206 5. Any person licensed as a real estate broker by this
 207 state if the person is acting within the course and scope of
 208 that license;
 209 6. Any person collecting consumer claims pursuant to s.
 210 559.72;
 211 7. Any person licensed to practice law in this state if the
 212 person renders services within the course and scope of his or
 213 her practice as an attorney and does not engage in the credit
 214 service business on a regular and continuing basis;
 215 8. Any broker-dealer registered with the Securities and
 216 Exchange Commission or the Commodity Futures Trading Commission
 217 if the broker-dealer is acting within the course and scope of
 218 that regulation; or
 219 9. Any consumer reporting agency as defined in the Federal
 220 Fair Credit Reporting Act, 15 U.S.C. ss. 1681-1681t.
 221 Section 7. This act shall take effect July 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 600

INTRODUCER: Senator Truenow

SUBJECT: Manufacturing

DATE: February 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 600 creates the Statewide Office of Manufacturing (Office) within the Department of Commerce (department) to promote manufacturing statewide. The Chief Manufacturing Officer, who is appointed by the Secretary of Commerce, heads the program and, among other duties, is responsible for promoting, supporting, and coordinating manufacturing efforts in the state. In consultation with the Chief Manufacturing Officer and the state Manufacturing Extension Partnership, the department must report on manufacturing efforts in the state and submit the report by December 15, 2026, and every two years thereafter to the Governor and the Legislature.

The bill creates the Florida Manufacturers' Workforce Development Grant Program (program) within the department to fund proposed projects, subject to appropriation by the Legislature, that support small manufacturers in the state with the deployment of new technologies or cybersecurity infrastructure and provide training support to the workforce. Grants would be funded from the Economic Development Trust Fund. The department must provide a list of each awarded project annually and include such information in its annual incentives report.

The bill creates the Florida Manufacturing Promotional Campaign (campaign), a marketing program to promote manufacturing products and businesses in the state. Participants must register with the department. The campaign would be funded by fees acquired by the department from campaign participants.

The bill authorizes the department to adopt rules to administer the program and establish, by rule, the logos or product identifiers to be depicted for use in the campaign.

The bill will have an impact on state expenditures. It does not appear to impact local government revenues and expenditures. *See* Section V, Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Manufacturing

Florida has over 422,000 manufacturing jobs and ranks as the nation's 10th largest manufacturing employer. Since 2014, Florida has increased manufacturing employment by 23.3 percent, which outpaced the other 11 states in the top 12 for manufacturing.¹ Manufacturing jobs generally pay higher wages than those in other industries. In 2022, the average annual wage for manufacturing jobs was over \$74,000, a 6.6 percent increase from 2021.²

The North American Industry Classification System (NAICS) is the standard used by federal statistical agencies to classify businesses by industry type for the purpose of statistical data collection and analysis related to the U.S. economy. NAICS Sector Codes 311-339 include unique manufacturing industries in Florida that have outpaced the nation in job growth, which include, but are not limited to, the following:³

- Food manufacturing
- Beverage and tobacco product manufacturing
- Textile mills and textile product mills
- Apparel manufacturing
- Leather and allied product manufacturing
- Wood product and paper manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing
- Electrical equipment and appliances
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing

Additionally, manufacturing sectors with a high value-added component, such as aviation and aerospace, defense, microelectronics, medical devices and equipment, marine, fabricated metal products, and industrial machinery, have helped Florida's small and mid-size manufacturers grow quickly.⁴

¹ Department of Commerce, *2023 Florida Manufacturing*, 7, available at <https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf> (last visited Feb. 28, 2025).

² *Id.* at 10.

³ *Id.* at 114.

⁴ *Id.* at 47

Under the Local Manufacturing Development Program, a local government may adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for developing or expanding sites operated by manufacturers.⁵ Local governments may establish a manufacturing master development plan review process that allows new or expanding manufacturing businesses to go through a single local-level master development plan process and, upon approval, proceed to development without requiring additional approvals or permits, except for building permits.⁶ The approval process must be coordinated with the department.⁷ Additionally, the department has developed a model local manufacturing development program ordinance to guide local governments that intend to establish a local manufacturing development program.⁸ Currently, only Manatee and Volusia County have adopted an ordinance.⁹

Workforce Training Programs

CareerSource Florida, a not-for-profit corporation administratively housed within the department,¹⁰ is the statewide workforce policy and investment board comprised of business and government leaders that helps Floridians enter, remain in, and advance in the workplace so that they may become more highly skilled and successful. The program also connects employers with qualified and skilled employees.¹¹ Workforce training is administered through the 21 local workforce development boards.

The Florida Job Growth Grant Fund is an economic development program that promotes public infrastructure and workforce training across the state. Proposals are reviewed by the department and chosen by the Governor to meet the demand for workforce or infrastructure needs in the communities they are awarded to.¹²

III. Effect of Proposed Changes:

Statewide Office of Manufacturing

The bill creates s. 14.37, F.S., to establish the Statewide Office of Manufacturing (Office) within the department to support manufacturing within the state. The Office must be headed by the Chief Manufacturing Officer (Officer) who serves at the pleasure of the Secretary of the department. Duties of the Officer include:

- Serving as the subject-matter expert on manufacturing;

⁵ Section 163.3252, F.S.

⁶ *Id.*

⁷ Section 163.3253, F.S.

⁸ Section 163.3252, F.S.

⁹ Department of Commerce, *Manufacturing Competitiveness Act Development Approval Program*, available at <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/manufacturing-competitiveness-act-development-approval-program> (last visited Feb. 28, 2025).

¹⁰ Section 445.004(1), F.S.

¹¹ See CareerSource Florida, *About Us*, available at <https://careersourceflorida.com/> (last visited Feb. 28, 2025).

¹² See s. 288.101, F.S.

- Promoting and coordinating manufacturing efforts in the state and identifying gaps across state-supported activities;
- Working with federal, state, regional, and local governmental entities and nongovernmental entities to align manufacturing priorities; and
- Engaging with state agencies and water management districts to innovate processes, programs, decision frameworks, and reporting mechanisms intended to support manufacturing in the state.

All state and local governmental agencies must assist the Officer to the extent such assistance is consistent with law and budgetary constraints.

In consultation with the Officer and the state Manufacturing Extension Partnership,¹³ the department must prepare a report on manufacturing efforts in the state, including information regarding the strength and economic importance of the manufacturing industry, and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2026, and every two years thereafter.

Florida Manufacturer's Workforce Development Grant Program

The bill creates s. 288.103, F.S., to establish the Florida Manufacturers' Workforce Development Grant Program (program) within the department. The program will fund proposed projects, subject to appropriation by the Legislature, that support small manufacturers in the state in deploying new technologies or cybersecurity infrastructure and providing training support to the workforce.

The department, in coordination with the Officer and the state Manufacturing Extension Partnership, must review applicants and select projects for awards that create strategic investments in workforce training to facilitate the deployment of new technologies or cybersecurity infrastructure. Priority must be given to projects with innovative plans, advanced technologies, and development strategies focusing on workforce development for small manufacturers across the state.

Grants awarded under the program must be administered by the department from the Economic Development Trust Fund under s. 288.095, F.S. Applicants are authorized to seek workforce development and operations funding. However, grant funding may not be used to pay salary, benefits, or general business or office expenses.

Each year, the department must provide the public with a list of all awarded projects, detailing how each project benefits the program's goals and objectives and the project's current status. This information must be included in the department's annual incentives report under s. 288.0065, F.S. The department may adopt rules to implement this provision.

¹³ FloridaMakes is the official representative of the Manufacturing Extension Partnership (MEP) in Florida. The MEP, which provides U.S. manufacturers with access to resources, is a public-private partnership comprised of the National Institute of Standards and Technology's Manufacturing Extension Partnership, 51 MEP centers located in all 50 states and Puerto Rico, and over 1,300 advisors and experts at more than 400 MEP service locations. See <https://www.floridamakes.com/about-us/how-we-help> (last visited Feb. 28, 2025).

Florida Manufacturing Promotional Campaign

The Legislature finds that there is a need for the Florida Manufacturing Promotional Campaign (campaign) to do the following in the state:

- Increase consumer awareness of manufacturing;
- Expand market exposure for manufactured products and goods; and
- Inspire future generations of entrepreneurs, fabricators, and skilled workers to build and grow domestic businesses and manufacturing operations.

The Legislature also finds that the campaign is a partnership between industry and the state to promote and advertise such products efficiently.

The bill defines the following terms:

- “Campaign” means the Florida Manufacturing Promotional Campaign.
- “Department” means the Department of Commerce.
- “Manufactured product” means any tangible personal property fabricated or produced, often through industrial or mechanical processes. The term includes items sold or leased to consumers.
- “Person” means an individual, firm, partnership, corporation, association, business, trust, legal representative, or any other business unit.

The bill creates s. 559.973, F.S., to establish the campaign within the department, under the Office's supervision, and in coordination with the state Manufacturing Extension Partnership. The campaign's purpose is to serve as a marketing program to promote manufacturing products and businesses in the state. In promoting the campaign, the department must do the following:

- Develop logos for the campaign and authorize the use of such logos as provided by rule;
- Register campaign participants;
- Collect rental receipts for industry promotions;
- Develop in-kind advertising programs; and
- Contract with media representatives to disperse promotional materials.

The bill creates s. 559.974, F.S., to establish campaign registration requirements. Campaign participants must register annually with the department in a form and manner as prescribed by the department.

The bill creates s. 559.976, F.S., to authorize the department to adopt rules to implement the campaign. The department is authorized to establish the logos or product identifiers to be depicted for use in the campaign for advertising, publicizing, and promoting the sale of manufactured products in the state. The department is authorized to adopt any other necessary rules to ensure compliance with the provision, including, but not limited to, rules governing participant registration, registration renewal, membership classes, application forms, and other forms and enforcement measures.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The promotional campaign created by this bill is funded by a fee authorized in SB 602, a linked bill.

B. Private Sector Impact:

Manufacturing businesses may see increased demand due to receiving a Florida Manufacturers' Workforce Development Grant and/or participating in the Manufacturing Promotional Campaign.

C. Government Sector Impact:

The department¹⁴ estimates the bill will have a total cost of \$251,021 for the hiring of the following personnel to implement the bill:

- Chief Manufacturing Officer - \$163,300
- Professional employee expense package - \$11,664
- Government Operations Consultant II - \$71,000
- Support employee expense package - \$5,057

The bill does not appear to impact local government revenues and expenditures.

¹⁴ Department of Commerce analysis for SB 600. On file with Senate Commerce and Tourism Committee.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill creates the Office in s. 14.37, F.S. However, s. 20.60, F.S., which creates and provides the organization and duties of the department, where the Office is to be located, may be preferable for organizational clarity.

The biennial reporting on manufacturing efforts could potentially be integrated into the department's annual report required by s. 20.60(10), F.S.

The Legislature may wish to clarify whether the workforce development grant awards will be made solely at the discretion of the department.

To avoid duplication of effort and funds in workforce training, the Legislature could consider requiring coordination with CareerSource Florida in the consideration and award of grants.

The Legislature could consider whether the grant program and promotional campaign should be included in the economic development program reviews conducted by the Office of Program Policy Analysis and Government Accountability and the Office of Economic & Demographic Research pursuant to s. 288.0001, F.S.

The promotional campaign is created in Chapter 559, F.S., Regulation of Trade, Commerce, and Investments, Generally. The promotional campaign could potentially be created in Chapter 288, F.S., Commercial Development and Capital Improvements.

VIII. Statutes Affected:

This bill creates sections 14.37, 288.103, 559.971, 559.976, 559.972, 559.973, and 559.974 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Truenow

13-00614A-25

2025600__

1 A bill to be entitled
 2 An act relating to manufacturing; creating s. 14.37,
 3 F.S.; creating the Statewide Office of Manufacturing
 4 within the Department of Commerce for a certain
 5 purpose; requiring that the office be headed by a
 6 Chief Manufacturing Officer appointed by and serving
 7 at the pleasure of the Secretary of Commerce;
 8 providing responsibilities for the Chief Manufacturing
 9 Officer; directing all state and local governmental
 10 entities to assist the Chief Manufacturing Officer;
 11 requiring the department to biennially prepare a
 12 report regarding manufacturing efforts in this state;
 13 requiring the department to submit its report on a
 14 specified date and biennially thereafter to the
 15 Governor and the Legislature; requiring that the
 16 report include certain information; creating s.
 17 288.103, F.S.; creating the Florida Manufacturers'
 18 Workforce Development Grant Program; providing that
 19 the grant program is created within the Department of
 20 Commerce and under the direction of the Chief
 21 Manufacturing Officer; providing a specified purpose
 22 for the grant program; requiring the department, the
 23 Chief Manufacturing Officer, and the state
 24 Manufacturing Extension Partnership to review
 25 applications submitted and to select specified
 26 projects; requiring that priority be given to projects
 27 that meet certain criteria; authorizing applicants to
 28 seek funding for a specified purpose; requiring the
 29 department to administer the grant awards from the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2025600__

30 Economic Development Trust Fund; requiring the
 31 department to include certain information in its
 32 annual incentives report; authorizing the department
 33 to adopt rules; creating part XIV of ch. 559, F.S., to
 34 be entitled "Florida Manufacturing Promotional
 35 Campaign"; creating s. 559.971, F.S.; providing
 36 legislative findings; creating s. 559.972, F.S.;
 37 defining terms; creating s. 559.973, F.S.; creating
 38 the Florida Manufacturing Promotional Campaign within
 39 the Department of Commerce; providing the purpose of
 40 the campaign; requiring the department to take certain
 41 actions in promoting the campaign; creating s.
 42 559.974, F.S.; requiring persons that participate in
 43 the campaign to register annually with the department;
 44 creating s. 559.976, F.S.; authorizing the department
 45 to adopt rules; authorizing the department to
 46 establish, by rule, the logos or product identifiers
 47 to be depicted for use in the campaign; providing an
 48 effective date.
 49
 50 Be It Enacted by the Legislature of the State of Florida:
 51
 52 Section 1. Section 14.37, Florida Statutes, is created to
 53 read:
 54 14.37 Statewide Office of Manufacturing.—
 55 (1) The Statewide Office of Manufacturing is established
 56 within the Department of Commerce for the purpose of supporting
 57 the manufacturing ecosystem statewide. The office shall be
 58 headed by a Chief Manufacturing Officer, who is appointed by and

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2025600__

59 serves at the pleasure of the Secretary of Commerce.

60 (2) The Chief Manufacturing Officer shall:

61 (a) Serve as a subject-matter expert for the state on
62 issues related to manufacturing.

63 (b) Be responsible for promoting and coordinating
64 manufacturing efforts in this state and identifying gaps across
65 state-supported activities.

66 (c) Provide strategic direction for interagency and cross-
67 disciplinary initiatives to promote and support manufacturing in
68 this state.

69 (d) Work with federal, state, regional, and local
70 governmental entities and nongovernmental entities to align
71 manufacturing priorities.

72 (e) Engage with state agencies and water management
73 districts to innovate processes, programs, decision frameworks,
74 and reporting mechanisms intended to support manufacturing in
75 this state.

76 (3) All state and local governmental entities shall assist
77 the Chief Manufacturing Officer to the extent such assistance is
78 consistent with law and with budgetary constraints.

79 (4) The department shall prepare a report, in consultation
80 with the Chief Manufacturing Officer and the state Manufacturing
81 Extension Partnership, regarding manufacturing efforts in this
82 state. The department shall submit the report to the Governor,
83 the President of the Senate, and the Speaker of the House of
84 Representatives by December 15, 2026, and every 2 years
85 thereafter. The report must include information regarding the
86 strength and economic importance of the manufacturing industry
87 in this state.

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88 Section 2. Section 288.103, Florida Statutes, is created to
89 read:

90 288.103 Florida Manufacturers' Workforce Development Grant
91 Program.—

92 (1) The Florida Manufacturers' Workforce Development Grant
93 Program is created within the Department of Commerce, under the
94 direction of the Chief Manufacturing Officer and in consultation
95 with the state Manufacturing Extension Partnership, to fund
96 proposed projects, subject to appropriation by the Legislature,
97 which support small manufacturers in this state with the
98 deployment of new technologies or cybersecurity infrastructure
99 and to provide training support to the workforce.

100 (2) The department, in coordination with the Chief
101 Manufacturing Officer and the state Manufacturing Extension
102 Partnership, shall review applications submitted and select
103 projects for awards which create strategic investments in
104 workforce training to facilitate the deployment of new
105 technologies or cybersecurity infrastructure.

106 (3) Priority must be given to projects with innovative
107 plans, advanced technologies, and development strategies that
108 focus on workforce development for small manufacturers across
109 this state.

110 (4) Applicants may seek funding for workforce development
111 and operations, but grant funding awarded under this section may
112 not be used to pay salary and benefits or general business or
113 office expenses. Grants awarded under the program shall be
114 administered by the department from the Economic Development
115 Trust Fund established in s. 288.095.

116 (5) The department shall annually provide a list available

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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117 to the public of each project awarded, the benefit of each
 118 project in meeting the goals and objectives of the program, and
 119 the current status of each project. The department must include
 120 such information in its annual incentives report required under
 121 s. 288.0065.

122 (6) The department may adopt rules to implement this
 123 section.

124 Section 3. Part XIV of chapter 559, Florida Statutes,
 125 consisting of ss. 559.971-559.976, Florida Statutes, is created
 126 and entitled "Florida Manufacturing Promotional Campaign."

127 Section 4. Section 559.971, Florida Statutes, is created to
 128 read:

129 559.971 Legislative findings.—The Legislature finds that
 130 there is a need for the Florida Manufacturing Promotional
 131 Campaign to increase consumer awareness of manufacturing
 132 activities in this state, to expand market exposure for
 133 manufactured products and goods in this state, and to inspire
 134 future generations of entrepreneurs, fabricators, and skilled
 135 workers to build and grow domestic businesses and manufacturing
 136 operations in this state. The Legislature further finds that the
 137 campaign is a partnership between industry and the state to
 138 promote and advertise such products efficiently.

139 Section 5. Section 559.972, Florida Statutes, is created to
 140 read:

141 559.972 Definitions.—As used in this part, the term:

142 (1) "Campaign" means the Florida Manufacturing Promotional
 143 Campaign.

144 (2) "Department" means the Department of Commerce.

145 (3) "Manufactured product" means any tangible personal

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146 property that has been fabricated or produced, often through
 147 industrial or mechanical processes. The term includes items sold
 148 or leased to consumers.

149 (4) "Person" means an individual, a firm, a partnership, a
 150 corporation, an association, a business, a trust, a legal
 151 representative, or any other business unit.

152 Section 6. Section 559.973, Florida Statutes, is created to
 153 read:

154 559.973 Florida Manufacturing Promotional Campaign;
 155 purpose; duties of the department.—There is created within the
 156 department, under the supervision of the Chief Manufacturing
 157 Officer and in coordination with the state Manufacturing
 158 Extension Partnership, the Florida Manufacturing Promotional
 159 Campaign. The purpose of the campaign is to serve as a marketing
 160 program to promote manufacturing products and businesses in this
 161 state. In promoting the campaign, the department shall do all of
 162 the following:

163 (1) Develop logos for the campaign and authorize the use of
 164 such logos as provided by rule.

165 (2) Register campaign participants.

166 (3) Collect rental receipts for industry promotions.

167 (4) Develop in-kind advertising programs.

168 (5) Contract with media representatives for the purpose of
 169 dispensing promotional materials.

170 Section 7. Section 559.974, Florida Statutes, is created to
 171 read:

172 559.974 Registration.—A person that participates in the
 173 campaign must register annually with the department in a form
 174 and manner as prescribed by the department.

13-00614A-25

2025600__

175 Section 8. Section 559.976, Florida Statutes, is created to
176 read:

177 559.976 Rulemaking authority.—The department may adopt
178 rules that implement and administer this part. By rule, the
179 department may establish the logos or product identifiers to be
180 depicted for use in the campaign for advertising, publicizing,
181 and promoting the sale of manufactured products in this state.
182 The department may also adopt any other rules as deemed
183 necessary to ensure compliance with this part, including, but
184 not limited to, rules governing participant registration,
185 renewal of registration, classes of membership, application
186 forms, and other forms and enforcement measures.

187 Section 9. This act shall take effect July 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 602

INTRODUCER: Senator Truenow

SUBJECT: Fees/Florida Manufacturing Promotional Campaign

DATE: February 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 602 requires the Department of Commerce (department) to establish registration and renewal fees sufficient to fund the costs of administering the Florida Manufacturing Promotional Campaign (campaign). The department must assess and collect fees to promote the campaign and fees must be deposited into the Economic Development Trust Fund to be used solely for administering the campaign.

SB 600 (Manufacturing), is a linked bill that creates the Statewide Office of Manufacturing within the department to promote the manufacturing ecosystem statewide. The bill also creates the campaign to serve as a marketing program to promote manufacturing products and businesses in the state. In promoting the campaign, the department must develop logos for the campaign, register campaign participants, collect rental receipts for industry promotions, develop in-kind advertising programs, and contract with media representatives to disperse promotional materials. A person who participates in the campaign must register annually with the department.

The bill may have an indeterminate fiscal impact on the department for collecting fees to promote the campaign. There is no impact expected on local government revenues and expenditures. *See* Section V, Fiscal Impact Statement.

The bill is effective on the same date that SB 600 (Manufacturing) or similar legislation takes effect if adopted in the same legislative session or any extension and becomes law.

II. Present Situation:

Florida has over 422,000 manufacturing jobs and ranks as the nation's 10th largest manufacturing employer. Since 2014, Florida has increased manufacturing employment by 23.3 percent, which

outpaced the other 11 states in the top 12 for manufacturing.¹ Manufacturing jobs generally pay higher wages than those in other industries. In 2022, the average annual wage for manufacturing jobs was over \$74,000, a 6.6 percent increase from 2021.²

The North American Industry Classification System (NAICS) is the standard used by federal statistical agencies to classify businesses by industry type for the purpose of statistical data collection and analysis related to the U.S. economy. NAICS Sector Codes 311-339 include unique manufacturing industries in Florida that have outpaced the nation in job growth, which include, but are not limited to, the following:³

- Food manufacturing
- Beverage and tobacco product manufacturing
- Textile mills and textile product mills
- Apparel manufacturing
- Leather and allied product manufacturing
- Wood product and paper manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing
- Electrical equipment and appliances
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing

Under the Local Manufacturing Development Program, a local government may adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for developing or expanding sites operated by manufacturers.⁴ Local governments may establish a manufacturing master development plan review process that allows new or expanding manufacturing businesses to go through a single local-level master development plan process and, upon approval, proceed to development without requiring additional approvals or permits, except for building permits.⁵ The approval process must be coordinated with the department.⁶ Additionally, the department has developed a model local manufacturing development program ordinance to guide local governments that

¹ Department of Commerce, *2023 Florida Manufacturing*, 7, available at <https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf> (last visited Feb. 28, 2025).

² *Id.* at 10.

³ *Id.* at 114.

⁴ Section 163.3252, F.S.

⁵ *Id.*

⁶ Section 163.3253, F.S.

intend to establish a local manufacturing development program.⁷ Currently, only Manatee and Volusia County have adopted an ordinance.⁸

CareerSource Florida, a not-for-profit corporation administratively housed within the department,⁹ is the statewide workforce policy and investment board comprised of business and government leaders that helps Floridians enter, remain in, and advance in the workplace so that they may become more highly skilled and successful. The program also connects employers with qualified and skilled employees.¹⁰ Workforce training is administered through the 21 local workforce development boards.

The Florida Job Growth Grant Fund is an economic development program that promotes public infrastructure and workforce training across the state. Proposals are reviewed by the department and chosen by the Governor to meet the demand for workforce or infrastructure needs in the communities they are awarded to.¹¹

III. Effect of Proposed Changes:

The bill requires the department to establish, by rule, registration and renewal fees sufficient to fund the costs of administering the Florida Manufacturing Promotional Campaign. Fees must be deposited into the Economic Development Trust Fund under s. 288.095, F.S., to be used solely for administering the campaign.

The bill is effective on the same date that SB 600 (Manufacturing) or similar legislation takes effect, if adopted in the same legislative session or any extension, and becomes law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁷ Section 163.3252, F.S.

⁸ Department of Commerce, *Manufacturing Competitiveness Act Development Approval Program*, available at <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/manufacturing-competitiveness-act-development-approval-program> (last visited Feb. 28, 2025).

⁹ Section 445.004(1), F.S.

¹⁰ See CareerSource Florida, *About Us*, available at <https://careersourceflorida.com/> (last visited Feb. 28, 2025).

¹¹ See s. 288.101, F.S.

D. State Tax or Fee Increases:

Section 19 of Article VII of the State Constitution requires a “state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.” A “fee” is defined by the Florida Constitution to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”¹²

Section 19 of Article VII of the State Constitution also requires that a tax or fee raised by the Legislature must be approved by two-thirds of the membership of each house of the Legislature.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The bill imposes a fee on manufacturing businesses who wish to participate in the Florida Manufacturing Promotional Campaign.

B. Private Sector Impact:

Certain businesses registering with the campaign must pay a fee to promote their business through the Florida Manufacturing Promotional Campaign.

C. Government Sector Impact:

Creating the Florida Manufacturing Promotional Campaign may have a fiscal impact on the department. The department must do certain things to promote a manufacturing campaign, and additional FTEs may be required.

VI. Technical Deficiencies:

None.

VII. Related Issues:

On line 21, it is unclear who must pay the department fees to promote the Manufacturing Promotional Campaign.

The bill does not include criteria or standards for how the department will determine the amount of fees. In order to avoid a delegation issue, the fee language could require that campaign participants be assessed fees on a pro-rata basis, or by size of the business.

¹² FLA. CONST. art. VII, s. 19(d)(1).

VIII. Statutes Affected:

This bill creates section 559.975 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Truenow

13-01254-25

2025602__

1 A bill to be entitled
2 An act relating to fees; creating s. 559.975, F.S.;
3 requiring the Department of Commerce to establish by
4 rule registration and renewal fees sufficient to fund
5 the costs of administering the Florida Manufacturing
6 Promotional Campaign; requiring the department to
7 assess and collect fees for the purpose of promoting
8 the campaign; requiring that such fees be deposited
9 into the Economic Development Trust Fund for a
10 specified purpose; providing a contingent effective
11 date.
12
13 Be It Enacted by the Legislature of the State of Florida:
14
15 Section 1. Section 559.975, Florida Statutes, is created to
16 read:
17 559.975 Fees.—
18 (1) The department shall establish by rule registration and
19 renewal fees sufficient to fund the costs of administering the
20 Florida Manufacturing Promotional Campaign.
21 (2) The department shall assess and collect fees for the
22 purpose of promoting the campaign.
23 (3) Fees must be deposited into the Economic Development
24 Trust Fund established in s. 288.095 to be used solely for
25 administering the campaign.
26 Section 2. This act shall take effect on the same date that
27 SB 600 or other similar legislation takes effect, if such
28 legislation is adopted in the same legislative session or an
29 extension thereof and becomes a law.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 92

INTRODUCER: Senator Gruters

SUBJECT: Motor Vehicle Repair Work

DATE: February 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Pre-meeting
2.			AEG	
3.			FP	

I. Summary:

SB 92 creates the “Lilly Glaubach Act,” which requires a motor vehicle repair shop to request that a customer provide a written crash report before providing the customer with a written repair estimate when the accident or collision repair work requested is estimated to cost \$5,000 or more. However, if the customer does not provide a written crash report, the motor vehicle repair shop must prepare an accident or collision repair work transaction form before preparing a written estimate. The Department of Agriculture and Consumer Services (DACCS) must approve the design and format of the transaction form. Additionally, the bill provides the framework for preparing and maintaining the transaction forms, as well as delivering the transaction forms to the appropriate law enforcement agency.

The bill provides that any person who violates these requirements commits a second-degree misdemeanor.

The bill adds “vehicle identification number” to the requirements that must be included in a written repair estimate.

The bill takes effect July 1, 2025.

II. Present Situation:

Motor Vehicle Repair

The Florida Motor Vehicle Repair Act¹ requires anyone who is paid to repair motor vehicles

¹ Section 559.901, F.S.

owned by other individuals to register with the DACS.² Registration applications are required to be accompanied by a registration fee calculated on a per-year basis.³ Additionally, each registration application must include the following:

- The name of the applicant;
- The name under which the applicant is doing business;
- The business address;
- Copies of all licenses, permits, and certifications; and
- The number of employees the applicant intends to employ or currently employs.⁴

For repairs costing more than \$150, motor vehicle repair shops are required to prepare a written repair estimate that includes the estimated cost of repair work, including diagnostic work, before beginning any diagnostic work or repair.⁵ Additionally, for repairs costing more than \$150, motor vehicle repair shops are required to provide a written disclosure statement to the customer.⁶ The written repair estimate must include the following:

- The name, address, and telephone number of the motor vehicle repair shop;
- The name, address, and telephone number of the customer;
- The date and time of the written repair estimate;
- The year, make, model, odometer reading, and license tag number of the motor vehicle;
- The proposed work completion date;
- A general description of the customer's problem or request for repair work or service relating to the motor vehicle;
- A statement as to whether the customer is being charged according to a flat rate or an hourly rate, or both;
- The estimated cost of repair which must include any charge for shop supplies or for hazardous or other waste removal;
- The charge for making a repair price estimate or, if the charge cannot be predetermined, the basis on which the charge will be calculated;
- The customer's intended method of payment;
- The name and telephone number of another person who may authorize repair work, if the customer desires to designate such person;
- A statement indicating what, if anything, is guaranteed in connection with the repair work and the time and mileage period for which the guarantee is effective;
- A statement allowing the customer to indicate whether replaced parts should be saved for inspection or return; and
- A statement indicating the daily charge for storing the customer's motor vehicle after the customer has been notified that the repair work has been completed.⁷

If the customer leaves their motor vehicle at the motor vehicle repair shop during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the shop, then there is an implied partial waiver of the written estimate. However,

² Section 559.904(1), F.S.

³ Section 559.904(3)(a), F.S.

⁴ Section 559.904(1), F.S.

⁵ Section 559.905(1), F.S.

⁶ Section 559.905(2), F.S.

⁷ Section 559.905(1), F.S.

upon completion of diagnostic work necessary to estimate the cost of repair, the shop must properly notify the customer.⁸

In the following circumstances, the customer must be promptly notified by telephone, telegraph, mail, or other means of additional repair work and the estimated cost thereof:

- In the event that the written repair estimate contains only an estimate for diagnostic work necessary to estimate the cost of repair and such diagnostic work has been completed;
- If a determination is made by a motor vehicle repair shop that the actual charges for the repair work will exceed the written estimate by more than \$10 or 10 percent, whichever is greater, but not to exceed \$50; or
- If an implied partial waiver exists for diagnostic work, and such diagnostic work has been completed.⁹

Written Crash Reports

A Florida Traffic Crash Report, Long Form must be completed and submitted to the Department of Highway Safety and Motor Vehicles (FLHSMV) within 10 days after an investigation is completed by the law enforcement officer who in the regular course of duty investigates a motor vehicle crash that:

- Resulted in the death of, personal injury to, or any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash;
- Involved a violation of s. 316.061(1), F.S., or s. 316.193, F.S.;¹⁰
- Rendered a vehicle inoperable to a degree that required a wrecker to remove it from the scene of the crash; or
- Involved a commercial motor vehicle.¹¹

The Florida Traffic Crash Report, Long Form must include the following:

- The date, time, and location of the crash;
- A description of the vehicles involved;
- The names and addresses of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or a passenger;
- The names and addresses of witnesses;
- The name, badge number, and law enforcement agency of the officer investigating the crash; and
- The names of the insurance companies for the respective parties involved in the crash.¹²

⁸ Section 559.905(5), F.S.

⁹ Section 559.909(1), F.S.

¹⁰ Section 316.061(1), F.S., provides that the driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person must immediately stop such vehicle at the scene of such crash or as close thereto as possible, and must forthwith return to, and in every event must remain at, the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S. Section 316.193, F.S., provides regulations for a person driving under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, F.S., or any substance controlled under chapter 893, F.S., when affected to the extent that the person's normal faculties are impaired.

¹¹ Section 316.066(1)(a), F.S.

¹² Section 316.066(1)(b), F.S.

In any crash where a Florida Traffic Crash Report, Long Form is not required and which occurs on the public roadways of Florida, the law enforcement officer must complete a Short Form Crash Report or provide a driver exchange-of-information form, to be completed by all drivers and passengers involved in the crash, which requires the identification of each vehicle that the drivers and passengers were in.¹³

The driver of a vehicle that was involved in a crash resulting in damage to a vehicle or other property which does not require a law enforcement report must, within 10 days after the crash, submit a written report of the crash to the FLHSMV. The report must be submitted on a form approved by the FLHSMV. Additionally, Long Form and Short Form Crash Reports prepared by law enforcement must be submitted to the FLHSMV and may be maintained by the law enforcement officer's agency.¹⁴

Crash reports may take up to 10 days to become available and may be requested online through the FLHSMV Crash Portal.¹⁵ Alternatively, customers may receive a crash report by mail or in person if they complete a "Sworn Statement for Crash Report."¹⁶ Requests for 10 or fewer crash records may be fulfilled at the Florida Highway Patrol Station nearest to where the crash occurred.¹⁷ Requests for more than 10 records must include a request letter detailing the crash report that is being requesting and a "Sworn Statement for Crash Report," which must be mailed with payment to the FLHSMV "Crash Records" division.¹⁸

III. Effect of Proposed Changes:

The bill amends ss. 559.905, 559.907, and 559.909, F.S., which may be cited as the "Lilly Glaubach Act."

The bill requires a crash report or transaction form for certain accident or collision repair work. If a customer requests that a motor vehicle repair shop perform work to restore a motor vehicle damaged in an accident or collision, and such work is estimated to cost \$5,000 or more, the motor vehicle repair shop must request that the customer provide a written crash report before preparing a written repair estimate.¹⁹

The bill provides that if the customer does not provide a written crash report, the motor vehicle repair shop must prepare an accident or collision repair work transaction form before preparing a written repair estimate. The DACS must approve the design and format of the transaction form, which must be 8.5 inches by 11 inches in size. Additionally, the following information must be recorded by the motor vehicle repair shop when completing the transaction form:

- The name and address of the motor vehicle repair shop;

¹³ Section 316.066(1)(c), F.S.

¹⁴ Section 316.066(1)(e), F.S.

¹⁵ Florida Highway Safety and Motor Vehicles, *Traffic Crash Reports*, available at <https://www.flhsmv.gov/traffic-crash-reports/> (last visited Feb. 28, 2024).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 316.066, F.S., provides the framework of a "written crash report."

- The vehicle identification number, year, license tag number, make, model, and color of the damaged vehicle and the name, phone number, physical description, and address of the owner of the vehicle or the person in possession of the vehicle; and
- A detailed description of the damage to the vehicle.

The bill requires a motor vehicle repair shop to maintain a copy of each completed transaction form on its premises for at least 1 year after the date of the transaction. On or before the end of each business day, the motor vehicle repair shop must deliver the original transaction forms for each of the transactions occurring during the previous business day to the appropriate law enforcement agency, unless other arrangements have been agreed upon between the motor vehicle repair shop and the appropriate law enforcement agency. Additionally, if the original transaction form is lost or destroyed by the appropriate law enforcement agency, a copy may be used by the motor vehicle repair shop as evidence in court.

The bill requires transaction forms to be electronically transferred if the appropriate law enforcement agency supplies the necessary software and the motor vehicle repair shop has the computer capability. If a motor vehicle repair shop does not have the computer capability, the appropriate law enforcement agency may provide the shop with the necessary equipment for the purpose of electronically transferring accident or collision repair work transaction forms. Unless otherwise agreed upon, the appropriate law enforcement agency is required to retain ownership of the equipment. Additionally, the motor vehicle repair shop must maintain the equipment in good working order.

The bill provides that a motor vehicle repair shop is not required to deliver to the appropriate law enforcement agency the original or copies of the accident or collision repair work transaction forms if the shop transfers the forms electronically.

The bill authorizes the appropriate law enforcement agency to request that the motor vehicle repair shop produce the original transaction form that has been electronically transferred if it is for the purpose of a criminal investigation. The motor vehicle repair shop must deliver the requested form to the appropriate law enforcement agency within 24 hours of request.

The bill provides that any person who violates s. 559.905(1), F.S., commits a misdemeanor of the second degree.²⁰ Additionally, if the DACS finds a motor vehicle repair shop in violation of s. 559.905(1), F.S., it may revoke the motor vehicle repair shop's registration under s. 559.904, F.S.

The bill adds "vehicle identification number" to the requirements that must be included in a written repair estimate.

²⁰ Section 775.082(4)(b), F.S., provides that a person who has been convicted of a misdemeanor of the second degree may be sentenced to a definite term of imprisonment not to exceed 60 days. Section 775.083(1)(e), F.S., provides that fines for a misdemeanor of the second degree may not exceed \$500.

The bill amends s. 559.909, F.S., to provide that a customer must be promptly notified by the motor vehicle repair shop if an implied partial waiver exists for diagnostic work, as described in s. 559.905(6), F.S.²¹

The bill re-enacts s. 559.907, F.S., for the purpose of incorporating the amendment made to s. 559.905, F.S.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If a customer requests that a motor vehicle repair shop perform work to restore a motor vehicle damaged in an accident or collision, the motor vehicle repair shop will be required to obtain a crash report or complete an accident or collision repair work transaction form for accident or collision repair work. Additionally, a motor vehicle repair shop will be required to prepare, maintain, and deliver the transaction forms to the appropriate law enforcement agency.

²¹ Section 559.905(5), F.S., which is redesignated to s. 559.905(6), F.S., in the bill, provides that if a customer leaves their motor vehicle at a motor vehicle repair shop during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the shop, there is an implied partial waiver of the written estimate. However, upon completion of diagnostic work necessary to estimate the cost of repair, the shop must notify the customer.

C. **Government Sector Impact:**

The DACS must approve the design and format of the accident or collision repair work transaction form.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill appears to require two estimates for certain repairs, and it is unclear how a motor vehicle repair shop will estimate that a repair will cost more than \$5,000 before completing the written estimate.

The bill does not define “appropriate law enforcement agency,” which may affect compliance by motor vehicle repair shops.

VIII. Statutes Affected:

This bill substantially amends sections 559.905 and 559.909 of the Florida Statutes.

This bill re-enacts section 559.907 of the Florida Statutes.

IX. Additional Information:

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.



LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Gruters) recommended the following:

Senate Amendment

1
2
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10

Delete lines 59 - 65
and insert:
\$5,000 or more, the motor vehicle repair shop must, after preparing the written repair estimate required by subsection (2), request that the customer provide a written crash report as specified under s. 316.066.
(b) If the customer does not provide a written crash report, the motor vehicle repair shop must prepare an accident



11 or collision repair work transaction form after preparing the

By Senator Gruters

22-00316-25

202592__

1 A bill to be entitled
 2 An act relating to motor vehicle repair work;
 3 providing a short title; amending s. 559.905, F.S.;
 4 requiring a motor vehicle repair shop to request a
 5 written crash report from a customer under certain
 6 circumstances; requiring a motor vehicle repair shop
 7 to prepare a transaction form under certain
 8 circumstances; requiring the Department of Agriculture
 9 and Consumer Services to approve the design and format
 10 of the transaction form; specifying requirements for
 11 the transaction form; requiring a motor vehicle repair
 12 shop to record specified information on the
 13 transaction form; requiring a motor vehicle repair
 14 shop to maintain a copy of the transaction form for a
 15 specified timeframe; requiring a motor vehicle repair
 16 shop to deliver transaction forms to the appropriate
 17 law enforcement agency within a specified timeframe;
 18 providing an exception; authorizing a motor vehicle
 19 repair shop to use certain evidence in court under
 20 certain circumstances; requiring the electronic
 21 transfer of transaction forms to the appropriate law
 22 enforcement agency by a motor vehicle repair shop
 23 under certain circumstances; authorizing the
 24 appropriate law enforcement agency to provide certain
 25 equipment to a motor vehicle repair shop; specifying
 26 ownership and maintenance of such equipment;
 27 specifying that a motor vehicle repair shop is not
 28 required to deliver original or copies of transaction
 29 forms under certain circumstances; authorizing the

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30 appropriate law enforcement agency to request an
 31 original transaction form from a motor vehicle repair
 32 shop under certain circumstances; requiring a motor
 33 vehicle repair shop to respond to such request within
 34 a certain timeframe; providing criminal penalties;
 35 authorizing the department to revoke a motor vehicle
 36 repair shop's registration under certain
 37 circumstances; revising the items required in a
 38 written repair estimate; making technical changes;
 39 amending s. 559.909, F.S.; conforming a cross-
 40 reference; making technical changes; reenacting s.
 41 559.907(1)(b), F.S., relating to charges for motor
 42 vehicle repair estimate and requirement of waiver of
 43 rights prohibited, to incorporate the amendment made
 44 to s. 559.905, F.S., in a reference thereto; providing
 45 an effective date.

46
 47 Be It Enacted by the Legislature of the State of Florida:

48
 49 Section 1. This act may be cited as the "Lilly Glaubach
 50 Act."

51 Section 2. Section 559.905, Florida Statutes, is amended to
 52 read:

53 559.905 Crash report or transaction form required for
 54 accident or collision repair work; written motor vehicle repair
 55 estimate; ~~and~~ disclosure statement required.-

56 (1)(a) If a customer requests that a motor vehicle repair
 57 shop perform work to restore a motor vehicle damaged in an
 58 accident or a collision, and such work is estimated to cost

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59 \$5,000 or more, the motor vehicle repair shop must, before
 60 preparing the written repair estimate required by subsection
 61 (2), request that the customer provide a written crash report as
 62 specified under s. 316.066.

63 (b) If the customer does not provide a written crash
 64 report, the motor vehicle repair shop must prepare an accident
 65 or collision repair work transaction form before preparing the
 66 written repair estimate required by subsection (2). The
 67 Department of Agriculture and Consumer Services must approve the
 68 design and format of the transaction form, which must be 8 1/2
 69 inches by 11 inches in size and elicit the information required
 70 under this paragraph. In completing the transaction form, the
 71 motor vehicle repair shop shall record the following
 72 information, which must be typed or written indelibly and
 73 legibly in English:

74 1. The name and address of the motor vehicle repair shop.

75 2. The vehicle identification number, year, license tag
 76 number, make, model, and color of the damaged vehicle and the
 77 name, phone number, physical description, and address of the
 78 owner of the vehicle or the person in possession of the vehicle.

79 3. A detailed description of the damage to the vehicle.

80 (c) A motor vehicle repair shop shall maintain a copy of
 81 each completed transaction form on its premises for at least 1
 82 year after the date of the transaction. On or before the end of
 83 each business day, the motor vehicle repair shop shall deliver
 84 to the appropriate law enforcement agency the original
 85 transaction forms for each of the transactions occurring during
 86 the previous business day, unless other arrangements have been
 87 agreed upon between the motor vehicle repair shop and the

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88 appropriate law enforcement agency. If the original transaction
 89 form is lost or destroyed by the appropriate law enforcement
 90 agency, a copy may be used by the motor vehicle repair shop as
 91 evidence in court.

92 (d) If the appropriate law enforcement agency supplies the
 93 necessary software and the motor vehicle repair shop has the
 94 computer capability, transaction forms must be electronically
 95 transferred. If a motor vehicle repair shop does not have the
 96 computer capability, the appropriate law enforcement agency may
 97 provide the motor vehicle repair shop with the necessary
 98 equipment for the purpose of electronically transferring
 99 accident or collision repair work transaction forms. The
 100 appropriate law enforcement agency shall retain ownership of the
 101 equipment, unless otherwise agreed upon. The motor vehicle
 102 repair shop shall maintain the equipment in good working order,
 103 ordinary wear and tear excepted. If a motor vehicle repair shop
 104 transfers accident or collision repair work transaction forms
 105 electronically, the motor vehicle repair shop is not required to
 106 also deliver to the appropriate law enforcement agency the
 107 original or copies of the transaction forms. The appropriate law
 108 enforcement agency may, for the purposes of a criminal
 109 investigation, request that the motor vehicle repair shop
 110 produce the original of a transaction form that has been
 111 electronically transferred. The motor vehicle repair shop shall
 112 deliver this form to the appropriate law enforcement agency
 113 within 24 hours after the request.

114 (e) Any person who violates this subsection commits a
 115 misdemeanor of the second degree, punishable as provided in s.
 116 775.082 or s. 775.083. If the department finds a motor vehicle

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117 repair shop in violation of this subsection, it may revoke the
 118 motor vehicle repair shop's registration under s. 559.904.

119 (2) When any customer requests a motor vehicle repair shop
 120 to perform repair work on a motor vehicle, the cost of which
 121 repair work will exceed \$150 to the customer, the shop shall
 122 prepare a written repair estimate, which is a form setting forth
 123 the estimated cost of repair work, including diagnostic work,
 124 before effecting any diagnostic work or repair. The written
 125 repair estimate must also include all of the following items:

126 (a) The name, address, and telephone number of the motor
 127 vehicle repair shop.

128 (b) The name, address, and telephone number of the
 129 customer.

130 (c) The date and time of the written repair estimate.

131 (d) The vehicle identification number, year, make, model,
 132 odometer reading, and license tag number of the motor vehicle.

133 (e) The proposed work completion date.

134 (f) A general description of the customer's problem or
 135 request for repair work or service relating to the motor
 136 vehicle.

137 (g) A statement as to whether the customer is being charged
 138 according to a flat rate or an hourly rate, or both.

139 (h) The estimated cost of repair which must include any
 140 charge for shop supplies or for hazardous or other waste removal
 141 and, if a charge is included, the estimate must include the
 142 following statement:

143
 144 [∞]This charge represents costs and profits to the motor
 145 vehicle repair facility for miscellaneous shop

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146 supplies or waste disposal.[∞]

147
 148 If a charge is mandated by state or federal law, the estimate
 149 must contain a statement identifying the law and the specific
 150 amount charged under the law.

151 (i) The charge for making a repair price estimate or, if
 152 the charge cannot be predetermined, the basis on which the
 153 charge will be calculated.

154 (j) The customer's intended method of payment.

155 (k) The name and telephone number of another person who may
 156 authorize repair work, if the customer desires to designate such
 157 person.

158 (l) A statement indicating what, if anything, is guaranteed
 159 in connection with the repair work and the time and mileage
 160 period for which the guarantee is effective.

161 (m) A statement allowing the customer to indicate whether
 162 replaced parts should be saved for inspection or return.

163 (n) A statement indicating the daily charge for storing the
 164 customer's motor vehicle after the customer has been notified
 165 that the repair work has been completed. However, storage
 166 charges may not accrue or be due and payable for a period of 3
 167 working days from the date after such notification.

168 ~~(3)(2)~~ If the cost of repair work will exceed \$150, the
 169 shop must present to the customer a written notice conspicuously
 170 disclosing, in a separate, blocked section, only the following
 171 statement, in capital letters of at least 12-point type:

172
 173 PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND
 174 SIGN:

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175 I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A
 176 WRITTEN ESTIMATE IF MY FINAL BILL WILL EXCEED \$150.

177
 178 I REQUEST A WRITTEN ESTIMATE.

179
 180 I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE
 181 REPAIR COSTS DO NOT EXCEED \$.... THE SHOP MAY NOT EXCEED THIS
 182 AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

183
 184 I DO NOT REQUEST A WRITTEN ESTIMATE.

185
 186 SIGNEDDATE

187
 188 (4)(3) The information required by paragraphs (2)(h) and
 189 (i) ~~(1)(h)~~ and ~~(i)~~ need not be provided if the customer waives
 190 in writing her or his right to receive a written estimate.

191 (5)(4) Except as provided in subsection (6) ~~(5)~~, a copy of
 192 the written repair estimate required by subsection (2) ~~(1)~~ and
 193 the disclosure statement required by subsection (3) ~~must~~ ~~(2)~~
 194 ~~shall~~ be given to the customer before repair work commences ~~is~~
 195 ~~begun~~. The disclosure statement may be provided on the same form
 196 as the written repair estimate.

197 (6)(5) If the customer leaves her or his motor vehicle at a
 198 motor vehicle repair shop during hours when the shop is not open
 199 or if the customer permits the shop or another person to deliver
 200 the motor vehicle to the shop, there is ~~shall be~~ an implied
 201 partial waiver of the written estimate; however, upon completion
 202 of diagnostic work necessary to estimate the cost of repair, the
 203 shop shall notify the customer as required in s. 559.909(1).

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204 ~~(7)(6)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed
 205 to require a motor vehicle repair shop to give a written
 206 estimated price if the motor vehicle repair shop does not agree
 207 to perform the requested repair.

208 Section 3. Subsection (1) of section 559.909, Florida
 209 Statutes, is amended to read:

210 559.909 Notification of charges in excess of repair
 211 estimate; unlawful charges; refusal to return vehicle
 212 prohibited; inspection of parts.—

213 (1) In the event that:

214 (a) The written repair estimate contains only an estimate
 215 for diagnostic work necessary to estimate the cost of repair and
 216 such diagnostic work has been completed;

217 (b) A determination is made by a motor vehicle repair shop
 218 that the actual charges for the repair work will exceed the
 219 written estimate by more than \$10 or 10 percent, whichever is
 220 greater, but not to exceed \$50; or

221 (c) An implied partial waiver exists for diagnostic work,
 222 as described in s. 559.905(6) ~~s. 559.905(5)~~, and such diagnostic
 223 work has been completed,

224
 225 the customer must ~~shall~~ be promptly notified by the motor
 226 vehicle repair shop by telephone, telegraph, mail, or other
 227 means of the additional repair work and estimated cost thereof.
 228 A customer so notified shall, orally or in writing, authorize,
 229 modify, or cancel the order for repair.

230 Section 4. For the purpose of incorporating the amendment
 231 made by this act to section 559.905, Florida Statutes, in a
 232 reference thereto, paragraph (b) of subsection (1) of section

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233 559.907, Florida Statutes, is reenacted to read:

234 559.907 Charges for motor vehicle repair estimate;
235 requirement of waiver of rights prohibited.-

236 (1) No motor vehicle repair shop shall charge for making a
237 repair price estimate unless, prior to making the price
238 estimate, the shop:

239 (b) Obtains authorization on the written repair estimate,
240 in accordance with s. 559.905, to prepare an estimate. No motor
241 vehicle repair shop shall impose or threaten to impose any such
242 charge which is clearly excessive in relation to the work
243 involved in making the price estimate.

244 Section 5. This act shall take effect July 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 412

INTRODUCER: Senator Smith

SUBJECT: Repair of Motorized Wheelchairs

DATE: February 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Pre-meeting
2.			AEG	
3.			FP	

I. Summary:

SB 412 creates the Motorized Wheelchair Right to Repair Act under ss. 559.971-559.976, F.S. The bill requires original equipment manufacturers of wheelchairs to provide documents, tools, and parts necessary to repair motorized wheelchairs to third party repair providers and owners of wheelchairs sold or used in this state.

This bill takes effect on July 1, 2025.

II. Present Situation:

Right to Repair Laws

In recent years, state legislatures across the country have been contemplating “right to repair” laws, requiring manufacturers to share repair information and tools so that consumers may repair their products more easily and less costly.¹ This type of legislation is founded on the idea that consumers should be able to choose how to repair their products.² Advocates are concerned due to the amount of products that are utilizing computer chips and advanced technology, which are becoming increasingly difficult to repair without sending the entire product back to the manufacturer.³ Many products, ranging from cars and appliances to wheelchairs, use proprietary tools and parts.⁴ Manufacturers may decline to publish documents necessary for a third party or

¹ Luyi Wang, et al., HARV. BUS. REV., *Research: The Unintended Consequences of Right-to-Repair Laws*, available at <https://hbr.org/2023/01/research-the-unintended-consequences-of-right-to-repair-laws> (last visited Feb. 28, 2025).

² Mike Serra, *Looking Under the Hood on the Right to Repair*, 101 MICH. B.J. 34 (May 2022), available at <https://www.michbar.org/journal/Details/Looking-under-the-hood-on-the-right-to-repair?ArticleID=4428> (last visited Feb. 28, 2025).

³ Thorin Klosowski, *What You Should Know About Right to Repair*, available at <https://www.nytimes.com/wirecutter/blog/what-is-right-to-repair/> (last visited Feb. 28, 2025).

⁴ *Id.*

consumer to repair.⁵ The policy objectives of these laws are to ensure customers have access to manuals, schematics, and software updates, as well as diagnostic tools needed to service the product themselves.⁶

While there is a push for this type of legislation, manufacturers have been concerned about electronic privacy and preservation of intellectual property.⁷ Technological advances in electronic equipment, such as fitness monitors, home security devices, and smart home appliances, have led to consumer data being collected at a higher volume.⁸ Opponents of right to repair legislation are concerned that proprietary access to tools and information needed to repair these electronic products may undermine consumers' digital privacy, as diagnostic tools may provide access to an entire device and improper repair can disable security features.⁹ Additionally, there is a concern that unrestricted access into product software design may compromise intellectual property protections.¹⁰ If proprietary knowledge is embedded in the products they sell, some manufacturers worry that trade secrets will become public knowledge when required to disclose digital locks and other information.¹¹

Wheelchair Usage and Repairs

In the United States, millions of Americans rely on wheelchairs due to impaired mobility.¹² As of 2014, about 21% of adults in the U.S. have difficulty or are unable to walk a quarter mile.¹³ The use of mobility devices like wheelchairs provides independence to users who may otherwise have difficulty with physical functioning.¹⁴

In the last decade, there has been a significant increase in the number of repairs that wheelchair users must make.¹⁵ One survey of wheelchair users found that a result of wheelchair breakdown,

⁵ *Id.*

⁶ *Id.*

⁷ Ike Brannon, CATO INST., *A Criticism of Right to Repair Laws*, available at <https://www.cato.org/regulation/spring-2024/criticism-right-repair-laws> (last visited Feb. 28, 2025).

⁸ *See id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Sources vary on the exact number of wheelchair users. *See* Laura A. McClure, et al., *Wheelchair repairs, breakdown, and adverse consequences for people with traumatic spinal cord injury*, 90:12 ARCHIVES OF PHYSICAL MED. AND REHAB. 2034 (2009), available at <https://pubmed.ncbi.nlm.nih.gov/19969165/> (last visited Feb. 28, 2025) (citing more than 2.8 million wheelchair users); Danielle M. Taylor, U.S. DEPT. OF COM., *Americans With Disabilities: 2014*, available at <https://www.census.gov/content/dam/Census/library/publications/2018/demo/p70-152.pdf> (last visited Feb. 28, 2025) (citing more than 5.5 million wheelchair users).

¹³ Taylor, *supra* note 12, at 7.

¹⁴ Lynn Worobey, et al., *Increases in Wheelchair Breakdowns, Repairs, and Adverse Consequences for People with Traumatic Spinal Cord Injury*, 91:6 AM. J. OF PHYSICAL MED. AND REHAB. 463 (2012), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC4886332/> (last visited Feb. 28, 2025).

¹⁵ One study found that over half of all full-time wheelchair users had to repair their wheelchair at least once over a six-month period. Worobey, *supra* note 12; *see also* Lynn A. Worobey, et al., *Factors Influencing Incidence of Wheelchair Repairs and Consequences Among Individuals with Spinal Cord Injury*, 103:4 ARCHIVES OF PHYSICAL MED. AND REHAB. 779 (2022), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC8501145/#:~:text=The%20primary%20objectives%20of%20this%20study%20were%20to%20consequences%20were%20experienced%2C%20and%20participant%20and%20wheelchair%20charact> (last visited Feb. 28, 2025).

out-of-pocket repair costs ranged from \$50-\$620.¹⁶ Wheelchair users experienced adverse consequences from wheelchair breakdown, with 27% stranded at home, 12% stuck in bed, and 9% stranded outside their home, anywhere from two to seventeen days.¹⁷

A 2022 survey performed by PIRG of 141 wheelchair users found that 93% of respondents have needed at least one repair in the last year, with 68% of respondents needing two or more repairs in the last year.¹⁸ When asked how long these repairs take to complete, around 62% of respondents said the average repair took four or more weeks, while around 40% of respondents estimated it took seven or more weeks.¹⁹

Typically, when a person with a motorized wheelchair experiences a repair issue, they cannot fix the wheelchair with parts not from the manufacturer without voiding the warranty on the wheelchair.²⁰ If a wheelchair user goes through the manufacturer for the repair, parts can take weeks to arrive to the user or repair provider.²¹ Moreover, a motorized wheelchair costs anywhere from \$1,000 to \$15,000, depending on the customizations tailored to that individual wheelchair user's needs.²² Custom and higher-end models, which may be necessary for more severe impairment, can cost upward of \$15,000 per wheelchair.²³

III. Effect of Proposed Changes:

Requirements for Repair

Section 4 creates s. 559.973, F.S., mandating that an original equipment manufacturer²⁴ must make available to independent repair providers²⁵ and owners²⁶ any documentation,²⁷ parts,²⁸ and

¹⁶ Lisa I. Iezzoni, HARV. HEALTH PUBL'G, *Millions rely on wheelchairs for mobility, but repair delays are hurting users*, available at <https://www.health.harvard.edu/blog/millions-rely-on-wheelchairs-for-mobility-but-repair-delays-are-hurting-users-202207212785> (last visited Feb. 28, 2025).

¹⁷ *Id.*

¹⁸ PIRG, *Stranded: Repair Restrictions Immobilize Wheelchair Users*, available at https://publicinterestnetwork.org/wp-content/uploads/2022/05/USPIRGEF_Stranded_June2022.pdf (last visited Feb. 28, 2025).

¹⁹ *Id.*

²⁰ See Markian Hawryluk, KFF HEALTH NEWS, *Despite a First-Ever 'Right-to-Repair' Law, There's No Easy Fix for Wheelchair Users*, available at <https://kffhealthnews.org/news/article/power-wheelchair-users-right-to-repair-law-no-easy-fix/> (last visited Feb. 28, 2025); Mass. Disability Law Center, *Questions And Answers About The Wheelchair Repair Bill*, available at https://www.dlc-ma.org/2022/06/09/questions-and-answers-about-the-wheelchair-repair-bill-s-2567/#_ftnref2 (last visited Feb. 28, 2025).

²¹ Hawryluk, *supra* note 20.

²² Evan Drake, *Wheelchair Cost: A Breakdown of Value in 2025*, available at <https://www.restoremobility.com/blogs/mobility/wheelchair-cost> (last visited Feb. 28, 2025).

²³ *See id.*

²⁴ "Original equipment manufacturer" means a business engaged in selling, leasing, or supplying new motorized wheelchairs manufactured by, or on behalf of, the business to any individual or business.

²⁵ "Independent repair provider" means an individual or business operating in this state which is unaffiliated with an original equipment manufacturer that is engaged in the services of diagnosis, maintenance, or repair of motorized wheelchairs.

²⁶ "Owner" means an individual or business that owns or leases a motorized wheelchair purchased or used in this state.

²⁷ "Documentation" means any manual, diagram, reporting output, service code description, schematic diagram, security codes, passwords, or other guidance or information used in effecting the services of diagnosis, maintenance, or repair of a motorized wheelchair.

²⁸ "Part" means any replacement part, either new or used, made available by an original equipment manufacturer for purposes of effecting the services of maintenance or repair of a motorized wheelchair manufactured by or on behalf of, sold, or otherwise supplied by the original equipment manufacturer.

tools²⁹ required for diagnosis, maintenance, and repair of motorized wheelchairs and parts for the motorized wheelchair, if that wheelchair or parts were sold by the manufacturer in this state. The documentation, parts, and tools must be made available either directly by the original equipment manufacturer or via an authorized repair provider.³⁰

Regarding equipment that contains an electronic security lock or security-related function:

- The original equipment manufacturer must make certain information and items available to owners and independent repair providers.
- On fair and reasonable terms, the manufacturer must provide any special documentation, tools, and parts needed to access and reset the lock or function when disabled in the course of diagnosis, maintenance, or repair of the motorized wheelchair.
- The documentation, tools, and parts must be made available through appropriate secure release systems.

Limitations

Section 6 creates s. 559.975, F.S., providing that:

- This bill does not require that an original equipment manufacturer divulge a trade secret³¹ to an owner or independent repair provider.
- This bill does not alter the terms of an arrangement—other than those which limit or avoid compliance with this bill—between an authorized repair provider and an original equipment manufacturer.
- An original equipment manufacturer or authorized repair provider is not liable for any damage caused to a motorized wheelchair by an independent repair provider or any injury to an owner which occurs during repair, diagnosis, or maintenance.

Enforcement

Section 5 creates s. 559.974, F.S., providing that violations of this bill are punishable under the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), ss. 501.201-501.213, F.S. It is unlawful under the FDUTPA for a party to take part in “unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts of practices in the conduct of any

²⁹ “Tool” means any software, hardware, or other apparatus used for the diagnosis, maintenance, or repair of a motorized wheelchair, including software or other mechanisms that program a new part, calibrate functionality, or perform any other function required to return the wheelchair to fully function condition, including any updates.

³⁰ “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 motorized wheelchair 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 motorized wheelchair, and that does not have an arrangement with an unaffiliated individual or business, must be considered an authorized repair provider with respect to motorized wheelchairs.

³¹ Trade secret means “information, including a formula, pattern, compilation, program, device, method, technique, or process that: (a) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (b) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” Section 688.002, F.S.

trade or commerce.”³² Such practices include fraudulent billing,³³ misleading a consumer or misrepresenting a product’s characteristics,³⁴ or other behavior determined to be unfair by a court.³⁵ Under the FDUTPA, the office of the state attorney or Department of Legal Affairs, either by their own inquiry or through complaints, may investigate violations of the FDUTPA.³⁶ In addition to other remedies under state and federal law, the enforcing authority may bring actions for declaratory judgment, injunctive relief, actual damages on behalf of consumers and businesses, cease and desist orders, and civil penalties up to \$10,000 per violation.³⁷ Moreover, consumers may bring private actions against parties for violating the FDUTPA, resulting in either:

- Declaratory judgment and injunctive relief when the consumer is aggrieved by a FDUTPA violation, or
- Actual damages, attorney fees, and court costs, when the consumer has suffered a loss due to the FDUTPA violation.³⁸

Other Provisions

Sections 1 and 2 creates Part XIV of ch. 559, F.S., “Repair of Motorized Wheelchairs,” and provides that the part may be cited as the Motorized Wheelchair Right to Repair Act.

Section 3 creates s. 559.972, F.S., providing definitions for terms used throughout the bill.

Section 7 creates s. 559.976, F.S., clarifying that Part XIV of ch. 559, F.S., applies to motorized wheelchairs sold or in use on or after July 1, 2025.

Effective Date

Section 8 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³² Section 501.204, F.S.

³³ *State Farm Mut. Auto. Ins. Co. v. Medical Service Center of Florida, Inc.*, 103 F. Supp. 3d 1343 (S.D. Fla. 2015).

³⁴ *Lewis v. Mercedes-Benz USA, LLC*, 530 F. Supp. 3d 1183 (S.D. Fla. 2021); *Marty v. Anheuser-Busch Companies, LLC*, 43 F. Supp. 3d 1333 (S.D. Fla. 2014).

³⁵ *See Siever v. BWGaskets, Inc.*, 669 F. Supp. 2d 1286, 1292-93 (M.D. Fla. 2009).

³⁶ The enforcing authority under the FDUTPA may “administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.” Section 501.206, F.S.

³⁷ Sections 501.207, 501.2077, 501.2075, 501.208, F.S.

³⁸ Sections 501.2105, 501.211, F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate. Manufacturers may have to adjust costs due to making repair information and tools available to customers. Repair costs may be affected by increased competition for independent repair providers.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 559.971, 559.972, 559.973, 559.974, 559.975, 559.976.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Smith

17-01067-25

2025412__

1 A bill to be entitled
 2 An act relating to repair of motorized wheelchairs;
 3 providing a directive to the Division of Law Revision;
 4 creating s. 559.971, F.S.; providing a short title;
 5 creating s. 559.972, F.S.; defining terms; creating s.
 6 559.973, F.S.; requiring an original equipment
 7 manufacturer to make available any documentation,
 8 parts, and tools required for the diagnosis,
 9 maintenance, or repair of a motorized wheelchair and
 10 parts for the motorized wheelchair; requiring an
 11 original equipment manufacturer of a motorized
 12 wheelchair with an electronic security lock to make
 13 available any special documentation, parts, and tools
 14 needed to access and reset the lock when disabled in
 15 the course of diagnosis, maintenance, or repair of the
 16 motorized wheelchair; creating s. 559.974, F.S.;
 17 providing that violation of the act is an unlawful
 18 practice under the Florida Deceptive and Unfair Trade
 19 Practices Act; creating s. 559.975, F.S.; providing
 20 that an original equipment manufacturer is not
 21 required to divulge trade secrets; providing that the
 22 act does not alter the terms of an arrangement between
 23 an authorized repair provider and an original
 24 equipment manufacturer; providing an exception;
 25 limiting the liability of an original equipment
 26 manufacturer or authorized repair provider in certain
 27 circumstances; creating s. 559.976, F.S.; providing
 28 applicability; providing an effective date.
 29

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. Part XIV of chapter 559, Florida Statutes,
 33 consisting of ss. 559.971-559.976, is created and entitled
 34 "Repair of Motorized Wheelchairs."
 35 Section 2. Section 559.971, Florida Statutes, is created to
 36 read:
 37 559.971 Short title.—This part may be cited as the
 38 "Motorized Wheelchair Right to Repair Act."
 39 Section 3. Section 559.972, Florida Statutes, is created to
 40 read:
 41 559.972 Definitions.—As used in this part, the term:
 42 (1) "Authorized repair provider" means an individual or a
 43 business that has an arrangement with the original equipment
 44 manufacturer under which the original equipment manufacturer
 45 grants to the individual or business a license to use a trade
 46 name, service mark, or other proprietary identifier for the
 47 purposes of offering the services of diagnosis, maintenance, or
 48 repair of a motorized wheelchair under the name of the original
 49 equipment manufacturer, or other arrangement with the original
 50 equipment manufacturer to offer such services on behalf of the
 51 original equipment manufacturer. An original equipment
 52 manufacturer that offers the services of diagnosis, maintenance,
 53 or repair of its own motorized wheelchair, and that does not
 54 have an arrangement with an unaffiliated individual or business,
 55 must be considered an authorized repair provider with respect to
 56 motorized wheelchairs.
 57 (2) "Documentation" means any manual, diagram, reporting
 58 output, service code description, schematic diagram, security

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59 codes, passwords, or other guidance or information used in
60 effecting the services of diagnosis, maintenance, or repair of a
61 motorized wheelchair.

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

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

68 (b) Tools made available by the original equipment
69 manufacturer at no charge and without requiring authorization or
70 Internet access for use or operation of the tools; without
71 imposing impediments to access or use the tools to diagnose,
72 maintain, or repair and enable full functionality of digital
73 electronic equipment; and not in a manner that impairs the
74 efficient and cost-effective performance of any such diagnosis,
75 maintenance, or repair, except that, when the tool is requested
76 in physical form, a charge may be included for the reasonable,
77 actual costs of preparing and sending the tool.

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

84 1. Accounts for any discount, rebate, convenient and timely
85 means of delivery, means of enabling fully restored and updated
86 functionality, rights of use, or other incentive and preference
87 the original equipment manufacturer offers to an authorized

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88 repair provider; or any additional cost or impediment the
89 original equipment manufacturer imposes on an owner or
90 independent repair provider.

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

96 3. Is not conditioned upon an arrangement with the original
97 equipment manufacturer.

98 (4) "Independent repair provider" means an individual or
99 business operating in this state which is unaffiliated with an
100 original equipment manufacturer that is engaged in the services
101 of diagnosis, maintenance, or repair of motorized wheelchairs.

102 (5) "Original equipment manufacturer" means a business
103 engaged in selling, leasing, or supplying new motorized
104 wheelchairs manufactured by, or on behalf of, the business to
105 any individual or business.

106 (6) "Owner" means an individual or business that owns or
107 leases a motorized wheelchair purchased or used in this state.

108 (7) "Part" means any replacement part, either new or used,
109 made available by an original equipment manufacturer for
110 purposes of effecting the services of maintenance or repair of a
111 motorized wheelchair manufactured by or on behalf of, sold, or
112 otherwise supplied by the original equipment manufacturer.

113 (8) "Tools" means any software, hardware, or other
114 apparatus used for the diagnosis, maintenance, or repair of a
115 motorized wheelchair, including software or other mechanisms
116 that program a new part, calibrate functionality, or perform any

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117 other function required to return the wheelchair to fully
 118 functional condition, including any updates.
 119 (9) "Trade secret" has the same meaning as in s. 688.002.
 120 Section 4. Section 559.973, Florida Statutes, is created to
 121 read:
 122 559.973 Requirements.—
 123 (1) For motorized wheelchairs and parts for motorized
 124 wheelchairs that are sold or used in this state, an original
 125 equipment manufacturer must make available to any independent
 126 repair provider and owner by, on behalf of, or sold by such
 127 original equipment manufacturer, on fair and reasonable terms,
 128 any documentation, parts, and tools required for the diagnosis,
 129 maintenance, or repair of such a motorized wheelchair and parts
 130 for the motorized wheelchair, inclusive of any updates to
 131 information. The documentation, parts, and tools must be made
 132 available either directly by the original equipment manufacturer
 133 or via an authorized repair provider.
 134 (2) For equipment that contains an electronic security lock
 135 or other security-related function, the original equipment
 136 manufacturer must make available to an owner and independent
 137 repair provider, on fair and reasonable terms, any special
 138 documentation, tools, and parts needed to access and reset the
 139 lock or function when disabled in the course of diagnosis,
 140 maintenance, or repair of the motorized wheelchair. The
 141 documentation, tools, and parts may be made available through
 142 appropriate secure release systems.
 143 Section 5. Section 559.974, Florida Statutes, is created to
 144 read:
 145 559.974 Enforcement.—A violation of this part is punishable

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146 under the Florida Deceptive and Unfair Trade Practices Act.
 147 Section 6. Section 559.975, Florida Statutes, is created to
 148 read:
 149 559.975 Limitations.—
 150 (1) This part does not require an original equipment
 151 manufacturer to divulge a trade secret to an owner or
 152 independent repair provider.
 153 (2) This part does not alter the terms of an arrangement
 154 between an authorized repair provider and an original equipment
 155 manufacturer, including, but not limited to, the performance or
 156 provision of warranty or recall repair work by an authorized
 157 repair provider on behalf of an original equipment manufacturer
 158 and pursuant to such arrangement. However, any provision in the
 159 terms which waives, avoids, restricts, or limits the original
 160 equipment manufacturer's obligations to comply with this part is
 161 void.
 162 (3) An original equipment manufacturer or authorized repair
 163 provider is not liable for any damage caused to a motorized
 164 wheelchair by an independent repair provider or any injury to an
 165 owner which occurs during the course of repair, diagnosis, or
 166 maintenance.
 167 Section 7. Section 559.976, Florida Statutes, is created to
 168 read:
 169 559.976 Applicability.—This part applies with respect to
 170 motorized wheelchairs sold or in use on or after July 1, 2025.
 171 Section 8. This act shall take effect July 1, 2025.