

By Senator Bennett

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1 A bill to be entitled

2 An act relating to franchises; creating s. 559.816, F.S.;

3 providing definitions; requiring that the venue for

4 certain actions brought by franchisors against franchisees

5 in this state be in this state; prohibiting contrary

6 provisions in certain agreements entered into or renewed

7 after a specified date; providing an effective date.

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

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11 Section 1. Section 559.816, Florida Statutes, is created to

12 read:

13 559.816 Actions between franchisors and franchisees.--

14 (1) For purposes of this section, the term:

15 (a) "Franchise" means any continuing commercial relationship

16 or arrangement in which the terms of the offer or contract

17 specify, or the franchise seller promises or represents, orally

18 or in writing, that:

19 1. The franchisee will obtain the right to operate a

20 business that is identified or associated with the franchisor's

21 trademark or to offer, sell, or distribute goods, services, or

22 commodities that are identified or associated with the

23 franchisor's trademark;

24 2. The franchisor will exert or has authority to exert a

25 significant degree of control over the franchisee's method of

26 operation or provide significant assistance in the franchisee's

27 method of operation; and

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28 3. The franchisee makes a required payment or commits to
29 make a required payment to the franchisor or its affiliate as a
30 condition of obtaining or commencing operation of the franchise.

31 (b) "Franchisee" means a person who is granted a franchise.

32 (c) "Franchisor" means any person who grants a franchise.

33 (2) Notwithstanding any other provision of law, in any
34 action brought by a franchisor against a franchisee who is in
35 this state concerning the franchise agreement or otherwise
36 relating to the franchise, venue for such action shall be in this
37 state. Any provision of a franchise agreement or other agreement
38 between a franchisor and franchisee concerning the franchise that
39 is entered into or renewed on or after July 1, 2008, to the
40 contrary shall be void and unenforceable to the extent that it
41 contradicts the requirements of this section.

42 Section 2. This act shall take effect July 1, 2008.