

1 A bill to be entitled
 2 An act relating to franchises; creating s. 559.816, F.S.;
 3 providing definitions; requiring venue for certain actions
 4 brought by franchisors against franchisees in this state
 5 to be in this state; prohibiting contrary provisions in
 6 certain agreements entered into or renewed after a
 7 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
 12 to 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
 16 relationship or arrangement in which the terms of the offer or
 17 contract specify, or the franchise seller promises or
 18 represents, orally 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

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

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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
32 franchise.

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

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

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