



471244

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2017	.	
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The Committee on Rules (Hutson) recommended the following:

1 **Senate Substitute for Amendment (975552) (with title**
2 **amendment)**

3
4 Delete lines 74 - 122

5 and insert:

6 (a) That is of the same make and model manufactured,
7 imported, or distributed by the licensee;

8 (b) That is subject to a recall notice issued by the
9 licensee or an authorized governmental agency, including a
10 recall notice issued before July 1, 2017, regardless of whether
11 the vehicle is identified by its vehicle identification number;



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12 (c) That is held by the motor vehicle dealer in the
13 dealer's inventory at the time the recall notice is issued or
14 that is taken by the motor vehicle dealer into the dealer's
15 inventory after the recall notice as a result of a retail
16 consumer trade-in or a lease return to the dealer inventory in
17 accordance with an applicable lease contract;

18 (d) That cannot be repaired due to the unavailability,
19 within 30 days after issuance of the recall notice, of a remedy
20 or parts necessary for the motor vehicle dealer to make the
21 recall repair; and

22 (e) For which the licensee has not issued a written
23 statement to the motor vehicle dealer indicating that the used
24 motor vehicle may be sold or delivered to a retail customer
25 before completion of the recall repair. The purpose of such
26 written statement is to provide notice to the motor vehicle
27 dealer that the vehicle may be sold or delivered based solely on
28 the specific recall notice and is not intended to address any
29 other aspect of the vehicle unrelated to the recall notice.

30 (2) The licensee shall pay the required compensation within
31 30 days after the motor vehicle dealer's application for
32 payment. Applications for payment must be submitted monthly, as
33 necessary, through the licensee's existing warranty application
34 system or another system or process established by the licensee
35 which is not unduly burdensome or which does not require
36 information unnecessary for the payment.

37 (3) Compensation under this section must be the greater of:

38 (a) Payment at a rate of at least 1.5 percent per month of
39 the motor vehicle value, as determined by the average Black Book
40 value of the corresponding model year vehicle of average



41 condition, of each eligible used motor vehicle in the motor
42 vehicle dealer's inventory for each month that the dealer does
43 not receive a remedy and parts to complete the required recall
44 repair. Such payment must be prorated for any period less than 1
45 month based on the number of days during the month each eligible
46 used motor vehicle is in the motor vehicle dealer's inventory.
47 Payment shall be calculated from the 31st day after the recall
48 was issued, the 31st day after the vehicle was acquired, or July
49 1, 2017, whichever is latest.

50 (b) Payment under a national program applicable to all
51 motor vehicle dealers holding a franchise agreement with the
52 licensee for the motor vehicle dealer's costs associated with
53 holding the eligible used motor vehicles.

54 (4) For purposes of this section, a licensee does not
55 include a motorcycle manufacturer, distributor, or importer.

56 Section 3. For the purpose of incorporating section
57 320.6407, Florida Statutes, as created by this act, in
58 references thereto, section 320.6992, Florida Statutes, is
59 reenacted to read:

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete lines 13 - 28

64 and insert:

65 applicability; specifying the purpose of a certain
66 written statement; requiring the manufacturer, factory
67 branch, distributor, or importer to pay the
68 compensation within a specified timeframe after the
69 motor vehicle dealer's application for payment;



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70 requiring such applications to be submitted monthly,
71 as necessary, through the manufacturer's, factory
72 branch's, distributor's, or importer's warranty
73 application system or certain other system or process;
74 providing for calculation of the amount of
75 compensation; providing applicability; reenacting s.
76 320.6992, F.S., relating to applicability of specified
77 provisions to systems of distribution of motor
78 vehicles in this state, to incorporate s. 320.6407,
79 F.S., as created by the act, in references thereto;
80 providing an effective date.