

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Avila offered the following:

3
4 **Amendment**

5 Remove lines 71-135 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;

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 trade-in,
16 lease return, or otherwise;

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

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

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

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

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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 date the recall was issued,
48 the date the vehicle was acquired, or July 1, 2017, whichever is
49 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:

60 320.6992 Application.—Sections 320.60-320.70, including
61 amendments to ss. 320.60-320.70, apply to all presently existing
62 or hereafter established systems of distribution of motor
63 vehicles in this state, except to the extent that such
64 application would impair valid contractual agreements in
65 violation of the State Constitution or Federal Constitution.
66 Sections 320.60-320.70 do not apply to any judicial or

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67 administrative proceeding pending as of October 1, 1988. All
68 agreements renewed, amended, or entered into subsequent to
69 October 1, 1988, shall be governed by ss. 320.60-320.70,
70 including any amendments to ss. 320.60-320.70 which have been or
71 may be from time to time adopted, unless the amendment
72 specifically provides otherwise, and except to the extent that
73 such application would impair valid contractual agreements in
74 violation of the State Constitution or Federal Constitution.

75 Section 4. This act shall take effect July 1, 2017.