

ENROLLED

CS/CS/HB 637

2023 Legislature

1
 2 An act relating to motor vehicle dealers,
 3 manufacturers, importers, and distributors; amending
 4 s. 320.60, F.S.; revising and providing definitions;
 5 amending s. 320.605, F.S.; providing legislative
 6 intent; amending s. 320.64, F.S.; prohibiting an
 7 applicant or a licensee from certain actions in the
 8 allocation or distribution of motor vehicles to
 9 franchised motor vehicle dealers; revising the
 10 definition of the term "unfair"; prohibiting an
 11 applicant or a licensee from engaging in certain
 12 activities; authorizing an applicant or a licensee, or
 13 a common entity thereof, to sell or activate certain
 14 motor vehicle features or improvements through remote
 15 electronic transmission; providing for the payment of
 16 a percentage of such sale or activation to a motor
 17 vehicle dealer; defining the term "feature or
 18 improvement"; providing applicability; requiring such
 19 payment to be made within a certain timeframe;
 20 amending s. 320.642, F.S.; conforming cross-
 21 references; amending s. 320.645, F.S.; revising
 22 provisions prohibiting a licensee, a motor vehicle
 23 manufacturer, a distributor, or an importer from
 24 owning, operating, or controlling a motor vehicle
 25 dealership in this state; specifying when certain

ENROLLED

CS/CS/HB 637

2023 Legislature

26 licenses may be and are prohibited from being issued;
 27 revising exceptions to certain prohibitions on
 28 licensees; providing applicability; removing the
 29 definition of the term "independent person";
 30 prohibiting a distributor or affiliate thereof from
 31 receiving a certain license under certain
 32 circumstances; amending s. 320.67, F.S.; requiring the
 33 Department of Highway Safety and Motor Vehicles to
 34 conduct an inquiry relating to certain written
 35 complaints; providing purposes of the department's use
 36 of a subpoena; authorizing the department to allow a
 37 written response to the complaint; requiring the
 38 department to commence the inquiry within a certain
 39 timeframe; requiring the department to provide a
 40 certain written response to the complainant within a
 41 certain timeframe; requiring the department to take
 42 certain action if the department determines that a
 43 licensee violated certain provisions; providing
 44 construction; amending ss. 681.102 and 681.113, F.S.;
 45 conforming cross-references; providing an effective
 46 date.

47

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

49

50 Section 1. Subsections (8), (9), (10), (11), (12), (13),

ENROLLED

CS/CS/HB 637

2023 Legislature

51 (14), (15), and (16) of section 320.60, Florida Statutes, are
 52 renumbered as subsections (9), (11), (12), (13), (15), (18),
 53 (10), (16), and (17), respectively, subsection (2) and present
 54 subsection (15) are amended, and new subsections (8) and (14)
 55 are added to that section, to read:

56 320.60 Definitions for ss. 320.61-320.70.—Whenever used in
 57 ss. 320.61-320.70, unless the context otherwise requires, the
 58 following words and terms have the following meanings:

59 (2) (a) "Common entity" means a person:

60 1. (a) Who is directly or indirectly either controlled by
 61 or has more than 30 percent of its equity interest directly or
 62 indirectly owned, beneficially or of record, through any form of
 63 ownership structure, by a manufacturer, an importer, a
 64 distributor, or a licensee, or an affiliate thereof; or

65 2. Who has more than 30 percent of its equity interest
 66 directly or indirectly controlled or owned, beneficially or of
 67 record, through any form of ownership structure, by one or more
 68 persons who also directly or indirectly control or own,
 69 beneficially or of record, more than 30 40 percent of the voting
 70 equity interests of a manufacturer, an importer, a distributor,
 71 or a licensee, or an affiliate thereof; or

72 ~~(b) Who shares directors or officers or partners with a~~
 73 ~~manufacturer.~~

74 (b) Notwithstanding subparagraph (a)1. or subparagraph
 75 (a)2., an entity that would otherwise be considered a common

ENROLLED

CS/CS/HB 637

2023 Legislature

76 entity of a distributor under subparagraph (a)1. or subparagraph
 77 (a)2. because of its relation to a distributor is not considered
 78 a common entity of that distributor if:

79 1. The distributor to which the entity is related was a
 80 licensed distributor on March 1, 2023;

81 2. The entity is not a common entity of a manufacturer or
 82 an importer; and

83 3. The distributor to which the entity is related is not,
 84 and has never been, a common entity of a manufacturer or an
 85 importer.

86 (8) "Independent person" means a person who is not an
 87 agent, a parent, a subsidiary, a common entity, an officer, a
 88 director, or an employed representative of a licensee, a
 89 manufacturer, an importer, or a distributor.

90 (14) "Motor vehicle dealer association" means a not-for-
 91 profit entity organized under the laws of this state and
 92 qualified as tax-exempt under s. 501(c)(6) of the Internal
 93 Revenue Code which acts as a trade association that primarily
 94 represents the interests of franchised motor vehicle dealers and
 95 has a membership of at least 500 franchised motor vehicle
 96 dealers as defined in s. 320.27(1)(c)1.

97 (16)-(15) "Sell," "selling," "sold," "exchange," "retail
 98 sales," and "leases" includes:

99 (a) Accepting a deposit or receiving a payment for the
 100 retail purchase, lease, or other use of a motor vehicle, but

ENROLLED

CS/CS/HB 637

2023 Legislature

101 does not include facilitating a motor vehicle dealer's
 102 acceptance of a deposit or receipt of a payment from a consumer
 103 or receiving payment under a retail installment sale contract;

104 (b) Accepting a reservation from a retail consumer for a
 105 specific motor vehicle identified by a vehicle identification
 106 number or other product identifier;

107 (c) Setting the retail price for the purchase, lease, or
 108 other use of a motor vehicle, but does not include setting a
 109 manufacturer's suggested retail price;

110 (d) Offering or negotiating with a retail consumer terms
 111 for the purchase, lease, or other use of a motor vehicle;

112 (e) Offering or negotiating with a retail consumer a value
 113 for a motor vehicle being traded in as part of the purchase,
 114 lease, or other use of a motor vehicle, but does not include a
 115 website or other means of electronic communication that
 116 identifies to a consumer a conditional trade-in value and that
 117 contains language informing the consumer that the trade-in value
 118 is not binding on any motor vehicle dealer;

119 (f) Any transaction where the title of a motor vehicle or
 120 a used motor vehicle is transferred to a retail consumer; ~~or~~
 121 and also

122 (g) Any retail lease transaction where a retail consumer
 123 customer leases a vehicle for a period of at least 12 months,
 124 but does not include administering lease agreements, taking
 125 assignments of leases, performing required actions pursuant to

ENROLLED

CS/CS/HB 637

2023 Legislature

126 such leases, or receiving payments under a lease agreement that
 127 was originated by a motor vehicle dealer. ~~Establishing a price~~
 128 ~~for sale pursuant to s. 320.64(24) does not constitute a sale or~~
 129 lease.

130 Section 2. Section 320.605, Florida Statutes, is amended
 131 to read:

132 320.605 Legislative intent.—It is the intent of the
 133 Legislature to protect the public health, safety, and welfare of
 134 the citizens of the state by regulating the licensing of motor
 135 vehicle dealers and manufacturers, maintaining competition,
 136 providing consumer protection and fair trade, and providing
 137 minorities with opportunities for full participation as motor
 138 vehicle dealers. Sections 320.61–320.70 are intended to apply
 139 solely to the licensing of manufacturers, factory branches,
 140 distributors, and importers and do not apply to non-motor-
 141 vehicle-related businesses.

142 Section 3. Subsections (18), (23), and (24) of section
 143 320.64, Florida Statutes, are amended to read:

144 320.64 Denial, suspension, or revocation of license;
 145 grounds.—A license of a licensee under s. 320.61 may be denied,
 146 suspended, or revoked within the entire state or at any specific
 147 location or locations within the state at which the applicant or
 148 licensee engages or proposes to engage in business, upon proof
 149 that the section was violated with sufficient frequency to
 150 establish a pattern of wrongdoing, and a licensee or applicant

ENROLLED

CS/CS/HB 637

2023 Legislature

151 shall be liable for claims and remedies provided in ss. 320.695
 152 and 320.697 for any violation of any of the following
 153 provisions. A licensee is prohibited from committing the
 154 following acts:

155 (18) The applicant or licensee has established a system of
 156 motor vehicle allocation or distribution or has implemented a
 157 system of allocation or distribution of motor vehicles to one or
 158 more of its franchised motor vehicle dealers which:

159 (a) Reduces or alters allocations or supplies of new motor
 160 vehicles to the dealer to achieve, directly or indirectly, a
 161 purpose that is prohibited by ss. 320.60-320.70;

162 (b) Conditionally or unconditionally reserves a specific
 163 motor vehicle identified by vehicle identification number or
 164 other unique identifier for a specifically named person, except
 165 for purposes of replacing a consumer's vehicle pursuant to
 166 chapter 681;

167 (c) Requires or incentivizes motor vehicle dealers to sell
 168 or lease, or to negotiate the sale or lease of, a specific motor
 169 vehicle identified by vehicle identification number or other
 170 unique identifier to a specifically named person;

171 (d) Requires or incentivizes motor vehicle dealers to sell
 172 or lease a motor vehicle at a specified price or profit margin
 173 or restricts the price at which a motor vehicle dealer may sell
 174 or lease a motor vehicle; or

175 (e) Is, ~~or which~~ otherwise is unfair, inequitable,

ENROLLED

CS/CS/HB 637

2023 Legislature

176 | unreasonably discriminatory, or not supportable by reason and
 177 | good cause after considering the equities of the affected motor
 178 | vehicles dealer or dealers. As used in this paragraph, the term
 179 | "unfair" includes, but is not limited to, refusing or failing to
 180 | offer to any dealer an equitable supply of new vehicles under
 181 | its franchise, by model, mix, or color, as the licensee offers
 182 | or allocates to its other same line-make dealers in this state
 183 | or using the number of motor vehicles preordered or reserved by
 184 | consumers as a factor in determining the allocation of motor
 185 | vehicles to motor vehicle dealers.

186 |
 187 | An applicant or licensee shall maintain for 3 years records that
 188 | describe its methods or formula of allocation and distribution
 189 | of its motor vehicles and records of its actual allocation and
 190 | distribution of motor vehicles to its motor vehicle dealers in
 191 | this state. ~~As used in this subsection, "unfair" includes,~~
 192 | ~~without limitation, the refusal or failure to offer to any~~
 193 | ~~dealer an equitable supply of new vehicles under its franchise,~~
 194 | ~~by model, mix, or colors as the licensee offers or allocates to~~
 195 | ~~its other same line-make dealers in the state.~~

196 | (23) The applicant or licensee has engaged in any of the
 197 | activities of a motor vehicle dealer as defined in s.
 198 | 320.60(13) (a) or any of the activities described in s.
 199 | 320.60(16) or has competed or is competing with respect to any
 200 | activity covered by the franchise agreement with a motor vehicle

ENROLLED

CS/CS/HB 637

2023 Legislature

201 dealer of the same line-make located in this state with whom the
 202 applicant or licensee has entered into a franchise agreement,
 203 except as permitted in s. 320.645 or in subsection (24) with
 204 respect to the remote electronic transmission of a permanent or
 205 temporary feature or improvement of a motor vehicle.

206 (24) The applicant or licensee, or a common entity
 207 thereof, has sold or leased a motor vehicle to any retail
 208 consumer in this state, or has sold or activated for a fee to
 209 any retail consumer in this ~~the~~ state any permanent or temporary
 210 motor vehicle feature or improvement that functions through
 211 hardware or components installed on the motor vehicle, except
 212 through a motor vehicle dealer properly licensed pursuant to s.
 213 320.27 and holding a franchise agreement for the line-make that
 214 includes the motor vehicle. Notwithstanding this subsection, an
 215 applicant, a licensee, or their common entity may sell or
 216 activate for a fee a permanent or temporary feature or
 217 improvement for a motor vehicle of a line-make manufactured,
 218 imported, or distributed by the applicant or licensee and
 219 registered in Florida if and only if the feature or improvement
 220 is provided directly to the motor vehicle through remote
 221 electronic transmission. However, if such motor vehicle was new
 222 when sold or leased by a Florida franchised motor vehicle dealer
 223 within the 2-year period preceding such remote electronic
 224 transmission and the ownership of the vehicle was not changed,
 225 then the applicant or licensee must pay a percentage of the

ENROLLED

CS/CS/HB 637

2023 Legislature

226 payment received for the feature or improvement to the Florida
227 franchised motor vehicle dealer. Payment from the applicant or
228 licensee to the Florida franchised motor vehicle dealer shall be
229 at least 8 percent of the gross payment received by the
230 applicant, licensee, or common entity for the sale of the
231 feature or improvement that was remotely transmitted. As used in
232 this subsection, the term "feature or improvement" includes the
233 activation or use of motor vehicle components or hardware but
234 does not include services that require the transmission of data
235 or information to or from the motor vehicle while the service is
236 being used. Payments required under this subsection must be made
237 within 60 days after the date of sale of the feature or
238 improvement. This subsection ~~section~~ does not apply to sales by
239 the applicant or licensee of motor vehicles to its current
240 employees, employees of companies affiliated by common
241 ownership, charitable not-for-profit organizations, and the
242 Federal Government.

243
244 A motor vehicle dealer who can demonstrate that a violation of,
245 or failure to comply with, any of the preceding provisions by an
246 applicant or licensee will or may adversely and pecuniarily
247 affect the complaining dealer, shall be entitled to pursue all
248 of the remedies, procedures, and rights of recovery available
249 under ss. 320.695 and 320.697.

250 Section 4. Subsection (6) of section 320.642, Florida

ENROLLED

CS/CS/HB 637

2023 Legislature

251 Statutes, is amended to read:

252 320.642 Dealer licenses in areas previously served;
 253 procedure.—

254 (6) When a proposed addition or relocation concerns a
 255 dealership that performs or is to perform only service, as
 256 defined in s. 320.60 ~~s. 320.60(16)~~, and will not or does not
 257 sell or lease, as defined in s. 320.60, new motor vehicles, ~~as~~
 258 ~~defined in s. 320.60(15)~~, the proposal shall be subject to
 259 notice and protest pursuant to the provisions of this section.

260 (a) Standing to protest the addition or relocation of a
 261 service-only dealership shall be limited to those instances in
 262 which the applicable mileage requirement established in
 263 subparagraphs (3) (a)2. and (3) (b)1. is met.

264 (b) The addition or relocation of a service-only
 265 dealership shall not be subject to protest if:

266 1. The applicant for the service-only dealership location
 267 is an existing motor vehicle dealer of the same line-make as the
 268 proposed additional or relocated service-only dealership;

269 2. There is no existing dealer of the same line-make
 270 closer than the applicant to the proposed location of the
 271 additional or relocated service-only dealership; and

272 3. The proposed location of the additional or relocated
 273 service-only dealership is at least 7 miles from all existing
 274 motor vehicle dealerships of the same line-make, other than
 275 motor vehicle dealerships owned by the applicant.

ENROLLED

CS/CS/HB 637

2023 Legislature

276 (c) In determining whether existing franchised motor
 277 vehicle dealers are providing adequate representations in the
 278 community or territory for the line-make in question in a
 279 protest of the proposed addition or relocation of a service-only
 280 dealership, the department may consider the elements set forth
 281 in paragraph (2)(b), provided:

282 1. With respect to subparagraph (2)(b)1., only the impact
 283 as it relates to service may be considered;

284 2. Subparagraph (2)(b)3. shall not be considered;

285 3. With respect to subparagraph (2)(b)9., only service
 286 facilities shall be considered; and

287 4. With respect to subparagraph (2)(b)11., only the volume
 288 of service business transacted shall be considered.

289 (d) If an application for a service-only dealership is
 290 granted, the department must ~~shall~~ issue a license which permits
 291 only service, as defined in s. 320.60 ~~s. 320.60(16)~~, and does
 292 not permit the selling or leasing, as defined in s. 320.60, of
 293 new motor vehicles, ~~as defined in s. 320.60(15)~~. If a service-
 294 only dealership subsequently seeks to sell new motor vehicles at
 295 its location, the notice and protest provisions of this section
 296 shall apply.

297 Section 5. Subsections (1), (2), and (4) of section
 298 320.645, Florida Statutes, are amended to read:

299 320.645 Restriction upon ownership of dealership by
 300 licensee.—

ENROLLED

CS/CS/HB 637

2023 Legislature

301 (1) ~~A~~ No licensee, a manufacturer, an importer, or a
 302 distributor, manufacturer, or an agent of the licensee, a
 303 manufacturer, importer, or distributor, or any a parent, a
 304 subsidiary, a common entity, an officer, or an employed
 305 representative of the licensee, manufacturer, importer, or
 306 distributor, may not directly or indirectly shall own, or
 307 operate, or control, by contract, agreement, or otherwise either
 308 directly or indirectly, a motor vehicle dealership for any line-
 309 make in this state if the licensee, manufacturer, importer, or
 310 distributor has manufactured, imported, or distributed for the
 311 sale or service of motor vehicles of any line-make which have
 312 been or are offered for sale under a franchise agreement with a
 313 motor vehicle dealer in this state with an independent person.
 314 Any person who is not prohibited by this section from owning,
 315 operating, or controlling a motor vehicle dealership may be
 316 issued a license pursuant to s. 320.27. Any person prohibited by
 317 this section from owning, operating, or controlling a motor
 318 vehicle dealership. A licensee may not be issued a motor vehicle
 319 dealer license pursuant to s. 320.27. However, a no-such
 320 licensee subject to the prohibition in this section is not will
 321 be deemed to be in violation of this section:

322 (a) When operating a motor vehicle dealership for a
 323 temporary period, not to exceed 1 year, during the transition
 324 from one owner of the motor vehicle dealership to another;

325 (b) When operating a motor vehicle dealership temporarily

ENROLLED

CS/CS/HB 637

2023 Legislature

326 | for a reasonable period for the exclusive purpose of broadening
 327 | the diversity of its dealer body and enhancing opportunities for
 328 | qualified persons who are part of a group that has historically
 329 | been underrepresented in its dealer body, or for other qualified
 330 | persons who the licensee deems lack the resources to purchase or
 331 | capitalize the dealership outright, in a bona fide relationship
 332 | with an independent person, other than a licensee or its agent
 333 | or affiliate, who has made a significant investment that is
 334 | subject to loss in the dealership within the dealership's first
 335 | year of operation and who can reasonably expect to acquire full
 336 | ownership of the dealership on reasonable terms and conditions;
 337 | or

338 | (c) If the department determines, after a hearing on the
 339 | matter, pursuant to chapter 120, at the request of any person,
 340 | that there is no independent person available in the community
 341 | or territory to own and operate the motor vehicle dealership in
 342 | a manner consistent with the public interest. This paragraph
 343 | applies only if the motor vehicle dealership at issue sells
 344 | motor vehicles of a line-make that, at the time of the hearing,
 345 | is offered for sale by at least one other existing motor vehicle
 346 | dealership not owned, operated, or controlled by the licensee;
 347 | an officer or employed representative of the licensee; a parent,
 348 | subsidiary, or common entity of the licensee; or a manufacturer,
 349 | an importer, or a distributor.

350 |

ENROLLED

CS/CS/HB 637

2023 Legislature

351 In the any such case of a, ~~the licensee must continue to make~~
 352 ~~the motor vehicle dealership~~ owned or operated pursuant to
 353 paragraph (a), paragraph (b), or paragraph (c), the dealership
 354 must be continually made available for sale to an independent
 355 person at a fair and reasonable price. Approval of the sale of
 356 such a motor vehicle dealership to a proposed motor vehicle
 357 dealer shall not be unreasonably withheld.

358 (2) As used in this section, the term:

359 ~~(a) "Independent person" is a person who is not an~~
 360 ~~officer, director, or employee of the licensee.~~

361 ~~(a)(b)~~ "Reasonable terms and conditions" requires that
 362 profits from the dealership are reasonably expected to be
 363 sufficient to allow full ownership of the dealership by the
 364 independent person within a reasonable time period not to exceed
 365 10 years, which time period may be extended if there is a
 366 reasonable basis to do so and is not being sought to evade the
 367 purpose of this section; that the independent person has
 368 sufficient control to permit acquisition of ownership; and that
 369 the relationship cannot be terminated solely to avoid full
 370 ownership. The terms and conditions are not reasonable if they
 371 preclude the independent person from an expedited purchase of
 372 the dealership using a monetary source other than profits from
 373 the dealership's operation; provided, however, that the
 374 independent person must pay or make an agreement to pay to the
 375 licensee any and all reasonable prepayment charges and costs,

ENROLLED

CS/CS/HB 637

2023 Legislature

376 including all unrecouped restored losses, associated with the
 377 expedited purchase of the dealership. For the purpose of this
 378 section, unrecouped restored losses are moneys that the
 379 manufacturer has provided to the dealership to restore losses of
 380 the dealership that the manufacturer has not been paid back
 381 through profits of the dealership.

382 (b)~~(e)~~ "Significant investment" means a reasonable amount,
 383 considering the reasonable capital requirements of the
 384 dealership, acquired and obtained from sources other than the
 385 licensee or any of its affiliates and not encumbered by the
 386 person's interest in the dealership.

387 (4) ~~Nothing in~~ This chapter does not ~~shall~~ prohibit a
 388 distributor as defined in s. 320.60 ~~s. 320.60(5)~~ or an affiliate
 389 thereof which ~~common entity that~~ is not a manufacturer or an
 390 importer, a division of a manufacturer or an importer, an entity
 391 that is controlled by a manufacturer or an importer, or a common
 392 entity of a manufacturer or an importer, and which ~~that~~ is not
 393 owned, in whole or in part, directly or indirectly, by a
 394 manufacturer or an importer, as defined in s. 320.60 ~~s.~~
 395 ~~320.60(9)~~, from receiving a license or licenses as defined in s.
 396 320.27 and owning and operating a motor vehicle dealership or
 397 dealerships that sell or service motor vehicles other than any
 398 line-make of motor vehicles distributed by the distributor. A
 399 distributor or an affiliate thereof may not receive a license
 400 pursuant to s. 320.27 for a motor vehicle dealership, or own or

ENROLLED

CS/CS/HB 637

2023 Legislature

401 operate a motor vehicle dealership, that sells or services motor
 402 vehicles of the line-make of motor vehicles distributed by the
 403 distributor.

404 Section 6. Section 320.67, Florida Statutes, is amended to
 405 read:

406 320.67 Inquiry and inspection of books or other documents
 407 of licensee.—

408 (1) The department shall conduct an inquiry ~~may inspect~~
 409 ~~the pertinent books, records, letters, and contracts~~ of a
 410 licensee relating to any written complaint alleging a violation
 411 of any provision of ss. 320.61-320.70 ~~made to it~~ against such
 412 licensee made by a motor vehicle dealer with a current franchise
 413 agreement issued by the licensee, or a motor vehicle dealer
 414 association with at least one member with a current franchise
 415 agreement issued by the licensee.

416 (2) In the exercise of its duties under this section, the
 417 department is granted and authorized to exercise the power of
 418 subpoena for the purposes of compelling production of and
 419 inspecting pertinent books, records, letters, and contracts of a
 420 licensee and compelling the attendance of witnesses at
 421 deposition ~~and the production of any documentary evidence~~
 422 ~~necessary to the disposition by it of any written complaint~~
 423 ~~under this section.~~ The inquiry required by this section must be
 424 commenced within 30 days after receipt of the written complaint.
 425 The department may allow the licensee that is the subject of the

ENROLLED

CS/CS/HB 637

2023 Legislature

426 complaint no more than 60 days after commencement of the inquiry
 427 to provide a written response. Within 30 days after the deadline
 428 for a written response by the licensee, the department must
 429 provide a written response to the complainant stating whether
 430 the department intends to take action against the licensee under
 431 subsection (3) and, if so, what action the department intends to
 432 take. Any information obtained may not be used against the
 433 licensee as the basis for a criminal prosecution under the laws
 434 of this state.

435 (3) If, as the result of an inquiry conducted under this
 436 section, the department determines that a licensee has violated
 437 any provision of ss. 320.61-320.70, the department must take
 438 appropriate action against the licensee, which may include
 439 license suspension or revocation; denial of a license renewal
 440 application; assessment, imposition, levy, and collection of an
 441 appropriate civil fine; or instituting a civil action for
 442 issuance of an injunction pursuant to s. 320.695.

443 (4) This section does not alter or affect the rights of a
 444 motor vehicle dealer to bring a claim or action against a
 445 licensee pursuant to any other provision of ss. 320.60-320.70.

446 Section 7. Subsection (13) of section 681.102, Florida
 447 Statutes, is amended to read:

448 681.102 Definitions.—As used in this chapter, the term:

449 (13) "Manufacturer" means any person, whether a resident
 450 or nonresident of this state, who manufactures or assembles

ENROLLED

CS/CS/HB 637

2023 Legislature

451 motor vehicles, or who manufactures or assembles chassis for
 452 recreational vehicles, or who manufactures or installs on
 453 previously assembled truck or recreational vehicle chassis
 454 special bodies or equipment which, when installed, forms an
 455 integral part of the motor vehicle, or a distributor or an
 456 importer as those terms are defined in s. 320.60 ~~s. 320.60(5),~~
 457 ~~or an importer as defined in s. 320.60(7).~~ A dealer as defined
 458 in s. 320.60 may ~~s. 320.60(11)(a)~~ shall not be deemed to be a
 459 manufacturer, a distributor, or an importer as provided in this
 460 section.

461 Section 8. Section 681.113, Florida Statutes, is amended
 462 to read:

463 681.113 Dealer liability.—Except as provided in ss.
 464 681.103(3) and 681.114(2), nothing in this chapter imposes any
 465 liability on a dealer as defined in s. 320.60 ~~s. 320.60(11)(a)~~
 466 or creates a cause of action by a consumer against a dealer,
 467 except for written express warranties made by the dealer apart
 468 from the manufacturer's warranties. A dealer may not be made a
 469 party defendant in any action involving or relating to this
 470 chapter, except as provided in this section. The manufacturer
 471 shall not charge back or require reimbursement by the dealer for
 472 any costs, including, but not limited to, any refunds or vehicle
 473 replacements, incurred by the manufacturer arising out of this
 474 chapter, in the absence of evidence that the related repairs had
 475 been carried out by the dealer in a manner substantially

ENROLLED

CS/CS/HB 637

2023 Legislature

476 | inconsistent with the manufacturer's published instructions.

477 | Section 9. This act shall take effect July 1, 2023.