



120574

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2025	.	
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The Committee on Commerce and Tourism (Truenow) recommended the following:

Senate Amendment (with title amendment)

Between lines 170 and 171
insert:

Section 8. Section 686.35, Florida Statutes, is created to
read:

686.35 Agricultural Equipment Fair Repair Act.—

(1) As used in this section, the term:

(a) "Authorized repair provider" means an individual or
entity that has an arrangement for a definite or indefinite



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period in which an original equipment manufacturer grants to a separate individual or entity a license to use a trade name, service mark, or related characteristic for the purpose of offering repair services under the name of the original equipment manufacturer.

(b) "Embedded software" means any programmable instructions provided on firmware delivered with equipment for the purpose of equipment operation, including all relevant patches and fixes made by the original equipment manufacturer for this purpose. The term includes, but is not limited to, a basic internal operating system, an internal operating system, machine code, assembly code, robot code, or microcode.

(c) "Equipment" means digital electronic equipment, or a part for such equipment, which is originally manufactured for farm equipment, including combines, tractors, implements, self-propelled equipment, and related attachments and implements, and which is manufactured for distribution and sale in this state.

(d) "Fair and reasonable terms" means an equitable price in light of relevant factors, including, but not limited to:

1. The net cost to the authorized repair provider for similar information obtained from an original equipment manufacturer, excluding any applicable discount, rebate, or other incentive program;

2. The cost to the original equipment manufacturer for preparing and distributing the information, excluding any research and development costs incurred in designing and implementing, upgrading, or altering the product, but including amortized capital costs for the preparation and distribution of the information;



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40 3. The price charged by other original equipment
41 manufacturers for similar information;

42 4. The price charged by original equipment manufacturers
43 for similar information before the launch of original equipment
44 manufacturer websites;

45 5. The ability of aftermarket technicians or shops to
46 afford the information;

47 6. The means by which the information is distributed;

48 7. The extent to which the information is used, including
49 the number of users and the frequency, duration, and volume of
50 use; and

51 8. Inflation.

52 (e) "Firmware" means a software program or set of
53 instructions programmed on a hardware device to allow the device
54 to communicate with other computer hardware.

55 (f) "Independent repair provider" means a person or
56 business operating in this state which is not affiliated with an
57 original equipment manufacturer or an original equipment
58 manufacturer's authorized repair provider and which is engaged
59 in the diagnosis, service, maintenance, or repair of equipment.
60 However, an original equipment manufacturer meets the definition
61 of an independent repair provider if such original equipment
62 manufacturer engages in the diagnosis, service, maintenance, or
63 repair of equipment that is not affiliated with the original
64 equipment manufacturer.

65 (g) "Motor vehicle" means any vehicle that is designed for
66 transporting persons or property on a street or highway and is
67 certified by the motor vehicle manufacturer under all applicable
68 federal safety and emissions standards and requirements for



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distribution and sale in the United States. The term does not include a motorcycle or a recreational vehicle or manufactured home equipped for habitation.

(h) "Motor vehicle dealer" means a person or business that, in the ordinary course of business, is engaged in the selling or leasing of new motor vehicles to a person or business pursuant to a franchise agreement; is engaged in the diagnosis, service, maintenance, or repair of motor vehicles or motor vehicle engines pursuant to such franchise agreement; and has obtained a license under s. 320.27.

(i) "Motor vehicle manufacturer" means a person or business engaged in the manufacturing or assembling of new motor vehicles.

(j) "Original equipment manufacturer" means a person or business that, in the ordinary course of business, is engaged in the selling or leasing of new equipment to a person or business and is engaged in the diagnosis, service, maintenance, or repair of such equipment.

(k) "Owner" means a person or business that owns or leases a digital electronic product purchased or used in this state.

(l) "Part" means a replacement part, either new or used, which the original equipment manufacturer makes available to the authorized repair provider for the purpose of effecting repair.

(m) "Trade secret" means anything, whether tangible or intangible or electronically stored or kept, which constitutes, represents, evidences, or records intellectual property, including secret or confidentially held designs, processes, procedures, formulas, inventions, or improvements or secret or confidentially held scientific, technical, merchandising,



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production, financial, business, or management information. The
term also includes any other trade secret as defined in 18
U.S.C. s. 1839.

(2) For equipment sold and used in this state, the original
equipment manufacturer shall make available diagnostic and
repair information, including repair technical updates and
updates and corrections to embedded software, to any independent
repair provider or owner of equipment manufactured by such
original equipment manufacturer. The information must be made
available for no charge or must be provided in the same manner
as the original equipment manufacturer makes such diagnostic and
repair information available to an authorized repair provider.
Thereafter, the original equipment manufacturer is not
responsible for the content and functionality of such
aftermarket diagnostic tools, diagnostics, or service
information systems.

(3) Original equipment manufactured by the original
equipment manufacturer which is sold or used in this state to
provide security-related functions may not exclude from
information provided to an owner or an independent repair
provider any diagnostic, service, and repair information
necessary to reset a security-related electronic function. If
such information is excluded under this section, the information
necessary to reset an immobilizer system or a security-related
electronic module must be obtainable by an owner or an
independent repair provider through the appropriate secure data
release system.

(4) This section may not be construed to do any of the
following:



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(a) Require an original equipment manufacturer to divulge a trade secret.

(b) Abrogate, interfere with, contradict, or alter the terms of an agreement executed and in force between an authorized repair provider and an original equipment manufacturer, including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such authorized repair agreement, except that any provision in such an authorized repair agreement which purports to waive, avoid, restrict, or limit an original equipment manufacturer's compliance with this section is void and unenforceable.

(c) Require original equipment manufacturers or authorized repair providers to provide an owner or an independent repair provider access to nondiagnostic and repair information provided by an original equipment manufacturer to an authorized repair provider pursuant to the terms of an authorized repair agreement.

(5) This section does not apply to motor vehicle manufacturers, any product or service of a motor vehicle manufacturer, or motor vehicle dealers.

(6) An original equipment manufacturer found in violation of this section is liable for a civil penalty of not more than \$500 for each violation.

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

And the title is amended as follows:

Delete lines 2 - 15



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and insert:

An act relating to consumers' right to repair certain equipment; providing a directive to the Division of Law Revision; creating s. 559.971, F.S.; providing a short title; creating s. 559.972, F.S.; defining terms; creating s. 559.973, F.S.; requiring portable wireless device manufacturers to make certain items available to device owners and independent repair providers; prohibiting certain manufacturers from requiring authorized repair providers to continue purchasing certain information in a proprietary format; providing an exception; creating s. 559.974, F.S.; providing for enforcement; creating s. 559.975, F.S.; providing construction; creating s. 559.976, F.S.; providing applicability; creating s. 686.35, F.S.; defining terms; requiring original equipment manufacturers of agricultural equipment to make certain diagnostic and repair information available to independent repair providers and owners; prohibiting original equipment manufacturers from excluding certain information concerning security-related functions; providing construction and applicability; providing civil liability; providing an effective date.