

By Senator Truenow

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1 A bill to be entitled
2 An act relating to digital right to repair; providing
3 a directive to the Division of Law Revision; creating
4 s. 559.971, F.S.; providing a short title; creating s.
5 559.972, F.S.; defining terms; creating s. 559.973,
6 F.S.; requiring portable wireless device manufacturers
7 to make certain items available to device owners and
8 independent repair providers; prohibiting certain
9 manufacturers from requiring authorized repair
10 providers to continue purchasing certain information
11 in a proprietary format; providing an exception;
12 creating s. 559.974, F.S.; providing for enforcement;
13 creating s. 559.975, F.S.; providing construction;
14 creating s. 559.976, F.S.; providing applicability;
15 providing an effective date.

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

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19 Section 1. The Division of Law Revision is directed to
20 create part XIV of chapter 559, Florida Statutes, consisting of
21 ss. 559.971-559.976, Florida Statutes, to be entitled "Digital
22 Right to Repair."

23 Section 2. Section 559.971, Florida Statutes, is created to
24 read:

25 559.971 Short title.-This part may be cited as the
26 "Portable Wireless Device Repair Act."

27 Section 3. Section 559.972, Florida Statutes, is created to
28 read:

29 559.972 Definitions.-As used in this act, the term:

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(1) "Authorized repair provider" means an individual or a business that is unaffiliated with the manufacturer and has an arrangement with the manufacturer under which the manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the diagnosis, maintenance, or repair of portable wireless devices under the name of the manufacturer, or any other arrangement with the manufacturer to offer services on behalf of the manufacturer. A manufacturer that offers the services of diagnosis, maintenance, or repair of portable wireless devices manufactured by the manufacturer or on the manufacturer's behalf, or sold or otherwise supplied by the manufacturer, and that does not do so exclusively through one or more arrangements as described in this subsection with an unaffiliated individual or business, is deemed to be an authorized repair provider of portable wireless devices.

(2) "Documentation" means a manual, a diagram, a reporting output, a service code description, a schematic, a security code or a password, or any other information used in the diagnosis, maintenance, or repair of portable wireless devices.

(3) "Fair and reasonable terms," for purposes of obtaining a part, a tool, or documentation, means costs and terms that are equivalent to the most favorable costs and terms under which the manufacturer offers the part, tool, or documentation to an authorized repair provider, accounting for any discount, rebate, convenient and timely means of delivery, means of enabling fully restored and updated functionality, rights of use, or other incentive or preference that the manufacturer offers to an authorized repair provider or any additional cost, burden, or

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impediment that the manufacturer imposes on an owner or independent repair provider. For documentation, including any relevant updates, the term also means at no charge, except that, when the documentation is requested in print form, a charge may be included for the reasonable actual costs of preparing and mailing the documentation.

(4) "Independent repair provider" means an individual or a business that does not have an arrangement with a manufacturer as an authorized repair provider and that is not affiliated with any other individual or business that has such an arrangement with the manufacturer when that individual or business diagnoses, maintains, or repairs portable wireless devices. The term includes a manufacturer or an independent repair provider that diagnoses, maintains, or repairs portable wireless devices that are not manufactured by or on behalf of, or sold or otherwise supplied by, the manufacturer.

(5) "Manufacturer" means an individual or a business that sells, leases, or otherwise supplies new portable wireless devices, or parts of new portable wireless devices, manufactured by or on behalf of the individual or business to another individual or business.

(6) "Owner" means an individual or a business that lawfully acquires a portable wireless device purchased or used in this state.

(7) "Part" means any replacement component made available by or to a manufacturer for the purpose of maintaining or repairing portable wireless devices manufactured by or on behalf of, sold by, or otherwise supplied by the manufacturer.

(8) "Portable wireless device" means a product that

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includes a battery, microphone, speaker, and display designed to send and receive transmissions through a cellular radio-telephone service.

(9) "Tool" means any software program, hardware implement, or other apparatus used for diagnosing, maintaining, or repairing portable wireless devices, including software or other mechanisms that program or repair a part, calibrate functionality, or perform any other function required to bring portable wireless devices back to fully functional condition.

(10) "Trade secret" has the same meaning as in s. 688.002. Section 4. Section 559.973, Florida Statutes, is created to read:

559.973 Requirements.—

(1) A manufacturer must make available to an owner of a portable wireless device, and to an independent repair provider of such device, on fair and reasonable terms, documentation, parts, and tools, inclusive of any updates, for diagnosing, maintaining, or repairing such device. This subsection does not require a manufacturer to provide a part that is no longer available to the manufacturer.

(2) A manufacturer that sells diagnostic, service, or repair information to an independent repair provider or any other third-party provider in a format that is standardized with other manufacturers, and in a manner and on terms and conditions more favorable than the manner and terms and conditions pursuant to which an authorized repair provider obtains the same diagnostic, service, or repair information, may not require an authorized repair provider to continue purchasing diagnostic, service, or repair information in a proprietary format, unless

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117 such proprietary format includes diagnostic, service, repair, or
118 dealership operations information or functionality that is not
119 available in such standardized format.

120 Section 5. Section 559.974, Florida Statutes, is created to
121 read:

122 559.974 Enforcement.—

123 (1)(a) An independent repair provider or owner who believes
124 that a manufacturer has failed to provide documentation, parts,
125 or tools for diagnosing, maintaining, or repairing a portable
126 wireless device, as required by this part, must notify the
127 manufacturer, in writing, and give the manufacturer 30 days
128 following receipt of notice to cure the failure. If the
129 manufacturer responds to the notice and cures the failure within
130 the cure period, damages are limited to actual damages in any
131 subsequent litigation.

132 (b) If a manufacturer fails to respond to the notice
133 provided under paragraph (a), or if an independent repair
134 provider or owner is not satisfied with the manufacturer's cure,
135 the independent repair provider or owner may file a complaint in
136 the circuit court of the county in which the independent repair
137 provider has his, her, or its principal place of business or in
138 which the owner resides. The complaint must include the
139 following:

140 1. Written information confirming that the independent
141 repair provider or owner has attempted to acquire and use,
142 through the then-available standard support function provided by
143 the manufacturer, relevant documentation, parts, and tools,
144 including communicating with customer assistance.

145 2. Evidence of manufacturer notification as required by

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146 paragraph (a).

147 (2) In addition to the remedy provided under subsection
148 (1), a violation of this part is a deceptive and unfair trade
149 practice under the Florida Deceptive and Unfair Trade Practices
150 Act. All remedies, penalties, and authority granted to the
151 enforcing authority by that act are available for the
152 enforcement of this part.

153 Section 6. Section 559.975, Florida Statutes, is created to
154 read:

155 559.975 Limitations.—

156 (1) This part does not require a manufacturer to divulge a
157 trade secret, except as necessary to provide documentation,
158 parts, and tools on fair and reasonable terms.

159 (2) This part does not require a manufacturer or an
160 authorized repair provider to provide an owner or independent
161 repair provider access to nondiagnostic and nonrepair
162 information provided by a manufacturer to an authorized repair
163 provider.

164 Section 7. Section 559.976, Florida Statutes, is created to
165 read:

166 559.976 Applicability.—

167 (1) This part applies to portable wireless devices sold or
168 in use on or after July 1, 2025.

169 (2) This part does not apply to portable wireless devices
170 approved by the United States Food and Drug Administration.

171 Section 8. This act shall take effect July 1, 2025.