



800490

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2025	.	
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The Committee on Transportation (Leek) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (42) of section 320.64, Florida Statutes, is amended, and subsection (43) is added to that section, to read:

320.64 Denial, suspension, or revocation of license;  
grounds.—A license of a licensee under s. 320.61 may be denied,  
suspended, or revoked within the entire state or at any specific



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11 location or locations within the state at which the applicant or  
12 licensee engages or proposes to engage in business, upon proof  
13 that the section was violated with sufficient frequency to  
14 establish a pattern of wrongdoing, and a licensee or applicant  
15 shall be liable for claims and remedies provided in ss. 320.695  
16 and 320.697 for any violation of any of the following  
17 provisions. A licensee is prohibited from committing the  
18 following acts:

19       (42) (a) The applicant or licensee, or a common entity  
20 thereof, has established, implemented, or enforced criteria for  
21 measuring the sales or service performance of any of its  
22 franchised motor vehicle dealers in this state which have a  
23 material or adverse effect on any motor vehicle dealer and  
24 which:

- 25           1. Are unfair, unreasonable, arbitrary, or inequitable; or  
26           2. Do not include all relevant and material local and  
27 regional criteria, data, and facts. Relevant and material  
28 criteria, data, or facts include, but are not limited to, those  
29 of motor vehicle dealerships of comparable size in comparable  
30 markets. If such performance measurement criteria are based, in  
31 whole or in part, on a survey, such survey must be based on a  
32 statistically significant and valid random sample.

33       (b) The ~~An~~ applicant ~~or~~, licensee, or a common entity  
34 thereof, has implemented or enforced criteria for measuring the  
35 sales or service performance of any of its franchised motor  
36 vehicle dealers in this state without first making available and  
37 readily accessible, before such implementation or enforcement, a  
38 written description to each such franchised, or an affiliate  
39 thereof, which enforces against any motor vehicle dealer any



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40 ~~such performance measurement criteria shall, upon the request of~~  
41 ~~the motor vehicle dealer, describe in writing to the motor~~  
42 ~~vehicle dealer in this state which describes,~~ in detail, how the  
43 performance measurement criteria were designed, calculated,  
44 established, and uniformly applied.

45 (43) The applicant or licensee, or a common entity thereof,  
46 has engaged in an action, or implemented a policy, standard,  
47 rule, practice, or program, taken as retaliation against a motor  
48 vehicle dealer because the dealer invoked a statutory right  
49 created by ss. 320.60-320.70, asserted that the applicant,  
50 licensee, or common entity has acted in a manner that violates a  
51 provision of ss. 320.60-320.70, or has testified, assisted, or  
52 participated in any manner in an investigation, a proceeding, or  
53 a hearing that may directly affect the applicant, licensee, or  
54 common entity.

55  
56 A motor vehicle dealer who can demonstrate that a violation of,  
57 or failure to comply with, any of the preceding provisions by an  
58 applicant or licensee will or may adversely and pecuniarily  
59 affect the complaining dealer, shall be entitled to pursue all  
60 of the remedies, procedures, and rights of recovery available  
61 under ss. 320.695 and 320.697.

62 Section 2. Subsection (3) of section 320.641, Florida  
63 Statutes, is amended to read:

64 320.641 Discontinuations, cancellations, nonrenewals,  
65 modifications, and replacement of franchise agreements.—

66 (3) Any motor vehicle dealer who receives a notice of  
67 intent to discontinue, cancel, not renew, modify, or replace  
68 may, within the 90-day notice period, file a petition or



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69 | complaint for a determination of whether such action is an  
70 | unfair or prohibited discontinuation, cancellation, nonrenewal,  
71 | modification, or replacement. Agreements and certificates of  
72 | appointment must ~~shall~~ continue in effect until final  
73 | determination of the issues raised in such petition or complaint  
74 | by the motor vehicle dealer. A discontinuation, cancellation, or  
75 | nonrenewal of a franchise agreement is unfair if it is not  
76 | clearly permitted by the franchise agreement; is not undertaken  
77 | in good faith; is not undertaken for good cause; or is not based  
78 | on a material and substantial ~~an alleged~~ breach of the franchise  
79 | agreement by the motor vehicle dealer ~~which is not in fact a~~  
80 | ~~material and substantial breach~~; or, if the grounds relied upon  
81 | for termination, cancellation, or nonrenewal have not been  
82 | applied in a uniform and consistent manner by the licensee. If  
83 | the notice of discontinuation, cancellation, or nonrenewal  
84 | relates to an alleged failure of the new motor vehicle dealer's  
85 | sales or service performance obligations under the franchise  
86 | agreement, the new motor vehicle dealer must first be provided  
87 | with at least 180 days to correct the alleged failure before a  
88 | licensee may send the notice of discontinuation, cancellation,  
89 | or nonrenewal. A modification or replacement is unfair if it is  
90 | not clearly permitted by the franchise agreement; is not  
91 | undertaken in good faith; or is not undertaken for good cause.  
92 | The applicant or licensee has ~~shall have~~ the burden of proof  
93 | that such discontinuation, cancellation, nonrenewal,  
94 | modification, or replacement ~~action~~ is fair and not prohibited.

95 |       Section 3. This act shall take effect July 1, 2025.

96 |  
97 | ===== T I T L E   A M E N D M E N T =====



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98 And the title is amended as follows:

99 Delete everything before the enacting clause

100 and insert:

101 A bill to be entitled

102 An act relating to motor vehicle manufacturers and  
103 franchised motor vehicle dealers; amending s. 320.64,  
104 F.S.; prohibiting an applicant or a licensee, or a  
105 common entity thereof, from establishing,  
106 implementing, or enforcing certain criteria for  
107 measuring the sales or service performance of its  
108 franchised motor vehicle dealers unless certain  
109 conditions are met; prohibiting an applicant or a  
110 licensee, or a common entity thereof, from engaging in  
111 an action that is taken as retaliation against a motor  
112 vehicle dealer under certain circumstances; amending  
113 s. 320.641, F.S.; revising the circumstances in which  
114 a discontinuation, cancellation, nonrenewal,  
115 modification, or replacement of a franchise agreement  
116 is deemed unfair; providing an effective date.