

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [HB 311](#)

TITLE: Repair of Motorized Wheelchairs

SPONSOR(S): Eskamani

COMPANION BILL: [SB 412](#) (Smith)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Industries & Professional Activities](#)

16 Y, 0 N



[Commerce](#)

20 Y, 0 N

SUMMARY

Effect of the Bill:

The bill creates the Motorized Right to Repair Act that requires original equipment manufacturers of motorized wheelchairs sold or used in this state to provide documents, tools, and parts necessary to repair motorized wheelchairs to third party repair providers and owners of motorized wheelchairs.

Fiscal or Economic Impact:

Indeterminate. The bill may have an indeterminate fiscal impact on the private sector.

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ANALYSIS

EFFECT OF THE BILL:

The bill creates the Motorized Right to Repair Act (Act) that requires original equipment manufacturers of motorized [wheelchairs](#) sold or used in this state to provide documents, tools, and parts necessary to repair motorized wheelchairs to third party repair providers and owners of motorized wheelchairs. The Act applies to motorized wheelchairs sold or in use on or after July 1, 2025. (Sections [2](#), [4](#), and [7](#))

Original equipment manufacturers must make documents and tools available at fair and reasonable terms, which means at either no cost or at the actual cost of preparing and sending the document or tool. Parts must also be provided at fair and reasonable terms that are equivalent to the most favorable costs and terms under which an original equipment manufacturer provides the part to an authorized repair provider. (Section [3](#))

For any equipment that contains an electronic security lock or security-related function, the original equipment manufacturer must:

- Make certain items and information available to owners and independent repair providers.
- Provide, on fair and reasonable terms, any special documentation, tools, and parts needed to access and reset the lock or function when disabled in the course of diagnosis, maintenance, or repair of the motorized wheelchair. The documentation, tools, and parts may be made available through appropriate secure release systems. (Section [4](#))

The Act does not require an original equipment manufacturer to disclose a trade secret to an owner or independent service provider and does not alter the terms of an arrangement between the original equipment manufacturer and an authorized repair provider. (Section [6](#))

A violation of the Motorized Right to Repair Act is punishable under the [Florida Deceptive and Unfair Trade Practices Act](#). However, an original equipment manufacturer is not liable for any damage or injury caused to a motorized wheelchair by an independent repair provider or owner during the course of repair, diagnosis, or maintenance. (Sections [5](#) and [6](#))

STORAGE NAME: h0311c.COM

DATE: 3/31/2025

The bill provides an effective date of July 1, 2025. (Section [8](#))

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

Indeterminate. To the extent that manufacturers will be required to make repair information and tools available to customers, expenditures for manufacturers may increase, and repair costs for wheelchair owners may decrease.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Wheelchair Repairs](#)

Millions of Americans rely on wheelchairs due to impaired mobility.¹ As of 2014, about 21% of adults in the U.S. have difficulty or are unable to walk a quarter mile.² The use of mobility devices like wheelchairs provides independence to users who may otherwise have difficulty with physical functioning.³

Wheelchair repairs impact over 50% of wheelchair users and often result in individuals stranded at home or missing a medical appointment.⁴ One survey of wheelchair users found that a result of wheelchair breakdown, out-of-pocket repair costs ranged from \$50-\$620.⁵

To address the costs and delays associated with repairs, right to repair laws allow consumers to repair their own products instead of using the original equipment manufacturer for service. In general, right to repair laws include the tools, parts, software or instructions original equipment manufacturers must provide to independent repairers and owners.⁶

[The Florida Deceptive and Unfair Trade Practices Act](#)

The Florida Deceptive and Unfair Trade Practices Act (FDUTPA) is a consumer and business protection measure that prohibits unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in trade or commerce.⁷ The FDUTPA is based on federal law.⁸

For example, Florida has determined that the following acts or practices are unfair or deceptive:

- Imposing unconscionable prices for the rental or lease of any dwelling unit or self-storage facility during a period of declared state of emergency;⁹
- Failing to abide by storage requirements for personal information and notice requirements for data breaches of such information;¹⁰ and

¹ Danielle M. Taylor, U.S. DEPT. OF COM., *Americans With Disabilities: 2014*, available at <https://www.census.gov/content/dam/Census/library/publications/2018/demo/p70-152.pdf> (last visited March 13, 2025) (citing more than 5.5 million wheelchair users).

² *Id.* at 7.

³ Lynn Worobey, et al., *Increases in Wheelchair Breakdowns, Repairs, and Adverse Consequences for People with Traumatic Spinal Cord Injury*, 91:6 AM. J. OF PHYSICAL MED. AND REHAB. 463 (2012), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC4886332/> (last visited March 13, 2025).

⁴ *Id.*

⁵ Lisa I. Iezsoni, HARV. HEALTH PUBL'G, *Millions rely on wheelchairs for mobility, but repair delays are hurting users*, available at <https://www.health.harvard.edu/blog/millions-rely-on-wheelchairs-for-mobility-but-repair-delays-are-hurting-users-202207212785> (last visited March 13, 2025).

⁶ Right to Repair 2023 Legislation, *National Conference of State Legislatures*, November 1, 2023, <https://www.ncsl.org/technology-and-communication/right-to-repair-2023-legislation> (last visited March 13, 2025).

⁷ Chapter 73-124, L.O.F., and s. [501.202, F.S.](#), F.S.

⁸ D. Matthew Allen, et. al., *The Federal Character of Florida's Deceptive and Unfair Trade Practices Act*, 65 U. MIAMI L. REV. 1083 (Summer 2011).

⁹ S. [501.160, F.S.](#)

¹⁰ S. [501.171, F.S.](#)

- Failing to abide by requirements for weight-loss programs.¹¹

The state attorney or the Department of Legal Affairs (DLA) may bring FDUTPA actions, if it serves the public interest, on behalf of consumers or governmental entities.¹² The Office of the State Attorney (SAO) may enforce FDUTPA violations occurring in its jurisdiction. DLA has enforcement authority if the violation is multi-jurisdictional, the state attorney defers in writing, or the state attorney fails to act within 90 days after a written complaint is filed.¹³ Consumers may also file suit through private actions.¹⁴

DLA and the SAO have powers to investigate FDUTPA claims, which include:¹⁵

- Administering oaths and affirmations;
- Subpoenaing witnesses or matter; and
- Collecting evidence.

DLA and the SAO, as enforcing authorities, may seek the following remedies:

- Declaratory judgments;
- Injunctive relief;
- Actual damages on behalf of consumers and businesses;
- Cease and desist orders; and
- Civil penalties of up to \$10,000 per willful violation.¹⁶

Other States

Currently, it appears that seven states have passed right to repair laws. These states include California, Colorado, Maine, Massachusetts, Minnesota, New York, and Oregon. These laws focus on the digital equipment industry, motor vehicles, and the agricultural and construction industry.¹⁷ The Colorado law addresses original equipment manufacturers of agricultural equipment or a powered wheelchair.¹⁸ New York has introduced a bill that would require manufacturers to make available certain documentation, parts, embedded software, firmware, or tools necessary for repairing wheelchair equipment.¹⁹

¹¹ S. [501.0579, F.S.](#)

¹² S. [501.207, F.S.](#)(1)(c) and (2), F.S.; see s. [501.203\(2\), F.S.](#) (defining “enforcing authority” and referring to the office of the state attorney if a violation occurs in or affects the judicial circuit under the office’s jurisdiction; or the Department of Legal Affairs if the violation occurs in more than one circuit; or if the office of the state attorney defers to the department in writing; or fails to act within a specified period.); see also David J. Federbush, *FDUTPA for Civil Antitrust: Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLORIDA BAR JOURNAL 52, Dec. 2002 (analyzing the merits of FDUTPA and the potential for deterrence of anticompetitive conduct in Florida), http://www.floridabar.org/divcom/jn/jnjournal01.nsf/c0d731e03de9828d852574580042ae7a/99aa165b7d8ac8a485256c8300791ec1!Opendocument&Highlight=0,business,Division* (last visited on March 13, 2025).

¹³ S. [501.203\(2\), F.S.](#)

¹⁴ S. [501.211, F.S.](#)

¹⁵ S. [501.206\(1\), F.S.](#)

¹⁶ S. [501.207, F.S.](#)(1), [501.208, F.S.](#), and [501.2075, F.S.](#) Civil Penalties are deposited into the General Revenue fund. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section [501.2105, F.S.](#)

¹⁷ Statista, *How Many States Have Right to Repair Laws?*, <https://www.statista.com/chart/32855/us-states-with-at-least-one-bill-regulating-right-to-repair-own-products/> (last visited Mar. 17, 2025).

¹⁸ Colorado General Assembly, *Consumer Right to Repair Digital Electronic Equipment*, <https://leg.colorado.gov/bills/hb24-1121> (last visited Mar. 17, 2025).

¹⁹ New York Senate Bill S4500.

BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|-----------|-----------|------------------------------------|-------------------------|
| Industries & Professional Activities Subcommittee | 16 Y, 0 N | 3/19/2025 | Anstead | Thompson |
| Commerce Committee | 20 Y, 0 N | 3/31/2025 | Hamon | Thompson |