

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 429 (2025)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ☐ (Y/N)

ADOPTED AS AMENDED ☐ (Y/N)

ADOPTED W/O OBJECTION ☐ (Y/N)

FAILED TO ADOPT ☐ (Y/N)

WITHDRAWN ☐ (Y/N)

OTHER ☐

Committee/Subcommittee hearing bill: Industries & Professional
Activities Subcommittee

Representative Yeager offered the following:

Amendment (with title amendment)

Remove 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
location or locations within the state at which the applicant or
licensee engages or proposes to engage in business, upon proof
that the section was violated with sufficient frequency to
establish a pattern of wrongdoing, and a licensee or applicant

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

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

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

(b) The An applicant or, licensee, or common entity, or an affiliate thereof, has implemented or enforced criteria for measuring the sales or service performance of any of its franchised motor vehicle dealers in this state without, before implementation or enforcement, providing a written description to each franchised ~~which enforces against any motor vehicle dealer any such performance measurement criteria shall, upon the~~

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~~request of the motor vehicle dealer, describe in writing to the~~
motor vehicle dealer in this state providing, in detail, how the
performance measurement criteria were designed, calculated,
established, and uniformly applied.

(43) The applicant or licensee, or common entity thereof,
has engaged in an action, or implemented a policy, standard,
rule, practice, or program as retaliation against a franchised
motor vehicle dealer because the dealer invoked any right
pursuant to ss. 320.60-320.70; has asserted that the applicant
or licensee, or common entity thereof, has acted in a manner
that violates any provision of ss. 320.60-320.70; or has
testified, assisted, or participated in any manner in an
investigation, a proceeding, or a hearing that may directly
affect the applicant or licensee, or common entity thereof.

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

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

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

(3) Any motor vehicle dealer who receives a notice of intent to discontinue, cancel, not renew, modify, or replace may, within the 90-day notice period, file a petition or complaint for a determination of whether such action is an unfair or prohibited discontinuation, cancellation, nonrenewal, modification, or replacement. Agreements and certificates of appointment shall continue in effect until final determination of the issues raised in such petition or complaint by the motor vehicle dealer.

(a) A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair unless all of the following apply:

1. if It is ~~not~~ clearly permitted by the franchise agreement;

2. It is ~~not~~ undertaken in good faith;

3. It is ~~not~~ undertaken for good cause;

4. It ~~or~~ is based on the motor vehicle dealer's an-alleged breach of the franchise agreement which is ~~not~~ in fact a material and substantial breach, but not if it applies to all same line-make franchised motor vehicle dealers and is otherwise permitted by ss. 320.60-320.70; and

5. or, if The grounds relied upon for discontinuation ~~termination~~, cancellation, or nonrenewal have ~~not~~ been applied in a uniform and consistent manner by the licensee.

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(b) If the notice of discontinuation, cancellation, or nonrenewal relates to an alleged failure of the new motor vehicle dealer's sales or service performance obligations under the franchise agreement, the new motor vehicle dealer must first be provided with at least 180 days to correct the alleged failure before a licensee may send the notice of discontinuation, cancellation, or nonrenewal.

(c) A modification or replacement is unfair unless all of the following apply:

1. ~~if~~ It is ~~not~~ clearly permitted by the franchise agreement;

2. It is ~~not~~ undertaken in good faith; and

3. It ~~or~~ is ~~not~~ undertaken for good cause.

(d) The applicant or licensee shall have the burden of proof that any such discontinuation, cancellation, nonrenewal, modification, or replacement action is fair and not prohibited.

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

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to motor vehicle manufacturers and franchised motor vehicle dealers; amending s. 320.64, F.S.; prohibiting an applicant or a licensee, or a

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common entity thereof, from implementing a performance
objective without adequate notice; requiring that the
applicant or licensee, or common entity thereof,
provide motor vehicle dealers with the basis for any
sales or service performance measurement; prohibiting
the applicant licensee, or common entity thereof, from
engaging in certain retaliatory or discriminatory
conduct; amending s. 320.641, F.S.; revising
conditions under which a discontinuation,
cancellation, or nonrenewal of a franchise agreement
is considered unfair; providing an effective date.