

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 487](#)

**TITLE:** Repair of Mobility Devices

**SPONSOR(S):** Eskamani

**COMPANION BILL:** [SB 586](#) (Smith)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Industries & Professional Activities](#)

15 Y, 0 N, As CS



[Commerce](#)

## SUMMARY

### Effect of the Bill:

The bill establishes the "Right to Repair Act for Mobility Devices" in Florida, requires original equipment manufacturers (OEMs) to provide documentation, embedded software, firmware, parts, and tools for servicing mobility devices to independent repair providers or device owners, clarifies that OEMs are not required to disclose trade secrets and protects existing arrangements between authorized repair providers and OEMs, limits the liability of OEMs and authorized repair providers for damages they cause during service, makes violations a deceptive and unlawful trade practice, and applies to mobility devices sold or used on or after July 1, 2026.

### Fiscal or Economic Impact:

None

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## ANALYSIS

### EFFECT OF THE BILL:

The bill establishes the "Right to Repair Act for Mobility Devices" in Florida. (Section [2](#))

### Definitions

The bill provides the following definitions:

- **"Authorized repair provider"** means an individual or a business that has an arrangement with the original equipment manufacturer (OEM) under which the OEM grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier for the purposes of servicing a mobility device under the name of the OEM, or other arrangement with the OEM to offer such services on behalf of the OEM. An OEM that services its own mobility device, and that does not have an arrangement with an unaffiliated individual or business, must be considered an authorized repair provider with respect to mobility devices.
- **"Documentation"** means a manual, diagram, reporting output, service code description, schematic diagram, security code, password, or any other guidance or information used in servicing a mobility device.
- **"Embedded software"** means programmable instructions provided on firmware delivered with an electronic component of a mobility device or with any part for the purpose of restoring or improving operation of the mobility device or part and includes all relevant patches and fixes that the OEM makes to a mobility device or to any part for the purpose of restoring or improving the mobility device or part.
- **"Fair and reasonable terms"** means making available documentation, tools, or parts as follows:
  - Documentation must be made available by the OEM at no charge, except that when a physical copy is requested, a charge may be included for the reasonable actual costs of preparing and sending the copy.
  - Tools must be made available by the OEM at no charge:
    - Without requiring authorization or Internet access for use or operation.

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- Without imposing impediments to access or use.
- In a manner that does not impair the efficient and cost-effective performance of any such service and ensures that full functionality of digital electronic equipment is enabled.
  - However, if a tool is requested in physical form, a charge may be included for the reasonable, actual costs of preparing and sending the tool.
- Parts must be made available by the OEM, either directly or through an authorized repair provider, to an independent repair provider or owner at costs and terms that are equivalent to the most favorable costs and terms under which an OEM offers the parts to an authorized repair provider, and that:
  - Accounts for a discount, rebate, delivery method, functionality, rights of use, incentive preference, or
  - Any additional cost or impediment the OEM imposes on an authorized repair provider.
  - Does not condition or impose a substantial obligation or restriction that is not reasonably necessary for enabling the independent repair provider or owner to service a mobility device.
  - Is not conditioned upon an arrangement with the OEM.
- **"Firmware"** means a software program or set of instructions programmed on a mobility device or a part to allow a mobility device or a part to communicate with itself or with other computer hardware.
- **"Independent repair provider"** means an individual or business operating in this state engaged in servicing mobility devices, which is unaffiliated with an OEM.
- **"Mobility device"** means equipment designed for people with a mobility disability, including power wheelchairs, manual wheelchairs, mobility scooters, and power assist devices for manual wheelchairs.
- **"OEM"** means an individual or a business that is engaged in manufacturing, selling, leasing, or supplying new mobility devices.
- **"Owner"** means an individual or business that owns or leases a mobility device purchased or used in this state.
- **"Part"** means any replacement part, either new or used, made available by an OEM to service a mobility device manufactured by or on behalf of, sold, or otherwise supplied by the OEM.
- **"Service," "services," or "servicing"** means any activity related to the diagnosis, maintenance, or repair of a mobility device or a part thereof.
- **"Tool"** means any software, hardware, or other apparatus used for the service of a mobility device, including, but not limited to, software or any other mechanism that programs a new part, calibrates functionality, or performs any other function required to return the mobility device to its fully functional condition, which includes any updates.
- **"Trade secret"** has the same meaning as in [s. 688.002, F.S.](#) (Section [3](#))

### Repair Requirements

The bill requires that for the purpose of servicing mobility devices and parts sold in this state, OEMs must make available to an independent repair provider or owner of the OEM's mobility device on fair and reasonable terms, any documentation, embedded software, firmware, parts, and tools, that are necessary to service such mobility devices and parts, including any updates. (Section [4](#))

The bill requires the documentation, embedded software, firmware, parts, and tools to be made available either directly by the OEM or by an authorized repair provider. (Section [4](#))

The bill requires OEMs to also make available to an independent repair provider or owner on fair and reasonable terms through appropriate secure release systems any special documentation, embedded software, firmware, tools, and parts required to access and reset the lock or function when disabled in the course of diagnosis, maintenance, or repair of the mobility device. (Section [4](#))

### Violations

The bill makes violations punishable under the [Florida Deceptive and Unfair Trade Practices Act](#). (Section [5](#))

## **Limitations**

The bill specifies that these requirements do not:

- Require an OEM to divulge a trade secret to an independent service provider or owner.
- Alter the terms of an arrangement between an authorized repair provider and an OEM, including, but not limited to, the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an OEM and pursuant to such arrangement. However, any terms that waive, avoid, restrict, or limit the OEM's obligation to comply with this part are void.
- Make an OEM and an authorized repair provider liable for any damage or injury caused by an independent repair provider or owner to a mobility device that occurs during the course of service. (Section [6](#))

## **Prospective Application**

The bill applies with respect to mobility devices sold or in use on or after July 1, 2026. (Section [7](#))

## **Effective Date**

The effective date of the bill is July 1, 2026. (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:**

#### **Right-to-Repair**

Recently, state legislatures have been contemplating “right to repair” laws, requiring manufacturers to share repair information and tools so that consumers may repair their products more easily and less costly.<sup>1</sup> This type of legislation is founded on the idea that consumers should be able to choose how to repair their products.<sup>2</sup> Proponents of right-to-repair legislation are concerned due to the amount of products that are utilizing computer chips and advanced technology, which are becoming increasingly difficult to repair without sending the entire product back to the manufacturer.<sup>3</sup> Many products, ranging from cars and appliances to wheelchairs, use proprietary tools and parts.<sup>4</sup> Manufacturers may refuse to publish documents necessary for a third party or consumer to repair.<sup>5</sup> The policy objectives of these laws are to ensure customers have access to manuals, schematics, and software updates, as well as diagnostic tools needed to service the product themselves.<sup>6</sup>

Manufacturers have been concerned about electronic privacy and preservation of intellectual property.<sup>7</sup> Technological advances in electronic equipment, such as fitness monitors, home security devices, and smart home appliances, have led to consumer data being collected at a higher volume.<sup>8</sup> Opponents of right-to-repair legislation are concerned that proprietary access to such tools and information may undermine consumers’ digital privacy, as

<sup>1</sup> Luyi Wang, et al., HARV. BUS. REV., *Research: The Unintended Consequences of Right-to-Repair Laws*, <https://hbr.org/2023/01/research-the-unintended-consequences-of-right-to-repair-laws> (last visited Dec. 1, 2025).

<sup>2</sup> Mike Serra, *Looking Under the Hood on the Right to Repair*, Michigan Bar Journal (May 2022), <https://www.michbar.org/journal/Details/Looking-under-the-hood-on-the-right-to-repair?ArticleID=4428> (last visited Dec. 1, 2025).

<sup>3</sup> Thorin Klosowski, *What You Should Know About Right to Repair*, New York Times (July 15, 2021), <https://www.nytimes.com/wirecutter/blog/what-is-right-to-repair/> (last visited Dec. 1, 2025).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Ike Brannon, CATO INST., *A Criticism of Right to Repair Laws*, <https://www.cato.org/regulation/spring-2024/criticism-right-repair-laws> (last visited Dec. 1, 2025).

<sup>8</sup> *Id.*

diagnostic tools may provide access to an entire device and improper repair can disable security features.<sup>9</sup> Additionally, there is a concern that unrestricted access into product software design may compromise intellectual property protections.<sup>10</sup> If proprietary knowledge is embedded in the products they sell, some manufacturers worry that trade secrets will become public knowledge when required to disclose digital locks and other information.<sup>11</sup>

### Mobility Devices

Millions of Americans rely on wheelchairs due to impaired mobility.<sup>12</sup> According to the Centers for Disease Control and Prevention, “one in four U.S. adults has a disability that impacts major life activities, including 40 percent of adults age 65 and older... The most common disability type – mobility, or serious difficulty walking or climbing stairs – affects one in seven adults.”<sup>13</sup> In Florida, approximately 14 percent of residents report having a disability, with the most common type being a mobility disability.<sup>14</sup> Studies also indicate that the use of mobility devices like wheelchairs provides independence to users who may otherwise have difficulty with physical functioning.<sup>15</sup>

Wheelchair repairs impact over 50 percent of wheelchair users and often result in individuals stranded at home or missing a medical appointment.<sup>16</sup> One survey of wheelchair users found that a result of wheelchair breakdown, out-of-pocket repair costs ranged from \$50-\$620.<sup>17</sup>

To address the costs and delays associated with repairs, right-to-repair laws allow consumers to repair their own products instead of using the OEM for service. In general, right-to-repair laws include the tools, parts, software or instructions OEMs must provide to independent repairers and owners.<sup>18</sup>

### 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.<sup>19</sup> The FDUTPA is based on federal law.<sup>20</sup>

The Office of the State Attorney (SAO) or the Department of Legal Affairs (DLA) may bring FDUTPA actions, if it serves the public interest, on behalf of consumers or governmental entities.<sup>21</sup> The SAO may enforce FDUTPA

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Danielle M. Taylor, U.S. DEPT. OF COM., *Americans With Disabilities: 2014*, <https://www.census.gov/content/dam/Census/library/publications/2018/demo/p70-152.pdf> (last visited Dec. 1, 2025) (citing more than 5.5 million wheelchair users).

<sup>13</sup> Catherine A. Okoro, PhD, et al., Centers for Disease Control and Prevention, *Prevalence of Disabilities and Health Care Access by Disability Status and Type Among Adults — United States, 2016*, [https://www.cdc.gov/mmwr/volumes/67/wr/mm6732a3.htm?s\\_cid=mm6732a3\\_w](https://www.cdc.gov/mmwr/volumes/67/wr/mm6732a3.htm?s_cid=mm6732a3_w) (last visited Dec. 1, 2025).

<sup>14</sup> Stacker, 352today, *These are the most prevalent disabilities in Florida*, <https://352today.com/news/257752-these-are-the-most-prevalent-disabilities-in-florida/> (last visited Dec. 2, 2025).

<sup>15</sup> 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 Dec. 2, 2025).

<sup>16</sup> *Id.*

<sup>17</sup> Lisa I. Iezzoni, 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 Dec. 2, 2025).

<sup>18</sup> 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 Dec. 2, 2025).

<sup>19</sup> Chapter 73-124, L.O.F.; s. 501.202, F.S., F.S.

<sup>20</sup> 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). “With the federal Uniform Deceptive Trade Practices Act, as its model, the Florida Legislature enacted FDUTPA in 1973. The Legislature has amended FDUTPA several times during the intervening decades, ' however, and the Act is now unique in the extent to which it references federal consumer-protection law.”

<sup>21</sup> 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

violations occurring in its jurisdiction. The 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.<sup>22</sup> Consumers may also file suit through private actions.<sup>23</sup>

DLA and the SAO have powers to investigate FDUTPA claims, which include:<sup>24</sup>

- 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.<sup>25</sup>

### Trade Secrets

The Florida Uniform Trade Secrets Act (FUTSA) protects confidential business information that has economic value and is kept secret through reasonable efforts.<sup>26</sup> It prohibits the misappropriation<sup>27</sup> of trade secrets through improper means, such as theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means.<sup>28</sup> If a trade secret is misappropriated, the owner can seek remedies including injunctions<sup>29</sup> to stop the misuse, damages<sup>30</sup> to cover losses and unjust enrichment, and, in cases of willful and malicious misappropriation, exemplary damages.<sup>31</sup>

The FUTSA defines “trade secrets” as information, including a formula, pattern, compilation, program, device, method, technique, or process that:<sup>32</sup>

- Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

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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\\*](http://www.floridabar.org/divcom/jn/jnjournal01.nsf/c0d731e03de9828d852574580042ae7a/99aa165b7d8ac8a485256c8300791ec1!OpenDocument&Highlight=0,business.Division*) (last visited on Dec. 2, 2025).

<sup>22</sup> S. 501.203(2), F.S.

<sup>23</sup> S. 501.211, F.S.

<sup>24</sup> S. 501.206(1), F.S.

<sup>25</sup> Ss. 501.207, 501.208, 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.

<sup>26</sup> Ch. 688, F.S.

<sup>27</sup> S. 688.002(2), F.S.

<sup>28</sup> S. 688.002(1), F.S.

<sup>29</sup> S. 688.003, F.S.

<sup>30</sup> S. 688.004(1), F.S.

<sup>31</sup> S. 688.004(2), F.S.

<sup>32</sup> S. 688.002(4), F.S.

**RECENT LEGISLATION:**

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	<a href="#">HB 311</a> - Repair of Motorized Wheelchairs	Eskamani/ <i>Smith</i>	The bill passed the House but died in the Senate.

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Industries &amp; Professional Activities Subcommittee</a>	15 Y, 0 N, As CS	12/11/2025	Anstead	Thompson
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Added definitions for “embedded software,” “firmware,” “mobility device,” and “service.”</li> <li>Clarified that OEMs must make available “embedded software” and “firmware.”</li> <li>Clarified that OEMs make certain items available to independent repair providers “or” owners of such equipment.</li> </ul>			
<a href="#">Commerce Committee</a>				

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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