



608254

LEGISLATIVE ACTION

Senate	.	House
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05/06/2011 05:36 PM	.	
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The Conference Committee on SB 2122 recommended the following:

1           **Senate Conference Committee Amendment (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Subsection (2) of section 20.14, Florida  
7 Statutes, is amended to read:

8           20.14 Department of Agriculture and Consumer Services.—  
9 There is created a Department of Agriculture and Consumer  
10 Services.

11           (2) The following divisions of the Department of  
12 Agriculture and Consumer Services are established:

13           (a) Administration.



608254

- 14 (b) Agricultural Environmental Services.
- 15 (c) Animal Industry.
- 16 (d) Aquaculture.
- 17 (e) Consumer Services.
- 18 ~~(f) Dairy Industry.~~
- 19 (f) ~~(g)~~ Food Safety.
- 20 (g) ~~(h)~~ Florida Forest Service Forestry.
- 21 (h) ~~(i)~~ Fruit and Vegetables.
- 22 (i) ~~(j)~~ Licensing.
- 23 (j) ~~(k)~~ Marketing and Development.
- 24 (k) ~~(l)~~ Plant Industry.
- 25 (l) ~~(m)~~ Standards.

26 Section 2. Section 320.90, Florida Statutes, is amended to  
27 read:

28 320.90 Notification of consumer's rights.—The department  
29 shall develop a motor vehicle consumer's rights pamphlet which  
30 shall be distributed free of charge by the Department of Legal  
31 Affairs ~~Agriculture and Consumer Services~~ to the motor vehicle  
32 owner upon request. Such pamphlet must contain information  
33 relating to odometer fraud and provide a summary of the rights  
34 and remedies available to all purchasers of motor vehicles.

35 Section 3. Subsection (8) of section 501.160, Florida  
36 Statutes, is amended to read:

37 501.160 Rental or sale of essential commodities during a  
38 declared state of emergency; prohibition against unconscionable  
39 prices.—

40 (8) Any violation of this section may be enforced by ~~the~~  
41 ~~Department of Agriculture and Consumer Services,~~ the office of  
42 the state attorney, or the Department of Legal Affairs.



608254

43           Section 4. For the purpose of incorporating the amendment  
44 made by this act to section 570.29, Florida Statutes, in a  
45 reference thereto, section 570.18, Florida Statutes, is  
46 reenacted to read:

47           570.18 Organization of departmental work.—In the assignment  
48 of functions to the 12 divisions of the department created in s.  
49 570.29, the department shall retain within the Division of  
50 Administration, in addition to executive functions, those powers  
51 and duties enumerated in s. 570.30. The department shall  
52 organize the work of the other 11 divisions in such a way as to  
53 secure maximum efficiency in the conduct of the department. The  
54 divisions created in s. 570.29 are solely to make possible the  
55 definite placing of responsibility. The department shall be  
56 conducted as a unit in which every employee, including each  
57 division director, is assigned a definite workload, and there  
58 shall exist between division directors a spirit of cooperative  
59 effort to accomplish the work of the department.

60           Section 5. Subsection (2) of section 570.20, Florida  
61 Statutes, is amended to read:

62           570.20 General Inspection Trust Fund.—

63           (2) ~~For the 2010-2011 fiscal year only and Notwithstanding~~  
64 ~~any other provision of law to the contrary, in addition to the~~  
65 ~~spending authorized in subsection (1),~~ moneys in the General  
66 Inspection Trust Fund may be appropriated for programs operated  
67 by the department which are related to the programs authorized  
68 by this chapter in addition to the spending authorized in  
69 subsection (1). ~~This subsection expires July 1, 2011.~~

70           Section 6. Section 570.29, Florida Statutes, is amended to  
71 read:



608254

72           570.29 Departmental divisions.—The department shall include  
73 the following divisions:

- 74           (1) Administration.  
75           (2) Agricultural Environmental Services.  
76           (3) Animal Industry.  
77           (4) Aquaculture.  
78           (5) Consumer Services.  
79           ~~(6) Dairy Industry.~~  
80           (6)~~(7)~~ Food Safety.  
81           (7)~~(8)~~ Florida Forest Service Forestry.  
82           (8)~~(9)~~ Fruit and Vegetables.  
83           (9) Licensing.  
84           (10) Marketing and Development.  
85           (11) Plant Industry.  
86           (12) Standards.

87           Section 7. Sections 570.40 and 570.41, Florida Statutes,  
88 are repealed.

89           Section 8. Subsections (6) and (7) are added to section  
90 570.50, Florida Statutes, to read:

91           570.50 Division of Food Safety; powers and duties.—The  
92 duties of the Division of Food Safety include, but are not  
93 limited to:

94           (6) Inspecting dairy farms of the state and enforcing those  
95 provisions of chapter 502 as are authorized by the department  
96 relating to the supervision of milking operations and the rules  
97 adopted pursuant to such law.

98           (7) Inspecting milk plants, milk product plants, and plants  
99 engaged in the manufacture and distribution of frozen desserts  
100 and frozen dessert mixes; analyzing and testing samples of milk,



608254

101 milk products, frozen desserts, and frozen dessert mixes which  
102 are collected by the division; and enforcing those provisions of  
103 chapter 502 or chapter 503 as are authorized by the department.

104 Section 9. Section 570.548, Florida Statutes, is amended to  
105 read:

106 570.548 Florida Forest Service Division of Forestry; powers  
107 and duties.—The duties of the Florida Forest Service Division of  
108 ~~Forestry~~ include, but are not limited to, administering and  
109 enforcing those powers and responsibilities of the Florida  
110 Forest Service division prescribed in chapters 589, 590, and 591  
111 and the rules adopted pursuant thereto and in other forest fire,  
112 forest protection, and forest management laws of this state.

113 Section 10. Section 570.549, Florida Statutes, is amended  
114 to read:

115 570.549 Director; duties.—

116 (1) The director of the Florida Forest Service Division of  
117 ~~Forestry~~ shall be appointed by the commissioner and shall serve  
118 at the commissioner's pleasure.

119 (2) It shall be the duty of the director of the Florida  
120 Forest Service ~~this division~~ to direct and supervise the overall  
121 operation of the Florida Forest Service division and to exercise  
122 such other powers and duties as authorized by the department.

123 Section 11. Subsection (1) of section 570.903, Florida  
124 Statutes, is amended to read:

125 570.903 Direct-support organization.—

126 (1) When the Legislature authorizes the establishment of a  
127 direct-support organization to provide assistance for the  
128 museums, the Florida Agriculture in the Classroom Program, the  
129 Florida State Collection of Arthropods, the Friends of the



608254

130 Florida State Forests Program of the Florida Forest Service  
131 ~~Division of Forestry~~, and the Forestry Arson Alert Program, and  
132 other programs of the department, the following provisions shall  
133 govern the creation, use, powers, and duties of the direct-  
134 support organization.

135 (a) The department shall enter into a memorandum or letter  
136 of agreement with the direct-support organization, which shall  
137 specify the approval of the department, the powers and duties of  
138 the direct-support organization, and rules with which the  
139 direct-support organization shall comply.

140 (b) The department may permit, without charge, appropriate  
141 use of property, facilities, and personnel of the department by  
142 a direct-support organization, subject to the provisions of ss.  
143 570.902 and 570.903. The use shall be directly in keeping with  
144 the approved purposes of the direct-support organization and  
145 shall not be made at times or places that would unreasonably  
146 interfere with opportunities for the general public to use  
147 department facilities for established purposes.

148 (c) The department shall prescribe by contract or by rule  
149 conditions with which a direct-support organization shall comply  
150 in order to use property, facilities, or personnel of the  
151 department or museum. Such rules shall provide for budget and  
152 audit review and oversight by the department.

153 (d) The department shall not permit the use of property,  
154 facilities, or personnel of the museum, department, or  
155 designated program by a direct-support organization which does  
156 not provide equal employment opportunities to all persons  
157 regardless of race, color, religion, sex, age, or national  
158 origin.



608254

159           Section 12. The Division of Statutory Revision is requested  
160 to prepare a reviser's bill for introduction at a subsequent  
161 session of the Legislature which replaces all statutory  
162 references to the Division of Forestry with the term "Florida  
163 Forest Service."

164           Section 13. Subsection (1), paragraph (a) of subsection  
165 (2), and subsection (4) of section 601.04, Florida Statutes, are  
166 amended to read:

167           601.04 Florida Citrus Commission; creation and membership.—

168           (1) (a) There is ~~hereby~~ created and established within the  
169 Department of Citrus a board to be known and designated as the  
170 "Florida Citrus Commission" to be composed of nine ~~12~~ practical  
171 citrus fruit persons who are resident citizens of the state,  
172 each of whom is and has been actively engaged in growing,  
173 growing and shipping, or growing and processing of citrus fruit  
174 in the state for a period of at least 5 years immediately prior  
175 to appointment to the said commission and has, during said  
176 period, derived a major portion of her or his income therefrom  
177 or, during said time, has been the owner of, member of, officer  
178 of, or paid employee of a corporation, firm, or partnership  
179 which has, during said time, derived the major portion of its  
180 income from the growing, growing and shipping, or growing and  
181 processing of citrus fruit.

182           (b) Six ~~Seven~~ members of the commission shall be designated  
183 as grower members and shall be primarily engaged in the growing  
184 of citrus fruit as an individual owner; as the owner of, or as  
185 stockholder of, a corporation; or as a member of a firm or  
186 partnership primarily engaged in citrus growing. None of such  
187 members shall receive any compensation from any licensed citrus



608254

188 fruit dealer or handler, as defined in s. 601.03, other than  
189 gift fruit shippers, but any of the grower members shall not be  
190 disqualified as a member if, individually, or as the owner of, a  
191 member of, an officer of, or a stockholder of a corporation,  
192 firm, or partnership primarily engaged in citrus growing which  
193 processes, packs, and markets its own fruit and whose business  
194 is primarily not purchasing and handling fruit grown by others.  
195 Three ~~Five~~ members of the commission shall be designated as  
196 grower-handler members and shall be engaged as owners, or as  
197 paid officers or employees, of a corporation, firm, partnership,  
198 or other business unit engaged in handling citrus fruit. One ~~Two~~  
199 of such three ~~five~~ grower-handler members shall be primarily  
200 engaged in the fresh fruit business and two ~~three~~ of such three  
201 ~~five~~ grower-handler members shall be primarily engaged in the  
202 processing of citrus fruits.

203 (c) There shall be three members of the commission from  
204 each of the three ~~four~~ citrus districts. Each member must reside  
205 in the district from which she or he was appointed. For the  
206 purposes of this section, the residence of a member shall be the  
207 actual physical and permanent residence of the member.

208 (2) (a) The members of such commission shall possess the  
209 qualifications herein provided and shall be appointed by the  
210 Governor for terms of 3 years each. Appointments shall be made  
211 by February 1 preceding the commencement of the term and shall  
212 be subject to confirmation by the Senate in the following  
213 legislative session. Four members shall be appointed each year.  
214 Such members shall serve until their respective successors are  
215 appointed and qualified. The regular terms shall begin on June 1  
216 and shall end on May 31 of the third year after such





608254

217 appointment. Effective July 1, 2011, the terms of all members of  
218 the commission appointed on or before May 1, 2011, are  
219 terminated and the Governor shall appoint the members of the  
220 commission in accordance with the provisions of this act.

221 (4) It is the intent of the Legislature that the commission  
222 be redistricted every 5 years. Redistricting shall be based on  
223 the total boxes produced from each of the three ~~four~~ districts  
224 during that 5-year period.

225 Section 14. Section 601.09, Florida Statutes, is amended to  
226 read:

227 601.09 Citrus districts.—For purposes of this chapter, the  
228 state is divided into three ~~four~~ districts composed of ~~the~~  
229 ~~following~~ counties:

230 (1) Citrus District One: Levy, Alachua, Brevard, Putnam,  
231 St. Johns, St. Lucie, Flagler, Indian River, Marion, ~~Citrus~~,  
232 ~~Sumter~~, ~~Lake~~, Seminole, Orange, Okeechobee, ~~Hernando~~, ~~Pasco~~,  
233 ~~Pinellas~~, ~~Hillsborough~~, Polk, Volusia, and Osceola Counties.

234 (2) Citrus District Two: ~~Manatee~~, Hardee, DeSoto,  
235 Highlands, ~~Sarasota~~, ~~Charlotte~~, ~~Lee~~, ~~Collier~~, and Glades ~~Monroe~~  
236 Counties.

237 (3) Citrus District Three: Charlotte, Citrus, Collier,  
238 Hernando, Hendry, Hillsborough, Lake, Lee, Manatee, Monroe,  
239 ~~Volusia~~, ~~Brevard~~, ~~Indian River~~, ~~St. Lucie~~, ~~Martin~~, Pasco, Palm  
240 Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade  
241 Counties.

242 ~~(4) Citrus District Four: Highlands, Okeechobee, Glades,~~  
243 ~~and Hendry Counties.~~

244 Section 15. Subsection (3) of section 601.10, Florida  
245 Statutes, is amended to read:



608254

246           601.10 Powers of the Department of Citrus.—The Department  
247 of Citrus shall have and shall exercise such general and  
248 specific powers as are delegated to it by this chapter and other  
249 statutes of the state, which powers shall include, but shall not  
250 be confined to, the following:

251           (3) To employ and, at its pleasure, discharge an executive  
252 director, ~~a secretary, and such attorneys, clerks, and employees~~  
253 as it deems necessary and to outline his or her ~~their~~ powers and  
254 duties and fix his or her ~~their~~ compensation.

255           (a) The executive director of the department shall be  
256 appointed by a majority vote of the commission for a term of 4  
257 years, except for the initial term, and the executive director  
258 shall be subject to confirmation by the Senate in the  
259 legislative session following appointment.

260           1. The initial term of the executive director ends June 30,  
261 2011, and each subsequent 4-year term begins July 1, and shall  
262 be filled in the same manner as the original appointment.

263           2. A vacancy for the executive director shall be filled for  
264 the unexpired portion of the term in the same manner as the  
265 original appointment.

266           (b) The Department of Citrus may pay, or participate in the  
267 payment of, premiums for health, accident, and life insurance  
268 for its full-time employees, pursuant to such rules or  
269 regulations as it may adopt; and such payments shall be in  
270 addition to the regular salaries of such full-time employees.  
271 The payment of such or similar benefits to its employees in  
272 foreign countries, including, but not limited to, social  
273 security, retirement, and other similar fringe benefit costs,  
274 may be in accordance with laws in effect in the country of



608254

275 employment, except that no benefits will be payable to employees  
276 not authorized for other state employees, as provided in the  
277 Career Service System.

278 (c) Employees of the department shall work a 5-day, 40-hour  
279 week. Unless an employee is on approved leave, an employee's  
280 salary shall be decreased by 20 percent for each day not worked  
281 during the 5-day work week if the employee chooses to regularly  
282 work less than a 5-day work week.

283 Section 16. Paragraph (a) of subsection (3) of section  
284 601.15, Florida Statutes, is amended to read:

285 601.15 Advertising campaign; methods of conducting; excise  
286 tax; emergency reserve fund; citrus research.—

287 (3) (a) There is hereby levied and imposed upon each  
288 standard-packed box of citrus fruit grown and placed into the  
289 primary channel of trade in this state an excise tax at maximum  
290 annual rates for each citrus season as determined from the  
291 tables in this paragraph and based upon the previous season's  
292 actual statewide production as reported in the United States  
293 Department of Agriculture Citrus Crop Production Forecast as of  
294 June 1. The rates may be set at any lower rate in any year  
295 pursuant to paragraph (e).

296 1. The following maximum tax rates, expressed in cents per  
297 box, shall apply to grapefruit which enters the primary channel  
298 of trade for use in fresh form:

299

Previous season	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
crop size (millions of					



608254

boxes)

300						
301	80 and					
302	greater	33	34	35	36	37
303	75-79.99	35	36	37	38	39
304	70-74.99	37	38	39	41	42
305	65-69.99	40	41	42	44	45
306	60-64.99	43	44	46	47	49
307	55-59.99	47	48	50	51	53
308	50-54.99	51	53	55	56	58
309	45-49.99	57	59	60	62	64
310	40-44.99	63	65	67	69	71
311	Less than 40	72	74	76	79	81

312 However, effective July 1, 2011, the tax rate per box on  
313 grapefruit that enters the primary channel of trade for use in  
314 fresh form may not exceed the tax rate per box in effect on May  
315 1, 2011.



608254

316           2. The following maximum tax rates, expressed in cents per  
317 box, shall apply to grapefruit which enters the primary channel  
318 of trade for use in processed forms:  
319

319	Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
320						
321	80 and greater	23	24	25	25	26
322	75-79.99	25	25	26	27	28
323	70-74.99	26	27	28	29	30
324	65-69.99	28	29	30	31	32
325	60-64.99	31	32	32	33	34
326	55-59.99	33	34	35	36	37
327	50-54.99	36	38	39	40	41
328	45-49.99	40	41	43	44	45
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608254

330           40-44.99           45           46           48           49           51

331           Less than 40       51           53           54           56           57

332   However, effective July 1, 2011, the tax rate per box on  
 333   grapefruit that enters the primary channel of trade for use in  
 334   processed forms may not exceed the tax rate per box in effect on  
 335   May 1, 2011.

336           3. The following maximum tax rates, expressed in cents per  
 337   box, shall apply to oranges which enter the primary channel of  
 338   trade for use in fresh form:

339   Previous  
 season

crop size

(millions of	1995-	1996-	1997-	1998-	1999-2000 and
boxes)	1996	1997	1998	1999	thereafter

255 and					
greater	23	24	25	26	26

245-254.9	24	25	26	27	27
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235-244.9	25	26	27	28	28
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225-234.9	26	27	28	29	30
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608254

346	215-224.9	28	28	29	30	31
347	205-214.9	29	30	31	32	33
348	195-204.9	30	31	32	33	34
349	185-194.9	32	33	34	35	36
350	175-184.9	34	35	36	37	38
351	165-174.9	36	37	38	39	40
352	155-164.9	38	39	40	41	43
353	Less than 155	41	42	43	44	46

354 However, effective July 1, 2011, the tax rate per box on oranges  
 355 that enter the primary channel of trade for use in fresh form  
 356 may not exceed the tax rate per box in effect on May 1, 2011.

357 4. The following maximum tax rates, expressed in cents per  
 358 box, shall apply to oranges which enter the primary channel of  
 359 trade for use in processed form:

360 Previous  
 season

crop size

(millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
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608254

362	255 and greater	15	16	16	17	17
363	245-254.9	16	16	17	17	18
364	235-244.9	17	17	18	18	19
365	225-234.9	17	18	18	19	19
366	215-224.9	18	19	19	20	20
367	205-214.9	19	20	20	21	21
368	195-204.9	20	21	21	22	22
369	185-194.9	21	22	22	23	24
370	175-184.9	22	23	23	24	25
371	165-174.9	23	24	25	26	26
372	155-164.9	25	26	26	27	28
373	Less than 155	27	27	28	29	30

374  
375 However, effective July 1, 2011, the tax rate per box on oranges  
376 that enter the primary channel of trade for use in processed





608254

377 form may not exceed 25 cents per box.

378         5. The actual tax rate levied each year upon oranges which  
379 enter the primary channel of trade for use in processed form,  
380 pursuant to this paragraph, paragraph (e), and subsection (4),  
381 shall also apply in that year to tangerines and citrus hybrids  
382 regulated by the Department of Citrus which enter the primary  
383 channel of trade for use in processed form.

384         6. The following maximum tax rates, expressed in cents per  
385 box, shall apply to tangerines and citrus hybrids regulated by  
386 the Department of Citrus which enter the primary channel of  
387 trade for use in fresh form:

388

Previous  
season

crop size

(millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
------------------------	---------------	---------------	---------------	---------------	-----------------------------

389

390

13 and greater	24	24	25	26	27
-------------------	----	----	----	----	----

391

12 - 12.99	26	26	27	28	29
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392

11 - 11.99	28	29	30	30	31
------------	----	----	----	----	----

393

10 - 10.99	31	31	32	33	34
------------	----	----	----	----	----

394



608254

395 9 - 9.99 34 35 36 37 38

396 8 - 8.99 38 39 40 41 42

397 7 - 7.99 43 44 45 47 48

398 Less than 7 49 51 52 54 56

399 However, effective July 1, 2011, the tax rate per box on  
400 tangerines and citrus hybrids regulated by the Department of  
401 Citrus which enter the primary channel of trade for use in fresh  
402 form may not exceed the tax rate per box in effect on May 1,  
403 2011.

404 Section 17. Subsection (7) of section 681.102, Florida  
405 Statutes, is repealed.

406 Section 18. Subsections (2) and (3) of section 681.103,  
407 Florida Statutes, are amended to read:

408 681.103 Duty of manufacturer to conform a motor vehicle to  
409 the warranty.-

410 (2) Each manufacturer shall provide to its consumers  
411 conspicuous notice of the address and phone number for its zone,  
412 district, or regional office for this state in the written  
413 warranty or owner's manual. By January 1 of each year, each  
414 manufacturer shall forward to the department ~~of Legal Affairs~~ a  
415 copy of the owner's manual and any written warranty for each  
416 make and model of motor vehicle that it sells in this state.

417 (3) At the time of acquisition, the manufacturer shall  
418 inform the consumer clearly and conspicuously in writing how and  
419 where to file a claim with a certified procedure if such



608254

420 procedure has been established by the manufacturer pursuant to  
421 s. 681.108. The nameplate manufacturer of a recreational vehicle  
422 shall, at the time of vehicle acquisition, inform the consumer  
423 clearly and conspicuously in writing how and where to file a  
424 claim with a program pursuant to s. 681.1096. The manufacturer  
425 shall provide to the dealer and, at the time of acquisition, the  
426 dealer shall provide to the consumer a written statement that  
427 explains the consumer's rights under this chapter. The written  
428 statement shall be prepared by the department ~~of Legal Affairs~~  
429 and shall contain a toll-free number for the department which  
430 ~~division that~~ the consumer can contact to obtain information  
431 regarding the consumer's rights and obligations under this  
432 chapter or to commence arbitration. If the manufacturer obtains  
433 a signed receipt for timely delivery of sufficient quantities of  
434 this written statement to meet the dealer's vehicle sales  
435 requirements, it shall constitute prima facie evidence of  
436 compliance with this subsection by the manufacturer. The  
437 consumer's signed acknowledgment of receipt of materials  
438 required under this subsection shall constitute prima facie  
439 evidence of compliance by the manufacturer and dealer. The form  
440 of the acknowledgments shall be approved by the department ~~of~~  
441 ~~Legal Affairs~~, and the dealer shall maintain the consumer's  
442 signed acknowledgment for 3 years.

443 Section 19. Subsections (1), (2), (3), (4), (5), and (8) of  
444 section 681.108, Florida Statutes, are amended to read:

445 681.108 Dispute-settlement procedures.—

446 (1) If a manufacturer has established a procedure, which  
447 the department ~~division~~ has certified as substantially complying  
448 with the provisions of 16 C.F.R. part 703, in effect October 1,



608254

449 1983, and with the provisions of this chapter and the rules  
450 adopted under this chapter, and has informed the consumer how  
451 and where to file a claim with such procedure pursuant to s.  
452 681.103(3), the provisions of s. 681.104(2) apply to the  
453 consumer only if the consumer has first resorted to such  
454 procedure. The decisionmakers for a certified procedure shall,  
455 in rendering decisions, take into account all legal and  
456 equitable factors germane to a fair and just decision,  
457 including, but not limited to, the warranty; the rights and  
458 remedies conferred under 16 C.F.R. part 703, in effect October  
459 1, 1983; the provisions of this chapter; and any other equitable  
460 considerations appropriate under the circumstances.  
461 Decisionmakers and staff of a procedure shall be trained in the  
462 provisions of this chapter and in 16 C.F.R. part 703, in effect  
463 October 1, 1983. In an action brought by a consumer concerning  
464 an alleged nonconformity, the decision that results from a  
465 certified procedure is admissible in evidence.

466 (2) A manufacturer may apply to the department ~~division~~ for  
467 certification of its procedure. After receipt and evaluation of  
468 the application, the department ~~division~~ shall certify the  
469 procedure or notify the manufacturer of any deficiencies in the  
470 application or the procedure.

471 (3) A certified procedure or a procedure of an applicant  
472 seeking certification shall submit to the department ~~division~~ a  
473 copy of each settlement approved by the procedure or decision  
474 made by a decisionmaker within 30 days after the settlement is  
475 reached or the decision is rendered. The decision or settlement  
476 must contain at a minimum the:

477 (a) Name and address of the consumer;



608254

478 (b) Name of the manufacturer and address of the dealership  
479 from which the motor vehicle was purchased;

480 (c) Date the claim was received and the location of the  
481 procedure office that handled the claim;

482 (d) Relief requested by the consumer;

483 (e) Name of each decisionmaker rendering the decision or  
484 person approving the settlement;

485 (f) Statement of the terms of the settlement or decision;

486 (g) Date of the settlement or decision; and

487 (h) Statement of whether the decision was accepted or  
488 rejected by the consumer.

489 (4) Any manufacturer establishing or applying to establish  
490 a certified procedure must file with the department ~~division~~ a  
491 copy of the annual audit required under the provisions of 16  
492 C.F.R. part 703, in effect October 1, 1983, together with any  
493 additional information required for purposes of certification,  
494 including the number of refunds and replacements made in this  
495 state pursuant to the provisions of this chapter by the  
496 manufacturer during the period audited.

497 (5) The department ~~division~~ shall review each certified  
498 procedure at least annually, prepare an annual report evaluating  
499 the operation of certified procedures established by motor  
500 vehicle manufacturers and procedures of applicants seeking  
501 certification, and, for a period not to exceed 1 year, shall  
502 grant certification to, or renew certification for, those  
503 manufacturers whose procedures substantially comply with the  
504 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and  
505 with the provisions of this chapter and rules adopted under this  
506 chapter. If certification is revoked or denied, the department



608254

507 ~~division~~ shall state the reasons for such action. The reports  
508 and records of actions taken with respect to certification shall  
509 be public records.

510 (8) The department ~~division~~ shall adopt rules to implement  
511 this section.

512 Section 20. Subsections (1), (2), (3), (5), (6), and (7) of  
513 section 681.109, Florida Statutes, are amended to read:

514 681.109 Florida New Motor Vehicle Arbitration Board;  
515 dispute eligibility.—

516 (1) If a manufacturer has a certified procedure, a consumer  
517 claim arising during the Lemon Law rights period must be filed  
518 with the certified procedure no later than 60 days after the  
519 expiration of the Lemon Law rights period. If a decision is not  
520 rendered by the certified procedure within 40 days after ~~of~~  
521 filing, the consumer may apply to the department ~~division~~ to  
522 have the dispute removed to the board for arbitration.

523 (2) If a manufacturer has a certified procedure, a consumer  
524 claim arising during the Lemon Law rights period must be filed  
525 with the certified procedure no later than 60 days after the  
526 expiration of the Lemon Law rights period. If a consumer is not  
527 satisfied with the decision or the manufacturer's compliance  
528 therewith, the consumer may apply to the department ~~division~~ to  
529 have the dispute submitted to the board for arbitration. A  
530 manufacturer may not seek review of a decision made under its  
531 procedure.

532 (3) If a manufacturer has no certified procedure or if a  
533 certified procedure does not have jurisdiction to resolve the  
534 dispute, a consumer may apply directly to the department  
535 ~~division~~ to have the dispute submitted to the board for



608254

536 arbitration.

537 (5) The department ~~division~~ shall screen all requests for  
538 arbitration before the board to determine eligibility. The  
539 consumer's request for arbitration before the board shall be  
540 made on a form prescribed by the department. The department  
541 ~~division~~ shall forward to the board all disputes that the  
542 department ~~division~~ determines are potentially entitled to  
543 relief under this chapter.

544 (6) The department ~~division~~ may reject a dispute that it  
545 determines to be fraudulent or outside the scope of the board's  
546 authority. Any dispute deemed by the department ~~division~~ to be  
547 ineligible for arbitration by the board due to insufficient  
548 evidence may be reconsidered upon the submission of new  
549 information regarding the dispute. Following a second review,  
550 the department ~~division~~ may reject a dispute if the evidence is  
551 clearly insufficient to qualify for relief. If a ~~Any~~ dispute is  
552 rejected by the department, the department shall send ~~division~~  
553 ~~shall be forwarded to the department and a copy shall be sent by~~  
554 registered mail to the consumer and the manufacturer, ~~containing~~  
555 a brief explanation as to the reason for rejection.

556 (7) If the department ~~division~~ rejects a dispute, the  
557 consumer may file a lawsuit to enforce the remedies provided  
558 under this chapter. In any civil action arising under this  
559 chapter and relating to a matter considered by the department  
560 ~~division~~, any determination made to reject a dispute is  
561 admissible in evidence.

562 Section 21. Subsections (1) through (6) and subsection (11)  
563 of section 681.1095, Florida Statutes, are amended to read:

564 681.1095 Florida New Motor Vehicle Arbitration Board;



608254

565 creation and function.-

566 (1) There is established within the department ~~of Legal~~  
567 ~~Affairs~~, the Florida New Motor Vehicle Arbitration Board,  
568 consisting of members appointed by the Attorney General for an  
569 initial term of 1 year. Board members may be reappointed for  
570 additional terms of 2 years. Each board member is accountable to  
571 the Attorney General for the performance of the member's duties  
572 and is exempt from civil liability for any act or omission that  
573 ~~which~~ occurs while acting in the member's official capacity. The  
574 department ~~of Legal Affairs~~ shall defend a member in any action  
575 against the member or the board which arises from any such act  
576 or omission. The Attorney General may establish as many regions  
577 of the board as necessary to carry out the provisions of this  
578 chapter.

579 (2) The boards shall hear cases in various locations  
580 throughout the state so any consumer whose dispute is approved  
581 for arbitration by the department ~~division~~ may attend an  
582 arbitration hearing at a reasonably convenient location and  
583 present a dispute orally. Hearings shall be conducted by panels  
584 of three board members assigned by the department. A majority  
585 vote of the three-member board panel shall be required to render  
586 a decision. Arbitration proceedings under this section shall be  
587 open to the public on reasonable and nondiscriminatory terms.

588 (3) Each region of the board shall consist of up to eight  
589 members. The members of the board shall construe and apply the  
590 provisions of this chapter, and rules adopted thereunder, in  
591 making their decisions. An administrator and a secretary shall  
592 be assigned to each board by the department ~~of Legal Affairs~~. At  
593 least one member of each board must be a person with expertise





608254

594 in motor vehicle mechanics. A member must not be employed by a  
595 manufacturer or a franchised motor vehicle dealer or be a staff  
596 member, a decisionmaker, or a consultant for a procedure. Board  
597 members shall be trained in the application of this chapter and  
598 any rules adopted under this chapter, shall be reimbursed for  
599 travel expenses pursuant to s. 112.061, and shall be compensated  
600 at a rate or wage prescribed by the Attorney General.

601 (4) Before filing a civil action on a matter subject to s.  
602 681.104, the consumer must first submit the dispute to the  
603 department ~~division~~, and to the board if such dispute is deemed  
604 eligible for arbitration.

605 (5) Manufacturers shall submit to arbitration conducted by  
606 the board if such arbitration is requested by a consumer and the  
607 dispute is deemed eligible for arbitration by the department  
608 ~~division~~ pursuant to s. 681.109.

609 (6) The board shall hear the dispute within 40 days and  
610 render a decision within 60 days after the date the request for  
611 arbitration is approved. The board may continue the hearing on  
612 its own motion or upon the request of a party for good cause  
613 shown. A request for continuance by the consumer constitutes  
614 waiver of the time periods set forth in this subsection. The  
615 department ~~of Legal Affairs~~, at the board's request, may  
616 investigate disputes, and may issue subpoenas for the attendance  
617 of witnesses and for the production of records, documents, and  
618 other evidence before the board. The failure of the board to  
619 hear a dispute or render a decision within the prescribed  
620 periods does not invalidate the decision.

621 (11) All provisions in this section and s. 681.109  
622 pertaining to compulsory arbitration before the board, the



608254

623 dispute eligibility screening by the department ~~division~~, the  
624 proceedings and decisions of the board, and any appeals thereof,  
625 are exempt from the provisions of chapter 120.

626 Section 22. Subsections (2) and (4) of section 681.1096,  
627 Florida Statutes, are amended to read:

628 681.1096 RV Mediation and Arbitration Program; creation and  
629 qualifications.-

630 (2) Each manufacturer of a recreational vehicle involved in  
631 a dispute that is determined eligible under this chapter,  
632 including chassis and component manufacturers which separately  
633 warrant the chassis and components and which otherwise meet the  
634 definition of manufacturer set forth in s. 681.102(13)  
635 ~~681.102(14)~~, shall participate in a mediation and arbitration  
636 program that is deemed qualified by the department.

637 (4) The department shall monitor the program for compliance  
638 with this chapter. If the program is determined not qualified or  
639 if qualification is revoked, then disputes shall be subject to  
640 the provisions of ss. 681.109 and 681.1095. If the program is  
641 determined not qualified or if qualification is revoked as to a  
642 manufacturer, all those manufacturers potentially involved in  
643 the eligible consumer dispute shall be required to submit to  
644 arbitration conducted by the board if such arbitration is  
645 requested by a consumer and the dispute is deemed eligible for  
646 arbitration by the department ~~division~~ pursuant to s. 681.109. A  
647 consumer having a dispute involving one or more manufacturers  
648 for which the program has been determined not qualified, or for  
649 which qualification has been revoked, is not required to submit  
650 the dispute to the program irrespective of whether the program  
651 may be qualified as to some of the manufacturers potentially



608254

652 involved in the dispute.

653 Section 23. Section 681.110, Florida Statutes, is amended  
654 to read:

655 681.110 Compliance and disciplinary actions.—The department  
656 ~~of Legal Affairs~~ may enforce and ensure compliance with the  
657 provisions of this chapter and rules adopted thereunder, may  
658 issue subpoenas requiring the attendance of witnesses and  
659 production of evidence, and may seek relief in the circuit court  
660 to compel compliance with such subpoenas. The department ~~of~~  
661 ~~Legal Affairs~~ may impose a civil penalty against a manufacturer  
662 not to exceed \$1,000 for each count or separate offense. The  
663 proceeds from the fine imposed herein shall be placed in the  
664 Motor Vehicle Warranty Trust Fund in the department ~~Department~~  
665 ~~of Legal Affairs~~ for implementation and enforcement of this  
666 chapter.

667 Section 24. Subsection (2) of section 681.112, Florida  
668 Statutes, is amended to read:

669 681.112 Consumer remedies.—

670 (2) An action brought under this chapter must be commenced  
671 within 1 year after the expiration of the Lemon Law rights  
672 period, or, if a consumer resorts to an informal dispute-  
673 settlement procedure or submits a dispute to the department  
674 ~~division~~ or board, within 1 year after the final action of the  
675 procedure, department ~~division~~, or board.

676 Section 25. Subsection (2) of section 681.114, Florida  
677 Statutes, is amended to read:

678 681.114 Resale of returned vehicles.—

679 (2) A person shall not knowingly lease, sell at wholesale  
680 or retail, or transfer a title to a motor vehicle returned by



608254

681 reason of a settlement, determination, or decision pursuant to  
682 this chapter or similar statute of another state unless the  
683 nature of the nonconformity is clearly and conspicuously  
684 disclosed to the prospective transferee, lessee, or buyer, and  
685 the manufacturer warrants to correct such nonconformity for a  
686 term of 1 year or 12,000 miles, whichever occurs first. The  
687 department ~~of Legal Affairs~~ shall prescribe by rule the form,  
688 content, and procedure pertaining to such disclosure statement.

689 Section 26. Subsection (1) of section 681.117, Florida  
690 Statutes, is amended to read:

691 681.117 Fee.—

692 (1) A \$2 fee shall be collected by a motor vehicle dealer,  
693 or by a person engaged in the business of leasing motor  
694 vehicles, from the consumer at the consummation of the sale of a  
695 motor vehicle or at the time of entry into a lease agreement for  
696 a motor vehicle. Such fees shall be remitted to the county tax  
697 collector or private tag agency acting as agent for the  
698 Department of Revenue. If the purchaser or lessee removes the  
699 motor vehicle from the state for titling and registration  
700 outside this state, the fee shall be remitted to the Department  
701 of Revenue. All fees, less the cost of administration, shall be  
702 transferred monthly to the department ~~of Legal Affairs~~ for  
703 deposit into the Motor Vehicle Warranty Trust Fund. ~~The~~  
704 ~~Department of Legal Affairs shall distribute monthly an amount~~  
705 ~~not exceeding one-fourth of the fees received to the Division of~~  
706 ~~Consumer Services of the Department of Agriculture and Consumer~~  
707 ~~Services to carry out the provisions of ss. 681.108 and 681.109.~~  
708 ~~The Department of Legal Affairs shall contract with the Division~~  
709 ~~of Consumer Services for payment of services performed by the~~



608254

710 ~~division pursuant to ss. 681.108 and 681.109.~~

711 Section 27. Section 681.118, Florida Statutes, is amended  
712 to read:

713 681.118 Rulemaking authority.—The department ~~of Legal~~  
714 ~~Affairs~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54  
715 to implement the provisions of this chapter.

716 Section 28. This act shall take effect upon becoming a law.

717  
718 ===== T I T L E A M E N D M E N T =====

719 And the title is amended as follows:

720 Delete everything before the enacting clause  
721 and insert:

722 A bill to be entitled  
723 An act relating to state government operations;  
724 amending s. 20.14, F.S.; removing the Division of  
725 Dairy Industry within the department; changing the  
726 name of the Division of Forestry to the Florida Forest  
727 Service; amending s. 320.90, F.S.; requiring the  
728 Department of Legal Affairs, rather than the  
729 Department of Agriculture and Consumer Services, to  
730 distribute free of charge a motor vehicle consumer's  
731 rights pamphlet; amending s. 501.160, F.S.; providing  
732 for the state attorneys and the Department of Legal  
733 Affairs, rather than the Department of Agriculture and  
734 Consumer Services, to enforce the law prohibiting  
735 price gouging; reenacting s. 570.18, F.S., relating to  
736 the organization of the Department of Agriculture and  
737 Consumer Services, to incorporate the amendment made  
738 to s. 570.29, F.S., in a reference thereto; amending



608254

739 s. 570.20, F.S.; removing the time limitations on  
740 provisions authorizing moneys in the General  
741 Inspection Trust Fund to be used for programs operated  
742 by the Department of Agriculture and Consumer  
743 Services; amending s. 570.29, F.S.; removing the  
744 Division of Dairy Industry within the department, to  
745 conform to changes made by the act; changing the name  
746 of the Division of Forestry to the Florida Forest  
747 Service; adding the Division of Licensing as a  
748 division within the department; repealing ss. 570.40  
749 and 570.41, F.S., relating to the powers and duties of  
750 the Division of Dairy Industry; amending s. 570.50,  
751 F.S.; adding the inspection of dairy farms, milk  
752 plants, and milk product plants and other specified  
753 functions to the duties of the Division of Food Safety  
754 within the department; amending ss. 570.548, 570.549,  
755 and 570.903, F.S.; conforming references to changes  
756 made by the act; requesting the Division of Statutory  
757 Revision to prepare a reviser's bill making conforming  
758 statutory changes; amending s. 601.04, F.S.; revising  
759 the number of members on the Florida Citrus  
760 Commission; providing for the termination of the terms  
761 of members appointed before a specified date and for  
762 appointment of members by the Governor; amending s.  
763 601.09, F.S.; revising the composition of the citrus  
764 districts; amending s. 601.10, F.S.; providing for the  
765 appointment of an executive director of the Department  
766 of Citrus and for confirmation by the Senate;  
767 providing a term of office; specifying the work week



608254

768 for employees of the Department of Citrus; providing  
769 for a reduction in salary for an employee who chooses  
770 to work less than the required weekly period; amending  
771 s. 601.15, F.S., relating to an excise tax levied and  
772 imposed upon each standard-packed box of citrus fruit  
773 grown and placed into the primary channel of trade;  
774 providing for certain tax rates to be levied;  
775 repealing s. 681.102(7), F.S., relating to the  
776 definition of the term "division"; amending ss.  
777 681.103, 681.108, 681.109, 681.1095, 681.1096,  
778 681.110, 681.112, 681.114, 681.117, and 681.118, F.S.;  
779 providing for the Department of Legal Affairs, rather  
780 than the Division of Consumer Services of the  
781 Department of Agriculture and Consumer Services, to  
782 enforce the state Lemon Law; consolidating enforcement  
783 duties under the Motor Vehicle Warranty Enforcement  
784 Act within the Department of Legal Affairs; conforming  
785 provisions to changes made by the act; providing an  
786 effective date.