

20112122er

1
2 An act relating to state government operations;
3 amending s. 20.14, F.S.; removing the Division of
4 Dairy Industry within the department; changing the
5 name of the Division of Forestry to the Florida Forest
6 Service; amending s. 320.90, F.S.; requiring the
7 Department of Legal Affairs, rather than the
8 Department of Agriculture and Consumer Services, to
9 distribute free of charge a motor vehicle consumer's
10 rights pamphlet; amending s. 501.160, F.S.; providing
11 for the state attorneys and the Department of Legal
12 Affairs, rather than the Department of Agriculture and
13 Consumer Services, to enforce the law prohibiting
14 price gouging; reenacting s. 570.18, F.S., relating to
15 the organization of the Department of Agriculture and
16 Consumer Services, to incorporate the amendment made
17 to s. 570.29, F.S., in a reference thereto; amending
18 s. 570.20, F.S.; removing the time limitations on
19 provisions authorizing moneys in the General
20 Inspection Trust Fund to be used for programs operated
21 by the Department of Agriculture and Consumer
22 Services; amending s. 570.29, F.S.; removing the
23 Division of Dairy Industry within the department, to
24 conform to changes made by the act; changing the name
25 of the Division of Forestry to the Florida Forest
26 Service; adding the Division of Licensing as a
27 division within the department; repealing ss. 570.40
28 and 570.41, F.S., relating to the powers and duties of
29 the Division of Dairy Industry; amending s. 570.50,

20112122er

30 F.S.; adding the inspection of dairy farms, milk
31 plants, and milk product plants and other specified
32 functions to the duties of the Division of Food Safety
33 within the department; amending ss. 570.548, 570.549,
34 and 570.903, F.S.; conforming references to changes
35 made by the act; requesting the Division of Statutory
36 Revision to prepare a reviser's bill making conforming
37 statutory changes; amending s. 601.04, F.S.; revising
38 the number of members on the Florida Citrus
39 Commission; providing for the termination of the terms
40 of members appointed before a specified date and for
41 appointment of members by the Governor; amending s.
42 601.09, F.S.; revising the composition of the citrus
43 districts; amending s. 601.10, F.S.; providing for the
44 appointment of an executive director of the Department
45 of Citrus and for confirmation by the Senate;
46 providing a term of office; specifying the work week
47 for employees of the Department of Citrus; providing
48 for a reduction in salary for an employee who chooses
49 to work less than the required weekly period; amending
50 s. 601.15, F.S., relating to an excise tax levied and
51 imposed upon each standard-packed box of citrus fruit
52 grown and placed into the primary channel of trade;
53 providing for certain tax rates to be levied;
54 repealing s. 681.102(7), F.S., relating to the
55 definition of the term "division"; amending ss.
56 681.103, 681.108, 681.109, 681.1095, 681.1096,
57 681.110, 681.112, 681.114, 681.117, and 681.118, F.S.;
58 providing for the Department of Legal Affairs, rather

20112122er

59 than the Division of Consumer Services of the
60 Department of Agriculture and Consumer Services, to
61 enforce the state Lemon Law; consolidating enforcement
62 duties under the Motor Vehicle Warranty Enforcement
63 Act within the Department of Legal Affairs; conforming
64 provisions to changes made by the act; providing an
65 effective date.

66

67 Be It Enacted by the Legislature of the State of Florida:

68

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

71 20.14 Department of Agriculture and Consumer Services.—
72 There is created a Department of Agriculture and Consumer
73 Services.

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

- 76 (a) Administration.
77 (b) Agricultural Environmental Services.
78 (c) Animal Industry.
79 (d) Aquaculture.
80 (e) Consumer Services.
81 ~~(f) Dairy Industry.~~
82 (f) ~~(g)~~ Food Safety.
83 (g) ~~(h)~~ Florida Forest Service Forestry.
84 (h) ~~(i)~~ Fruit and Vegetables.
85 (i) ~~(j)~~ Licensing.
86 (j) ~~(k)~~ Marketing and Development.
87 (k) ~~(l)~~ Plant Industry.

20112122er

88 (1)~~(m)~~ Standards.

89 Section 2. Section 320.90, Florida Statutes, is amended to
90 read:

91 320.90 Notification of consumer's rights.—The department
92 shall develop a motor vehicle consumer's rights pamphlet which
93 shall be distributed free of charge by the Department of Legal
94 Affairs ~~Agriculture and Consumer Services~~ to the motor vehicle
95 owner upon request. Such pamphlet must contain information
96 relating to odometer fraud and provide a summary of the rights
97 and remedies available to all purchasers of motor vehicles.

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

100 501.160 Rental or sale of essential commodities during a
101 declared state of emergency; prohibition against unconscionable
102 prices.—

103 (8) Any violation of this section may be enforced by ~~the~~
104 ~~Department of Agriculture and Consumer Services~~, the office of
105 the state attorney~~7~~ or the Department of Legal Affairs.

106 Section 4. For the purpose of incorporating the amendment
107 made by this act to section 570.29, Florida Statutes, in a
108 reference thereto, section 570.18, Florida Statutes, is
109 reenacted to read:

110 570.18 Organization of departmental work.—In the assignment
111 of functions to the 12 divisions of the department created in s.
112 570.29, the department shall retain within the Division of
113 Administration, in addition to executive functions, those powers
114 and duties enumerated in s. 570.30. The department shall
115 organize the work of the other 11 divisions in such a way as to
116 secure maximum efficiency in the conduct of the department. The

20112122er

117 divisions created in s. 570.29 are solely to make possible the
118 definite placing of responsibility. The department shall be
119 conducted as a unit in which every employee, including each
120 division director, is assigned a definite workload, and there
121 shall exist between division directors a spirit of cooperative
122 effort to accomplish the work of the department.

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

125 570.20 General Inspection Trust Fund.—

126 (2) ~~For the 2010-2011 fiscal year only and Notwithstanding~~
127 ~~any other provision of law to the contrary, in addition to the~~
128 ~~spending authorized in subsection (1),~~ moneys in the General
129 Inspection Trust Fund may be appropriated for programs operated
130 by the department which are related to the programs authorized
131 by this chapter in addition to the spending authorized in
132 subsection (1). ~~This subsection expires July 1, 2011.~~

133 Section 6. Section 570.29, Florida Statutes, is amended to
134 read:

135 570.29 Departmental divisions.—The department shall include
136 the following divisions:

- 137 (1) Administration.
138 (2) Agricultural Environmental Services.
139 (3) Animal Industry.
140 (4) Aquaculture.
141 (5) Consumer Services.
142 ~~(6) Dairy Industry.~~
143 (6)(7) Food Safety.
144 (7)(8) Florida Forest Service Forestry.
145 (8)(9) Fruit and Vegetables.

20112122er

- 146 (9) Licensing.
147 (10) Marketing and Development.
148 (11) Plant Industry.
149 (12) Standards.

150 Section 7. Sections 570.40 and 570.41, Florida Statutes,
151 are repealed.

152 Section 8. Subsections (6) and (7) are added to section
153 570.50, Florida Statutes, to read:

154 570.50 Division of Food Safety; powers and duties.—The
155 duties of the Division of Food Safety include, but are not
156 limited to:

157 (6) Inspecting dairy farms of the state and enforcing those
158 provisions of chapter 502 as are authorized by the department
159 relating to the supervision of milking operations and the rules
160 adopted pursuant to such law.

161 (7) Inspecting milk plants, milk product plants, and plants
162 engaged in the manufacture and distribution of frozen desserts
163 and frozen dessert mixes; analyzing and testing samples of milk,
164 milk products, frozen desserts, and frozen dessert mixes which
165 are collected by the division; and enforcing those provisions of
166 chapter 502 or chapter 503 as are authorized by the department.

167 Section 9. Section 570.548, Florida Statutes, is amended to
168 read:

169 570.548 Florida Forest Service ~~Division of Forestry~~; powers
170 and duties.—The duties of the Florida Forest Service ~~Division of~~
171 ~~Forestry~~ include, but are not limited to, administering and
172 enforcing those powers and responsibilities of the Florida
173 Forest Service ~~division~~ prescribed in chapters 589, 590, and 591
174 and the rules adopted pursuant thereto and in other forest fire,

20112122er

175 forest protection, and forest management laws of this state.

176 Section 10. Section 570.549, Florida Statutes, is amended
177 to read:

178 570.549 Director; duties.—

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

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

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

188 570.903 Direct-support organization.—

189 (1) When the Legislature authorizes the establishment of a
190 direct-support organization to provide assistance for the
191 museums, the Florida Agriculture in the Classroom Program, the
192 Florida State Collection of Arthropods, the Friends of the
193 Florida State Forests Program of the Florida Forest Service
194 ~~Division of Forestry~~, and the Forestry Arson Alert Program, and
195 other programs of the department, the following provisions shall
196 govern the creation, use, powers, and duties of the direct-
197 support organization.

198 (a) The department shall enter into a memorandum or letter
199 of agreement with the direct-support organization, which shall
200 specify the approval of the department, the powers and duties of
201 the direct-support organization, and rules with which the
202 direct-support organization shall comply.

203 (b) The department may permit, without charge, appropriate

20112122er

204 use of property, facilities, and personnel of the department by
205 a direct-support organization, subject to the provisions of ss.
206 570.902 and 570.903. The use shall be directly in keeping with
207 the approved purposes of the direct-support organization and
208 shall not be made at times or places that would unreasonably
209 interfere with opportunities for the general public to use
210 department facilities for established purposes.

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

216 (d) The department shall not permit the use of property,
217 facilities, or personnel of the museum, department, or
218 designated program by a direct-support organization which does
219 not provide equal employment opportunities to all persons
220 regardless of race, color, religion, sex, age, or national
221 origin.

222 Section 12. The Division of Statutory Revision is requested
223 to prepare a reviser's bill for introduction at a subsequent
224 session of the Legislature which replaces all statutory
225 references to the Division of Forestry with the term "Florida
226 Forest Service."

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

230 601.04 Florida Citrus Commission; creation and membership.—

231 (1) (a) There is ~~hereby~~ created and established within the
232 Department of Citrus a board to be known and designated as the

20112122er

233 "Florida Citrus Commission" to be composed of nine ~~12~~ practical
234 citrus fruit persons who are resident citizens of the state,
235 each of whom is and has been actively engaged in growing,
236 growing and shipping, or growing and processing of citrus fruit
237 in the state for a period of at least 5 years immediately prior
238 to appointment to the said commission and has, during said
239 period, derived a major portion of her or his income therefrom
240 or, during said time, has been the owner of, member of, officer
241 of, or paid employee of a corporation, firm, or partnership
242 which has, during said time, derived the major portion of its
243 income from the growing, growing and shipping, or growing and
244 processing of citrus fruit.

245 (b) Six ~~Seven~~ members of the commission shall be designated
246 as grower members and shall be primarily engaged in the growing
247 of citrus fruit as an individual owner; as the owner of, or as
248 stockholder of, a corporation; or as a member of a firm or
249 partnership primarily engaged in citrus growing. None of such
250 members shall receive any compensation from any licensed citrus
251 fruit dealer or handler, as defined in s. 601.03, other than
252 gift fruit shippers, but any of the grower members shall not be
253 disqualified as a member if, individually, or as the owner of, a
254 member of, an officer of, or a stockholder of a corporation,
255 firm, or partnership primarily engaged in citrus growing which
256 processes, packs, and markets its own fruit and whose business
257 is primarily not purchasing and handling fruit grown by others.
258 Three ~~Five~~ members of the commission shall be designated as
259 grower-handler members and shall be engaged as owners, or as
260 paid officers or employees, of a corporation, firm, partnership,
261 or other business unit engaged in handling citrus fruit. One ~~Two~~

20112122er

262 of such three ~~five~~ grower-handler members shall be primarily
263 engaged in the fresh fruit business and two ~~three~~ of such three
264 ~~five~~ grower-handler members shall be primarily engaged in the
265 processing of citrus fruits.

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

271 (2) (a) The members of such commission shall possess the
272 qualifications herein provided and shall be appointed by the
273 Governor for terms of 3 years each. Appointments shall be made
274 by February 1 preceding the commencement of the term and shall
275 be subject to confirmation by the Senate in the following
276 legislative session. Four members shall be appointed each year.
277 Such members shall serve until their respective successors are
278 appointed and qualified. The regular terms shall begin on June 1
279 and shall end on May 31 of the third year after such
280 appointment. Effective July 1, 2011, the terms of all members of
281 the commission appointed on or before May 1, 2011, are
282 terminated and the Governor shall appoint the members of the
283 commission in accordance with the provisions of this act.

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

288 Section 14. Section 601.09, Florida Statutes, is amended to
289 read:

290 601.09 Citrus districts.—For purposes of this chapter, the

20112122er

291 state is divided into three ~~four~~ districts composed of ~~the~~
292 ~~following~~ counties:

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

297 (2) Citrus District Two: ~~Manatee~~, Hardee, DeSoto,
298 Highlands, ~~Sarasota~~, ~~Charlotte~~, ~~Lee~~, ~~Collier~~, and Glades Monroe
299 Counties.

300 (3) Citrus District Three: Charlotte, Citrus, Collier,
301 Hernando, Hendry, Hillsborough, Lake, Lee, Manatee, Monroe,
302 Volusia, ~~Brevard~~, ~~Indian River~~, ~~St. Lucie~~, Martin, Pasco, Palm
303 Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade
304 Counties.

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

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

309 601.10 Powers of the Department of Citrus.—The Department
310 of Citrus shall have and shall exercise such general and
311 specific powers as are delegated to it by this chapter and other
312 statutes of the state, which powers shall include, but shall not
313 be confined to, the following:

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

318 (a) The executive director of the department shall be
319 appointed by a majority vote of the commission for a term of 4

20112122er

320 years, except for the initial term, and the executive director
321 shall be subject to confirmation by the Senate in the
322 legislative session following appointment.

323 1. The initial term of the executive director ends June 30,
324 2011, and each subsequent 4-year term begins July 1, and shall
325 be filled in the same manner as the original appointment.

326 2. A vacancy for the executive director shall be filled for
327 the unexpired portion of the term in the same manner as the
328 original appointment.

329 (b) The Department of Citrus may pay, or participate in the
330 payment of, premiums for health, accident, and life insurance
331 for its full-time employees, pursuant to such rules or
332 regulations as it may adopt; and such payments shall be in
333 addition to the regular salaries of such full-time employees.
334 The payment of such or similar benefits to its employees in
335 foreign countries, including, but not limited to, social
336 security, retirement, and other similar fringe benefit costs,
337 may be in accordance with laws in effect in the country of
338 employment, except that no benefits will be payable to employees
339 not authorized for other state employees, as provided in the
340 Career Service System.

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

346 Section 16. Paragraph (a) of subsection (3) of section
347 601.15, Florida Statutes, is amended to read:

348 601.15 Advertising campaign; methods of conducting; excise

20112122er

349 tax; emergency reserve fund; citrus research.—

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

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

362

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
363 80 and greater	33	34	35	36	37
364 75-79.99	35	36	37	38	39
365 70-74.99	37	38	39	41	42
366 65-69.99	40	41	42	44	45

20112122er

367	60-64.99	43	44	46	47	49
368	55-59.99	47	48	50	51	53
369	50-54.99	51	53	55	56	58
370	45-49.99	57	59	60	62	64
371	40-44.99	63	65	67	69	71
372	Less than 40	72	74	76	79	81

373
374 However, effective July 1, 2011, the tax rate per box on
375 grapefruit that enters the primary channel of trade for use in
376 fresh form may not exceed the tax rate per box in effect on May
377 1, 2011.

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

381	Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
382	80 and	23	24	25	25	26

20112122er

383	greater					
	75-79.99	25	25	26	27	28
384						
	70-74.99	26	27	28	29	30
385						
	65-69.99	28	29	30	31	32
386						
	60-64.99	31	32	32	33	34
387						
	55-59.99	33	34	35	36	37
388						
	50-54.99	36	38	39	40	41
389						
	45-49.99	40	41	43	44	45
390						
	40-44.99	45	46	48	49	51
391						
	Less than 40	51	53	54	56	57

392

393 However, effective July 1, 2011, the tax rate per box on
394 grapefruit that enters the primary channel of trade for use in
395 processed forms may not exceed the tax rate per box in effect on
396 May 1, 2011.

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

400

	Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	20112122er 1999-2000 and thereafter
401	255 and greater	23	24	25	26	26
402	245-254.9	24	25	26	27	27
403	235-244.9	25	26	27	28	28
404	225-234.9	26	27	28	29	30
405	215-224.9	28	28	29	30	31
406	205-214.9	29	30	31	32	33
407	195-204.9	30	31	32	33	34
408	185-194.9	32	33	34	35	36
409	175-184.9	34	35	36	37	38
410	165-174.9	36	37	38	39	40
411	155-164.9	38	39	40	41	43
412						

20112122er

Less than 155 41 42 43 44 46

413
414
415
416
417
418
419
420
421
422
423
424
425
426
427

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

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

Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000 and thereafter
255 and greater	15	16	16	17	17
245-254.9	16	16	17	17	18
235-244.9	17	17	18	18	19
225-234.9	17	18	18	19	19
215-224.9	18	19	19	20	20
205-214.9	19	20	20	21	21

						20112122er
428	195-204.9	20	21	21	22	22
429	185-194.9	21	22	22	23	24
430	175-184.9	22	23	23	24	25
431	165-174.9	23	24	25	26	26
432	155-164.9	25	26	26	27	28
433	Less than 155	27	27	28	29	30
434	<u>However, effective July 1, 2011, the tax rate per box on oranges</u>					
435	<u>that enter the primary channel of trade for use in processed</u>					
436	<u>form may not exceed 25 cents per box.</u>					
437	5. The actual tax rate levied each year upon oranges which					
438	enter the primary channel of trade for use in processed form,					
439	pursuant to this paragraph, paragraph (e), and subsection (4),					
440	shall also apply in that year to tangerines and citrus hybrids					
441	regulated by the Department of Citrus which enter the primary					
442	channel of trade for use in processed form.					
443	6. The following maximum tax rates, expressed in cents per					
444	box, shall apply to tangerines and citrus hybrids regulated by					
445	the Department of Citrus which enter the primary channel of					
446	trade for use in fresh form:					
447	Previous	1995-	1996-	1997-	1998-	1999-2000 and
	season	1996	1997	1998	1999	thereafter

20112122er

crop size
(millions of
boxes)

448	13 and greater	24	24	25	26	27
449	12 - 12.99	26	26	27	28	29
450	11 - 11.99	28	29	30	30	31
451	10 - 10.99	31	31	32	33	34
452	9 - 9.99	34	35	36	37	38
453	8 - 8.99	38	39	40	41	42
454	7 - 7.99	43	44	45	47	48
455	Less than 7	49	51	52	54	56

456
457 However, effective July 1, 2011, the tax rate per box on
458 tangerines and citrus hybrids regulated by the Department of
459 Citrus which enter the primary channel of trade for use in fresh
460 form may not exceed the tax rate per box in effect on May 1,
461 2011.

462 Section 17. Subsection (7) of section 681.102, Florida
463 Statutes, is repealed.

464 Section 18. Subsections (2) and (3) of section 681.103,

20112122er

465 Florida Statutes, are amended to read:

466 681.103 Duty of manufacturer to conform a motor vehicle to
467 the warranty.—

468 (2) Each manufacturer shall provide to its consumers
469 conspicuous notice of the address and phone number for its zone,
470 district, or regional office for this state in the written
471 warranty or owner's manual. By January 1 of each year, each
472 manufacturer shall forward to the department ~~of Legal Affairs~~ a
473 copy of the owner's manual and any written warranty for each
474 make and model of motor vehicle that it sells in this state.

475 (3) At the time of acquisition, the manufacturer shall
476 inform the consumer clearly and conspicuously in writing how and
477 where to file a claim with a certified procedure if such
478 procedure has been established by the manufacturer pursuant to
479 s. 681.108. The nameplate manufacturer of a recreational vehicle
480 shall, at the time of vehicle acquisition, inform the consumer
481 clearly and conspicuously in writing how and where to file a
482 claim with a program pursuant to s. 681.1096. The manufacturer
483 shall provide to the dealer and, at the time of acquisition, the
484 dealer shall provide to the consumer a written statement that
485 explains the consumer's rights under this chapter. The written
486 statement shall be prepared by the department ~~of Legal Affairs~~
487 and shall contain a toll-free number for the department which
488 ~~division that~~ the consumer can contact to obtain information
489 regarding the consumer's rights and obligations under this
490 chapter or to commence arbitration. If the manufacturer obtains
491 a signed receipt for timely delivery of sufficient quantities of
492 this written statement to meet the dealer's vehicle sales
493 requirements, it shall constitute prima facie evidence of

20112122er

494 compliance with this subsection by the manufacturer. The
495 consumer's signed acknowledgment of receipt of materials
496 required under this subsection shall constitute prima facie
497 evidence of compliance by the manufacturer and dealer. The form
498 of the acknowledgments shall be approved by the department ~~of~~
499 ~~Legal Affairs~~, and the dealer shall maintain the consumer's
500 signed acknowledgment for 3 years.

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

503 681.108 Dispute-settlement procedures.—

504 (1) If a manufacturer has established a procedure, which
505 the department ~~division~~ has certified as substantially complying
506 with the provisions of 16 C.F.R. part 703, in effect October 1,
507 1983, and with the provisions of this chapter and the rules
508 adopted under this chapter, and has informed the consumer how
509 and where to file a claim with such procedure pursuant to s.
510 681.103(3), the provisions of s. 681.104(2) apply to the
511 consumer only if the consumer has first resorted to such
512 procedure. The decisionmakers for a certified procedure shall,
513 in rendering decisions, take into account all legal and
514 equitable factors germane to a fair and just decision,
515 including, but not limited to, the warranty; the rights and
516 remedies conferred under 16 C.F.R. part 703, in effect October
517 1, 1983; the provisions of this chapter; and any other equitable
518 considerations appropriate under the circumstances.

519 Decisionmakers and staff of a procedure shall be trained in the
520 provisions of this chapter and in 16 C.F.R. part 703, in effect
521 October 1, 1983. In an action brought by a consumer concerning
522 an alleged nonconformity, the decision that results from a

20112122er

523 certified procedure is admissible in evidence.

524 (2) A manufacturer may apply to the department ~~division~~ for
525 certification of its procedure. After receipt and evaluation of
526 the application, the department ~~division~~ shall certify the
527 procedure or notify the manufacturer of any deficiencies in the
528 application or the procedure.

529 (3) A certified procedure or a procedure of an applicant
530 seeking certification shall submit to the department ~~division~~ a
531 copy of each settlement approved by the procedure or decision
532 made by a decisionmaker within 30 days after the settlement is
533 reached or the decision is rendered. The decision or settlement
534 must contain at a minimum the:

535 (a) Name and address of the consumer;

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

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

540 (d) Relief requested by the consumer;

541 (e) Name of each decisionmaker rendering the decision or
542 person approving the settlement;

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

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

545 (h) Statement of whether the decision was accepted or
546 rejected by the consumer.

547 (4) Any manufacturer establishing or applying to establish
548 a certified procedure must file with the department ~~division~~ a
549 copy of the annual audit required under the provisions of 16
550 C.F.R. part 703, in effect October 1, 1983, together with any
551 additional information required for purposes of certification,

20112122er

552 including the number of refunds and replacements made in this
553 state pursuant to the provisions of this chapter by the
554 manufacturer during the period audited.

555 (5) The department ~~division~~ shall review each certified
556 procedure at least annually, prepare an annual report evaluating
557 the operation of certified procedures established by motor
558 vehicle manufacturers and procedures of applicants seeking
559 certification, and, for a period not to exceed 1 year, shall
560 grant certification to, or renew certification for, those
561 manufacturers whose procedures substantially comply with the
562 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and
563 with the provisions of this chapter and rules adopted under this
564 chapter. If certification is revoked or denied, the department
565 ~~division~~ shall state the reasons for such action. The reports
566 and records of actions taken with respect to certification shall
567 be public records.

568 (8) The department ~~division~~ shall adopt rules to implement
569 this section.

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

572 681.109 Florida New Motor Vehicle Arbitration Board;
573 dispute eligibility.-

574 (1) If a manufacturer has a certified procedure, a consumer
575 claim arising during the Lemon Law rights period must be filed
576 with the certified procedure no later than 60 days after the
577 expiration of the Lemon Law rights period. If a decision is not
578 rendered by the certified procedure within 40 days after ~~of~~
579 filing, the consumer may apply to the department ~~division~~ to
580 have the dispute removed to the board for arbitration.

20112122er

581 (2) If a manufacturer has a certified procedure, a consumer
582 claim arising during the Lemon Law rights period must be filed
583 with the certified procedure no later than 60 days after the
584 expiration of the Lemon Law rights period. If a consumer is not
585 satisfied with the decision or the manufacturer's compliance
586 therewith, the consumer may apply to the department ~~division~~ to
587 have the dispute submitted to the board for arbitration. A
588 manufacturer may not seek review of a decision made under its
589 procedure.

590 (3) If a manufacturer has no certified procedure or if a
591 certified procedure does not have jurisdiction to resolve the
592 dispute, a consumer may apply directly to the department
593 ~~division~~ to have the dispute submitted to the board for
594 arbitration.

595 (5) The department ~~division~~ shall screen all requests for
596 arbitration before the board to determine eligibility. The
597 consumer's request for arbitration before the board shall be
598 made on a form prescribed by the department. The department
599 ~~division~~ shall forward to the board all disputes that the
600 department ~~division~~ determines are potentially entitled to
601 relief under this chapter.

602 (6) The department ~~division~~ may reject a dispute that it
603 determines to be fraudulent or outside the scope of the board's
604 authority. Any dispute deemed by the department ~~division~~ to be
605 ineligible for arbitration by the board due to insufficient
606 evidence may be reconsidered upon the submission of new
607 information regarding the dispute. Following a second review,
608 the department ~~division~~ may reject a dispute if the evidence is
609 clearly insufficient to qualify for relief. If a ~~Any~~ dispute is

20112122er

610 rejected by the department, the department shall send ~~division~~
611 ~~shall be forwarded to the department and a copy shall be sent by~~
612 registered mail to the consumer and the manufacturer, ~~containing~~
613 a brief explanation as to the reason for rejection.

614 (7) If the department ~~division~~ rejects a dispute, the
615 consumer may file a lawsuit to enforce the remedies provided
616 under this chapter. In any civil action arising under this
617 chapter and relating to a matter considered by the department
618 ~~division~~, any determination made to reject a dispute is
619 admissible in evidence.

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

622 681.1095 Florida New Motor Vehicle Arbitration Board;
623 creation and function.—

624 (1) There is established within the department ~~of Legal~~
625 ~~Affairs~~, the Florida New Motor Vehicle Arbitration Board,
626 consisting of members appointed by the Attorney General for an
627 initial term of 1 year. Board members may be reappointed for
628 additional terms of 2 years. Each board member is accountable to
629 the Attorney General for the performance of the member's duties
630 and is exempt from civil liability for any act or omission that
631 ~~which~~ occurs while acting in the member's official capacity. The
632 department ~~of Legal Affairs~~ shall defend a member in any action
633 against the member or the board which arises from any such act
634 or omission. The Attorney General may establish as many regions
635 of the board as necessary to carry out the provisions of this
636 chapter.

637 (2) The boards shall hear cases in various locations
638 throughout the state so any consumer whose dispute is approved

20112122er

639 for arbitration by the department ~~division~~ may attend an
640 arbitration hearing at a reasonably convenient location and
641 present a dispute orally. Hearings shall be conducted by panels
642 of three board members assigned by the department. A majority
643 vote of the three-member board panel shall be required to render
644 a decision. Arbitration proceedings under this section shall be
645 open to the public on reasonable and nondiscriminatory terms.

646 (3) Each region of the board shall consist of up to eight
647 members. The members of the board shall construe and apply the
648 provisions of this chapter, and rules adopted thereunder, in
649 making their decisions. An administrator and a secretary shall
650 be assigned to each board by the department ~~of Legal Affairs~~. At
651 least one member of each board must be a person with expertise
652 in motor vehicle mechanics. A member must not be employed by a
653 manufacturer or a franchised motor vehicle dealer or be a staff
654 member, a decisionmaker, or a consultant for a procedure. Board
655 members shall be trained in the application of this chapter and
656 any rules adopted under this chapter, shall be reimbursed for
657 travel expenses pursuant to s. 112.061, and shall be compensated
658 at a rate or wage prescribed by the Attorney General.

659 (4) Before filing a civil action on a matter subject to s.
660 681.104, the consumer must first submit the dispute to the
661 department ~~division~~, and to the board if such dispute is deemed
662 eligible for arbitration.

663 (5) Manufacturers shall submit to arbitration conducted by
664 the board if such arbitration is requested by a consumer and the
665 dispute is deemed eligible for arbitration by the department
666 ~~division~~ pursuant to s. 681.109.

667 (6) The board shall hear the dispute within 40 days and

20112122er

668 render a decision within 60 days after the date the request for
669 arbitration is approved. The board may continue the hearing on
670 its own motion or upon the request of a party for good cause
671 shown. A request for continuance by the consumer constitutes
672 waiver of the time periods set forth in this subsection. The
673 department ~~of Legal Affairs~~, at the board's request, may
674 investigate disputes, and may issue subpoenas for the attendance
675 of witnesses and for the production of records, documents, and
676 other evidence before the board. The failure of the board to
677 hear a dispute or render a decision within the prescribed
678 periods does not invalidate the decision.

679 (11) All provisions in this section and s. 681.109
680 pertaining to compulsory arbitration before the board, the
681 dispute eligibility screening by the department ~~division~~, the
682 proceedings and decisions of the board, and any appeals thereof,
683 are exempt from the provisions of chapter 120.

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

686 681.1096 RV Mediation and Arbitration Program; creation and
687 qualifications.—

688 (2) Each manufacturer of a recreational vehicle involved in
689 a dispute that is determined eligible under this chapter,
690 including chassis and component manufacturers which separately
691 warrant the chassis and components and which otherwise meet the
692 definition of manufacturer set forth in s. 681.102(13)
693 ~~681.102(14)~~, shall participate in a mediation and arbitration
694 program that is deemed qualified by the department.

695 (4) The department shall monitor the program for compliance
696 with this chapter. If the program is determined not qualified or

20112122er

697 if qualification is revoked, then disputes shall be subject to
698 the provisions of ss. 681.109 and 681.1095. If the program is
699 determined not qualified or if qualification is revoked as to a
700 manufacturer, all those manufacturers potentially involved in
701 the eligible consumer dispute shall be required to submit to
702 arbitration conducted by the board if such arbitration is
703 requested by a consumer and the dispute is deemed eligible for
704 arbitration by the department ~~division~~ pursuant to s. 681.109. A
705 consumer having a dispute involving one or more manufacturers
706 for which the program has been determined not qualified, or for
707 which qualification has been revoked, is not required to submit
708 the dispute to the program irrespective of whether the program
709 may be qualified as to some of the manufacturers potentially
710 involved in the dispute.

711 Section 23. Section 681.110, Florida Statutes, is amended
712 to read:

713 681.110 Compliance and disciplinary actions.—The department
714 ~~of Legal Affairs~~ may enforce and ensure compliance with the
715 provisions of this chapter and rules adopted thereunder, may
716 issue subpoenas requiring the attendance of witnesses and
717 production of evidence, and may seek relief in the circuit court
718 to compel compliance with such subpoenas. The department ~~of~~
719 ~~Legal Affairs~~ may impose a civil penalty against a manufacturer
720 not to exceed \$1,000 for each count or separate offense. The
721 proceeds from the fine imposed herein shall be placed in the
722 Motor Vehicle Warranty Trust Fund in the department ~~Department~~
723 ~~of Legal Affairs~~ for implementation and enforcement of this
724 chapter.

725 Section 24. Subsection (2) of section 681.112, Florida

20112122er

726 Statutes, is amended to read:

727 681.112 Consumer remedies.—

728 (2) An action brought under this chapter must be commenced
729 within 1 year after the expiration of the Lemon Law rights
730 period, or, if a consumer resorts to an informal dispute-
731 settlement procedure or submits a dispute to the department
732 ~~division~~ or board, within 1 year after the final action of the
733 procedure, department ~~division~~, or board.

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

736 681.114 Resale of returned vehicles.—

737 (2) A person shall not knowingly lease, sell at wholesale
738 or retail, or transfer a title to a motor vehicle returned by
739 reason of a settlement, determination, or decision pursuant to
740 this chapter or similar statute of another state unless the
741 nature of the nonconformity is clearly and conspicuously
742 disclosed to the prospective transferee, lessee, or buyer, and
743 the manufacturer warrants to correct such nonconformity for a
744 term of 1 year or 12,000 miles, whichever occurs first. The
745 department ~~of Legal Affairs~~ shall prescribe by rule the form,
746 content, and procedure pertaining to such disclosure statement.

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

749 681.117 Fee.—

750 (1) A \$2 fee shall be collected by a motor vehicle dealer,
751 or by a person engaged in the business of leasing motor
752 vehicles, from the consumer at the consummation of the sale of a
753 motor vehicle or at the time of entry into a lease agreement for
754 a motor vehicle. Such fees shall be remitted to the county tax

20112122er

755 collector or private tag agency acting as agent for the
756 Department of Revenue. If the purchaser or lessee removes the
757 motor vehicle from the state for titling and registration
758 outside this state, the fee shall be remitted to the Department
759 of Revenue. All fees, less the cost of administration, shall be
760 transferred monthly to the department ~~of Legal Affairs~~ for
761 deposit into the Motor Vehicle Warranty Trust Fund. ~~The~~
762 ~~Department of Legal Affairs shall distribute monthly an amount~~
763 ~~not exceeding one-fourth of the fees received to the Division of~~
764 ~~Consumer Services of the Department of Agriculture and Consumer~~
765 ~~Services to carry out the provisions of ss. 681.108 and 681.109.~~
766 ~~The Department of Legal Affairs shall contract with the Division~~
767 ~~of Consumer Services for payment of services performed by the~~
768 ~~division pursuant to ss. 681.108 and 681.109.~~

769 Section 27. Section 681.118, Florida Statutes, is amended
770 to read:

771 681.118 Rulemaking authority.—The department ~~of Legal~~
772 ~~Affairs~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54
773 to implement the provisions of this chapter.

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