

1 A bill to be entitled
2 An act relating to the Motor Vehicle Warranty
3 Enforcement Act; amending s. 681.103, F.S.;
4 requiring that certain information relating to
5 filing a claim with a mediation and arbitration
6 program be provided by the nameplate
7 manufacturer to the consumer; amending s.
8 681.1096, F.S.; postponing termination of the
9 mediation and arbitration pilot program;
10 amending s. 681.1097, F.S.; providing for
11 screening of claims by the program; providing
12 an effective date.

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

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16 Section 1. Subsection (3) of section 681.103, Florida
17 Statutes, is amended to read:

18 681.103 Duty of manufacturer to conform a motor
19 vehicle to the warranty.--

20 (3) At the time of acquisition, the manufacturer shall
21 inform the consumer clearly and conspicuously in writing how
22 and where to file a claim with a certified procedure if such
23 procedure has been established by the manufacturer pursuant to
24 s. 681.108. The nameplate manufacturer of a recreational
25 vehicle shall, at the time of vehicle acquisition, inform the
26 consumer clearly and conspicuously in writing how and where to
27 file a claim with a program pursuant to s. 681.1096.The
28 manufacturer shall provide to the dealer and, at the time of
29 acquisition, the dealer shall provide to the consumer a
30 written statement that explains the consumer's rights under
31 this chapter. The written statement shall be prepared by the

1 Department of Legal Affairs and shall contain a toll-free
2 number for the division that the consumer can contact to
3 obtain information regarding the consumer's rights and
4 obligations under this chapter or to commence arbitration. If
5 the manufacturer obtains a signed receipt for timely delivery
6 of sufficient quantities of this written statement to meet the
7 dealer's vehicle sales requirements, it shall constitute prima
8 facie evidence of compliance with this subsection by the
9 manufacturer. The consumer's signed acknowledgment of receipt
10 of materials required under this subsection shall constitute
11 prima facie evidence of compliance by the manufacturer and
12 dealer. The form of the acknowledgments shall be approved by
13 the Department of Legal Affairs, and the dealer shall maintain
14 the consumer's signed acknowledgment for 3 years.

15 Section 2. Subsection (1) of section 681.1096, Florida
16 Statutes, is amended to read:

17 681.1096 Pilot RV Mediation and Arbitration Program;
18 creation and qualifications.--

19 (1) This section and s. 681.1097 shall apply to
20 disputes determined eligible under this chapter involving
21 recreational vehicles acquired on or after October 1, 1997,
22 and shall remain in effect until September 30, 2006 ~~2002~~, at
23 which time recreational vehicle disputes shall be subject to
24 the provisions of ss. 681.109 and 681.1095. The Attorney
25 General shall report to the President of the Senate, the
26 Speaker of the House of Representatives, the Minority Leader
27 of each house of the Legislature, and appropriate legislative
28 committees regarding the effectiveness of the pilot program.

29 Section 3. Paragraph (e) is added to subsection (3) of
30 section 681.1097, Florida Statutes, and paragraph (a) of
31 subsection (4) of said section is amended, to read:

1 681.1097 Pilot RV Mediation and Arbitration Program;
2 dispute eligibility and program function.--

3 (3) The consumer's application for participation in
4 the program must be on a form prescribed or approved by the
5 department. The department shall screen all applications to
6 participate in the program to determine eligibility. The
7 department shall forward to the program administrator all
8 applications the department determines are potentially
9 entitled to relief under this chapter.

10 (e) The department may delegate responsibility for the
11 screening of claims to the program, in which event claims
12 filed with the department shall be forwarded to the program
13 administrator and the provisions of this section shall apply
14 to claims screened by the program.

15 (4) Mediation shall be mandatory for both the consumer
16 and manufacturer, unless the dispute is settled prior to the
17 scheduled mediation conference. The mediation conference shall
18 be confidential and inadmissible in any subsequent adversarial
19 proceedings. Participation shall be limited to the parties
20 directly involved in the dispute and their attorneys, if any.
21 All manufacturers shall be represented by persons with
22 settlement authority.

23 (a) Upon receipt of an eligible application ~~from the~~
24 ~~department~~, the program administrator shall notify the
25 consumer and all involved manufacturers in writing that an
26 eligible application has been received. Such notification
27 shall include a statement that a mediation conference will be
28 scheduled, shall identify the assigned mediator, and provide
29 information regarding the program's procedures. The program
30 administrator shall provide all involved manufacturers with a
31 copy of the completed application.

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Section 4. This act shall take effect July 1, 2002.