

By the Committee on Commerce and Consumer Services; and
Senator Carlton

577-1751-05

1 A bill to be entitled
2 An act relating to the recreational vehicles;
3 amending s. 479.261, F.S.; requiring the
4 Department of Transportation to incorporate
5 certain markers on logo signs for certain
6 establishments; requiring the department to
7 adopt rules regarding the incorporation of
8 those markers; amending s. 681.1096, F.S.;
9 eliminating future termination of the program;
10 revising requirements for program certification
11 to ensure neutrality of dispute resolution;
12 providing guidelines for the training of
13 arbitrators and mediators; providing that the
14 program must complete all mediation and
15 arbitration within 70 days after receipt of the
16 consumer's claim; requiring the program to
17 gather and make available all documents
18 relevant to a dispute; providing consumer
19 exemption from mediation when at least one
20 manufacturer does not qualify for the program;
21 authorizing the Department of Legal Affairs to
22 revoke the qualification of a noncompliant
23 program; providing for notice to programs and
24 manufacturers not in compliance, for
25 opportunity to correct deficiencies, and for
26 administrative hearings; requiring the program
27 to maintain dispute records; creating an annual
28 reporting requirement; providing the program
29 with rulemaking authority to implement
30 provisions of this section; amending s.
31 681.1097, F.S.; providing and revising dispute

1 resolution guidelines for consumers of
2 recreational vehicles; requiring consumers to
3 submit their dispute to the program; providing
4 that the claim is considered filed when it is
5 date-stamped as received by the program;
6 requiring the consumer's application form to be
7 prescribed by the program; requiring the
8 program administrator to screen all
9 applications to determine eligibility;
10 requiring the program administrator to provide
11 notice of rejected applications; providing for
12 mandatory mediation and the expansion of the
13 scope of mediation at the consent of the
14 parties; providing guidelines for mediation
15 proceedings; requiring written response of
16 manufacturers to consumer allegations; removing
17 requirement that the program administrator
18 notify the department of the mediation outcome;
19 extending the deadline for consumer
20 notification to the program administrator of a
21 manufacturer's failure in comply with a
22 mediation decision; revising guidelines for
23 arbitration proceedings; providing that
24 technical rules of evidence do not apply to
25 arbitration proceedings; providing for the
26 expansion of the scope of arbitration at the
27 consent of the parties; requiring the
28 arbitrator's decision to consider all legal and
29 equitable factors; providing consumers with
30 means for civil enforcement of an award;
31 extending the deadline for consumer

1 notification to the program administrator of a
2 manufacturer's failure in comply with an
3 arbitration decision; providing that the
4 arbitrator's decision is admissible as evidence
5 in certain civil actions; providing an
6 effective date.

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

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10 Section 1. Subsection (1) of section 479.261, Florida
11 Statutes, is amended to read:

12 479.261 Logo sign program.--

13 (1) The department shall establish a logo sign program
14 for the rights-of-way of the interstate highway system to
15 provide information to motorists about available gas, food,
16 lodging, and camping services at interchanges, through the use
17 of business logos, and may include additional interchanges
18 under the program. A logo sign for nearby attractions may be
19 added to this program if allowed by federal rules.

20 (a) An attraction as used in this chapter is defined
21 as an establishment, site, facility, or landmark which is open
22 a minimum of 5 days a week for 52 weeks a year; which charges
23 an admission for entry; which has as its principal focus
24 family-oriented entertainment, cultural, educational,
25 recreational, scientific, or historical activities; and which
26 is publicly recognized as a bona fide tourist attraction.
27 However, the permits for businesses seeking to participate in
28 the attractions logo sign program shall be awarded by the
29 department annually to the highest bidders, notwithstanding
30 the limitation on fees in subsection (5), which are qualified
31 for available space at each qualified location, but the fees

1 therefor may not be less than the fees established for logo
2 participants in other logo categories.

3 (b) The department shall incorporate the use of RV
4 friendly markers on specific information logo signs for
5 establishments that cater to the needs of persons driving
6 recreational vehicles. Establishments that qualify for
7 participation in the specific information logo program and
8 that also qualify as "RV friendly" may request the RV friendly
9 marker on their specific information logo sign. An RV friendly
10 marker is a bright yellow circle with a crescent smile under
11 the letters "RV." The department shall adopt rules in
12 accordance with chapter 120 to administer this paragraph,
13 including rules setting forth the minimum requirements that
14 establishments must meet in order to qualify as RV friendly.
15 These requirements shall include large parking spaces,
16 entrances, and exits that can easily accommodate recreational
17 vehicles and facilities having appropriate overhead
18 clearances, if applicable.

19 Section 2. Section 681.1096, Florida Statutes, is
20 amended to read:

21 681.1096 ~~Pilot~~ RV Mediation and Arbitration Program;
22 creation and qualifications.--

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

3 (2) Each manufacturer of a recreational vehicle
4 involved in a dispute that is determined eligible under this
5 chapter, including chassis and component manufacturers which
6 separately warrant the chassis and components and which
7 otherwise meet the definition of manufacturer set forth in s.
8 681.102(14), shall participate in a mediation and arbitration
9 program that is deemed qualified by the department.

10 (3) In order to be deemed qualified by the department,
11 the mediation and arbitration program must, at a minimum, meet
12 the following requirements:

13 (a) The program must be administered by an
14 administrator and staff that are ~~is~~ sufficiently insulated
15 from the manufacturer to ensure impartial mediation and
16 arbitration services and to ensure that a manufacturer does
17 not make decisions as to whether a consumer's dispute proceeds
18 to mediation or arbitration.

19 (b) Program administration fees must be timely paid by
20 the manufacturer, and no such fees shall be charged to a
21 consumer.

22 (c) The program must be competently and adequately
23 funded and staffed at a level sufficient to ensure the
24 provision of fair and expeditious dispute resolution services.

25 (d) Program mediators and arbitrators must be
26 sufficiently insulated from a manufacturer to ensure the
27 provision of impartial mediation and arbitration of disputes.

28 (e) Program mediators and arbitrators shall not be
29 employed by a manufacturer or a motor vehicle dealer.

30 (f) Program mediators must complete a Florida Supreme
31 Court certified circuit or county mediation training program.

1 or other mediation training program approved by the
2 department, ~~in addition to a minimum of one half day of~~
3 ~~training on this chapter conducted by the department.~~

4 (g) Program mediators must comply with the Model
5 Standards of Conduct for Mediators issued by the American
6 Arbitration Association, the Dispute Resolution Section of the
7 American Bar Association, and the Society of Professionals in
8 Dispute Resolution.

9 (h) Program arbitrators must complete a Florida
10 Supreme Court certified circuit or county arbitration program,
11 or other arbitration training program approved by the
12 department, ~~in addition to a minimum of 1 day of training in~~
13 ~~the application of this chapter and any rules adopted~~
14 ~~thereunder conducted by the department.~~

15 (i) Program arbitrators must comply with the Code of
16 Ethics for Arbitrators in Commercial Disputes published by the
17 American Arbitration Association and the American Bar
18 Association in 1977 and as amended.

19 (j) The program must ensure that the mediators and
20 arbitrators are sufficiently trained in the program rules and
21 procedures and in the provisions of this chapter at least
22 every other year and as a precondition to serving in the
23 program. The program shall monitor the performance of the
24 mediators and arbitrators to ensure that they are performing
25 competently and impartially and are complying with all program
26 rules and procedures and the provisions of this chapter.
27 ~~Program arbitrators must construe and apply the provisions of~~
28 ~~this chapter and rules adopted thereunder in making decisions.~~

29 (k) The program must complete all mediation and
30 arbitration of an eligible consumer claim within 70 days of
31 the program administrator's receipt of the claim from a

1 ~~consumer the department.~~ Failure of the program to complete
2 all proceedings within the prescribed period will not
3 invalidate any settlement agreement or arbitration decision.
4 The program shall gather all documents from the parties to a
5 dispute that are necessary to a full consideration of the
6 dispute, including, but not limited to, a statement of the
7 respective complaints, positions, and desired resolution by
8 the consumer and each manufacturer. Copies of documents
9 submitted to the program shall be provided to all parties
10 involved in the dispute, the assigned mediator, and the
11 assigned arbitrator.

12 (1) Mediation conferences and arbitration proceedings
13 must be held at reasonably convenient locations within the
14 state so as to enable a consumer to attend and present a
15 dispute orally.

16 (4) The department shall monitor the program for
17 compliance with this chapter. If the program is determined not
18 qualified or if qualification is revoked, then disputes shall
19 be subject to the provisions of ss. 681.109 and 681.1095. If
20 the program is determined not qualified or if qualification is
21 revoked as to a manufacturer, all those manufacturers
22 potentially involved in the eligible consumer dispute ~~the~~
23 involved manufacturer shall be required to submit to
24 arbitration conducted by the board if such arbitration is
25 requested by a consumer and the dispute is deemed eligible for
26 arbitration by the division pursuant to s. 681.109. A consumer
27 having a dispute involving one or more manufacturers for which
28 the program has been determined not qualified, or for which
29 qualification has been revoked, is not required to submit the
30 dispute to the program irrespective of whether the program may
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1 be qualified as to some of the manufacturers potentially
2 involved in the dispute.

3 (5) A program failing to meet the requirements of this
4 section, s. 681.1097, and the rules adopted thereunder by the
5 department may not be qualified by the department. The
6 department may revoke the qualification of a program for
7 failure to maintain compliance with the requirements of this
8 section, s. 681.1097, and the rules adopted thereunder by the
9 department. The department may revoke the qualification of a
10 program as to one or more participating manufacturers for
11 conduct to be specified by the department by rule pursuant to
12 ss. 120.536(1) and 120.54.

13 (6)(5) If a program is determined not qualified or if
14 qualification is revoked, or if program qualification is
15 revoked as to a particular manufacturer, the program
16 administrator and the involved manufacturer, if any, shall be
17 notified by the department of any deficiencies in the program
18 or, in the case of a manufacturer, notified of the
19 manufacturer's conduct in violation of this chapter or the
20 rules adopted thereunder by the department, shall be given an
21 opportunity to correct such deficiencies, except as set forth
22 by the department by rule, and shall be informed that it is
23 entitled to a hearing pursuant to chapter 120.

24 (7)(6) The program administrator, mediators, and
25 arbitrators are exempt from civil liability arising from any
26 act or omission in connection with any mediation or
27 arbitration conducted under this chapter.

28 (8)(7) The program administrator shall maintain
29 records of each dispute submitted to the program, including
30 the recordings of arbitration hearings. Such records shall be
31 maintained in a manner separate from other unrelated records

1 of the program. All records maintained by the program under
2 this chapter shall be public records and shall be available
3 for inspection by the department upon reasonable notice. The
4 program shall retain all records for each dispute for at least
5 5 years after the final disposition of the dispute. The
6 program shall furnish the department with copies of all
7 settlement agreements and decisions within 30 days after the
8 date of such settlements and decisions. The records for
9 ~~disputes closed as of September 30 of each year shall be~~
10 ~~turned over to the department by the program administrator by~~
11 ~~no later than October 30 of the same year, unless a later date~~
12 ~~is specified by the department.~~

13 (9) The program shall provide the department with
14 quarterly and annual reports containing such information as
15 the department shall by rule prescribe.

16 ~~(10)(8)~~ The department shall ~~have the authority to~~
17 adopt ~~reasonable~~ rules pursuant to ss. 120.536(1) and 120.54
18 to implement ~~carry out~~ the provisions of this section.

19 Section 3. Section 681.1097, Florida Statutes, is
20 amended to read:

21 681.1097 ~~Pilot~~ RV Mediation and Arbitration Program;
22 dispute eligibility and program function.--

23 (1) Before filing a civil action on a matter subject
24 to s. 681.104, a consumer who acquires a recreational vehicle
25 must first submit the dispute to the ~~department, and to the~~
26 program if the dispute is deemed eligible. Such consumer is
27 not required to resort to a procedure certified pursuant to s.
28 681.108, notwithstanding that one of the manufacturers of the
29 recreational vehicle has such a procedure. Such consumer is
30 not required to resort to arbitration conducted by the board,
31 except as provided in s. 681.1096(4) and in this section.

1 (2) A consumer acquiring a recreational vehicle must
2 apply to participate in this program with respect to a claim
3 arising during the Lemon Law rights period by filing the
4 application in subsection (3) with the program department no
5 later than 60 days after the expiration of the Lemon Law
6 rights period. The claim is considered filed when the
7 application is date-stamped as received by the program.

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

16 ~~(a) If the department determines the application lacks~~
17 ~~sufficient information from which a determination of~~
18 ~~eligibility can be made, the department shall request~~
19 ~~additional information from the consumer and, upon review of~~
20 ~~such additional information, shall determine whether the~~
21 ~~application is eligible or reject the application as~~
22 ~~incomplete.~~

23 ~~(b) The department shall reject any application it~~
24 ~~determines to be fraudulent or outside the scope of this~~
25 ~~chapter.~~

26 (a)(c) The consumer and the manufacturer shall be
27 notified in writing by the program administrator department if
28 an application is rejected. Such notification of rejection
29 shall include a brief explanation as to the reason for the
30 rejection.

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1 ~~(b)(d)~~ If the program administrator ~~department~~ rejects
2 a dispute, the consumer may file a lawsuit to enforce the
3 remedies provided under this chapter. In any civil action
4 arising under this chapter and relating to the matter
5 considered by the program ~~department~~, any determination made
6 to reject a dispute is admissible in evidence.

7 ~~(c) The department may delegate responsibility for the~~
8 ~~screening of claims to the program, in which event claims~~
9 ~~filed with the department shall be forwarded to the program~~
10 ~~administrator and the provisions of this section shall apply~~
11 ~~to claims screened by the program.~~

12 (4) Mediation shall be mandatory for both the consumer
13 and manufacturer, unless the dispute is settled prior to the
14 scheduled mediation conference. The mediation conference shall
15 be confidential and inadmissible in any subsequent adversarial
16 proceedings. Participation shall be limited to the parties
17 directly involved in the dispute and their attorneys, if any.
18 All manufacturers shall be represented by persons with
19 settlement authority. The parties may, by agreement, consent
20 to expand the scope of a mediation conference to attempt to
21 resolve warranty claims by the consumer which may not be
22 covered under this chapter, if such claims were reported by
23 the consumer to the manufacturer or its authorized service
24 agent during the term of the manufacturer's express warranty.

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

1 | procedures. The program administrator shall provide all
2 | involved manufacturers with a copy of the completed
3 | application and obtain from each manufacturer a written
4 | response to the allegations contained in the application along
5 | with copies of any documents in support of such response. The
6 | written response shall be on a form and submitted in the
7 | manner prescribed by the program.

8 | (b) The mediator shall be selected and assigned by the
9 | program administrator. The parties may factually object to a
10 | mediator based upon the mediator's past or present
11 | relationship with a party or a party's attorney, direct or
12 | indirect, whether financial, professional, social, or of any
13 | other kind. The program administrator shall consider any such
14 | objection, determine its validity, and notify the parties of
15 | any determination. If the objection is determined valid, the
16 | program administrator shall assign another mediator to the
17 | case.

18 | (c) At the mediation conference, the mediator shall
19 | assist the parties' efforts to reach a mutually acceptable
20 | settlement of their dispute; however, the mediator shall not
21 | impose any settlement upon the parties.

22 | (d) Upon conclusion of the mediation conference, the
23 | mediator shall notify the program administrator that the case
24 | has settled or remains at an impasse. ~~The program~~
25 | ~~administrator shall notify the department in writing of the~~
26 | ~~outcome of the mediation.~~

27 | (e) If the mediation conference ends in an impasse, it
28 | shall proceed to arbitration pursuant to subsection (5). The
29 | program administrator shall immediately notify the parties in
30 | writing that the dispute will proceed to arbitration and shall
31 | identify the assigned arbitrator.

1 (f) If the parties enter into a settlement at any time
2 after the dispute has been submitted to the program, such
3 settlement must be reduced to legible writing, signed by the
4 consumer and all involved manufacturers, and filed with the
5 program administrator. ~~The program administrator shall send a~~
6 ~~copy to the department.~~ All settlements must contain, at a
7 minimum, the following information:

- 8 1. Name and address of the consumer.
- 9 2. Name and address of each involved manufacturer.
- 10 3. Year, make, model, and vehicle identification
11 number of the subject recreational vehicle.
- 12 4. Name and address of the dealership from which the
13 recreational vehicle was acquired.
- 14 5. Date the claim was received by the program
15 administrator.
- 16 6. Name of the mediator or ~~and/or~~ arbitrator, if any.
- 17 7. A complete statement of the terms of the agreement,
18 including, but not limited to: whether the vehicle is to be
19 reacquired by a manufacturer and the identity of the
20 manufacturer that will reacquire the vehicle; the amount of
21 any moneys to be paid by the consumer or ~~and/or~~ a
22 manufacturer; the year, make, and model of any replacement
23 motor vehicle or motor vehicle accepted by the consumer as a
24 trade-assist; the date, time, location, and nature of any
25 agreed upon repair or replacement of a component part or
26 accessory and an estimate as to the anticipated length of time
27 for such repair or replacement; and a time certain for
28 performance not to exceed 40 days from the date the settlement
29 agreement is signed by the parties.

30 (g) If a manufacturer fails to perform within the time
31 required in any settlement agreement, the consumer must notify

1 | the program administrator of such failure in writing within 30
2 | ~~10~~ days of the required performance date. Within 10 days of
3 | receipt of such notice, the program administrator shall
4 | determine whether the dispute is eligible to proceed to
5 | arbitration ~~notify the department of the manufacturer's~~
6 | ~~failure in compliance~~ and shall schedule the matter for an
7 | arbitration hearing pursuant to subsection (5). If the program
8 | administrator determines the dispute is not eligible for
9 | arbitration, the dispute shall be rejected pursuant to
10 | subsection (3).

11 | (5) ~~If the mediation ends in an impasse, or if a~~
12 | ~~manufacturer fails to comply with the settlement entered into~~
13 | ~~between the parties, the program administrator shall schedule~~
14 | ~~the dispute for an arbitration hearing.~~ Arbitration
15 | proceedings shall be open to the public on reasonable and
16 | nondiscriminatory terms.

17 | (a) The arbitration hearing shall be conducted by a
18 | single arbitrator assigned by the program administrator. The
19 | arbitrator shall not be the same person as the mediator who
20 | conducted the prior mediation conference in the dispute. The
21 | parties may factually object to an arbitrator based on the
22 | arbitrator's past or present relationship with a party or a
23 | party's attorney, direct or indirect, whether financial,
24 | professional, social, or of any other kind. The program
25 | administrator shall consider any such objection, determine its
26 | validity, and notify the parties of any determination. If the
27 | objection is determined valid, the program administrator shall
28 | assign another arbitrator to the case.

29 | (b) The arbitrator may issue subpoenas for the
30 | attendance of witnesses and for the production of records,
31 | documents, and other evidence. Subpoenas so issued shall be

1 served and, upon application to the court by a party to the
2 arbitration, enforced in the manner provided by law for the
3 service and enforcement of subpoenas in civil actions. Fees
4 for attendance as a witness shall be the same as for a witness
5 in the circuit court.

6 (c) At all program arbitration proceedings, the
7 parties may present oral and written testimony, present
8 witnesses and evidence relevant to the dispute, cross-examine
9 witnesses, and be represented by counsel. The technical rules
10 of evidence as are applicable to civil court proceedings do
11 not apply to arbitrations conducted by the program. The
12 arbitrator shall record the arbitration hearing and shall have
13 the power to administer oaths. The arbitrator may inspect the
14 vehicle if requested by a party or if the arbitrator considers
15 such inspection appropriate. The parties may, by mutual
16 written agreement, consent to expand the scope of the
17 arbitration hearing to permit consideration by the arbitrator
18 of warranty claims by the consumer that may not be covered
19 under this chapter, provided such claims were first reported
20 by the consumer to the manufacturer or its authorized service
21 agent during the term of the manufacturer's express warranty.

22 (d) The program arbitrator may continue a hearing on
23 his or her own motion or upon the request of a party for good
24 cause shown. A request for continuance by the consumer
25 constitutes a waiver of the time period set forth in s.
26 681.1096(3)(k) for completion of all proceedings under the
27 program.

28 ~~(e) Where the arbitration is the result of a~~
29 ~~manufacturer's failure to perform in accordance with a~~
30 ~~settlement agreement, any relief to the consumer granted by~~
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1 ~~the arbitration will be no less than the relief agreed to by~~
2 ~~the manufacturer in the settlement agreement.~~

3 ~~(e)(f)~~ The arbitrator shall, in rendering decisions,
4 take into account all legal and equitable factors germane to a
5 fair and just decision, including, but not limited to, the
6 warranty and the provisions of this chapter ~~grant relief if a~~
7 ~~reasonable number of attempts have been undertaken to correct~~
8 ~~a nonconformity or nonconformities.~~

9 ~~(f)(g)~~ The program arbitrator shall render a decision
10 within 10 days of the closing of the hearing. The decision
11 shall be in legible writing on a form prescribed ~~or approved~~
12 by the program ~~department~~. The program administrator shall
13 send a copy of the decision to the consumer and each involved
14 manufacturer by registered mail. ~~The program administrator~~
15 ~~shall also send a copy of the decision to the department~~
16 ~~within 5 days of mailing to the parties.~~

17 ~~(g)(h)~~ A manufacturer shall comply with an arbitration
18 decision within 40 days of the date the manufacturer receives
19 the written decision. Compliance occurs on the date the
20 consumer receives ~~delivery of an acceptable replacement motor~~
21 ~~vehicle or the relief refund~~ specified in the arbitration
22 award.

23 (h) If a manufacturer fails to comply within the time
24 required, and no appeal has been filed, the consumer shall
25 ~~must~~ notify the program administrator of such failure in
26 writing within 30 ~~10~~ days. The program administrator shall
27 notify the department of a manufacturer's failure to comply. A
28 consumer may apply to a court of competent jurisdiction in
29 this state for entry of an order confirming the award. Such
30 application shall be by motion filed within 40 days after the
31 manufacturer's failure to comply and shall be heard in the

1 manner and upon notice provided by law or rule of court for
2 the making and hearing of motions. Such application shall be
3 served in the manner provided by law for the service of a
4 civil summons. The consumer shall send a copy of the
5 application for confirmation of the award and any order
6 entered by the court confirming the award to the program
7 administrator. The department shall have the authority to
8 enforce compliance with arbitration decisions under this
9 section in the same manner as is provided for enforcement of
10 compliance with board decisions under s. 681.1095(10). In any
11 civil action arising under this chapter and relating to a
12 dispute arbitrated pursuant to this section, the decision of
13 the arbitrator is admissible in evidence.

14 (i) Either party may request that the program
15 arbitrator make a technical correction to the decision by
16 filing a written request with the program administrator within
17 10 days after receipt of the written decision. Technical
18 corrections shall be limited to computational errors,
19 correction of a party's name or information regarding the
20 recreational vehicle, and typographical or spelling errors.
21 Technical correction of a decision shall not toll the time for
22 filing an appeal or for manufacturer compliance.

23 (6) Except as otherwise provided, all provisions in
24 this section pertaining to mandatory mediation and
25 arbitration, eligibility screening, mediation proceedings,
26 arbitration hearings and decisions, and any appeals thereof
27 are exempt from the provisions of chapter 120.

28 (7) A decision of the arbitrator is binding unless
29 appealed by either party by filing a petition with the circuit
30 court within the time and in the manner prescribed by s.
31 681.1095(10) and (12). Section 681.1095(13) and (14) apply to

1 | appeals filed under this section. If a decision of a program
2 | arbitrator in favor of a consumer is confirmed by the court,
3 | recovery by the consumer shall include the pecuniary value of
4 | the award, attorney's fees incurred in obtaining confirmation
5 | of the award, and all costs and continuing damages in the
6 | amount of \$25 per day for each day beyond the 40-day period
7 | following a manufacturer's receipt of the arbitrator's
8 | decision. If a court determines the manufacturer acted in bad
9 | faith in bringing the appeal or brought the appeal solely for
10 | the purpose of harassment, or in complete absence of a
11 | justiciable issue of law or fact, the court shall double, and
12 | may triple, the amount of the total award.

13 | (8) In any civil action arising under this chapter
14 | relating to a dispute arbitrated pursuant to this section, the
15 | decision of the arbitrator is admissible in evidence.

16 | ~~(9)(8)~~ The department shall ~~have the authority to~~
17 | adopt ~~reasonable~~ rules pursuant to ss. 120.536(1) and 120.54
18 | to implement ~~carry out~~ the provisions of this section.

19 | Section 4. This act shall take effect upon becoming a
20 | law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1312

This committee substitute differs from the bill as filed in that is provides the following:

- Requires the Department of Transportation to incorporate markers on logo signs for RV friendly establishments;
- Removes the Department of Legal Affairs responsibility for administrative oversight of the mediation and arbitration programs;
- Requires additional training and impartiality of program arbitrators and mediators; and
- Requires the program to provide regular reports on the program to the Department of Legal Affairs.