

CHAMBER ACTION

1 The Justice Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to recreational vehicles; amending s.
7 479.261, F.S.; requiring the Department of Transportation
8 to incorporate the use of RV friendly markers on specific
9 information logo signs; authorizing certain establishments
10 to request designation of the marker; providing
11 requirements; requiring the design of the marker to be
12 approved by the Federal Highway Administration; requiring
13 the department to adopt certain rules relating to the
14 markers; amending s. 681.1096, F.S.; eliminating future
15 termination of the RV Mediation and Arbitration Program;
16 revising requirements for program certification to ensure
17 neutrality of dispute resolution; providing guidelines for
18 the training of arbitrators and mediators; providing that
19 the program must complete all mediation and arbitration
20 within 70 days of receipt of the consumer's claim;
21 requiring the program to gather and make available all
22 documents relevant to a dispute; providing consumer
23 exemption from mediation when at least one manufacturer

24 | does not qualify for the program; authorizing the
25 | Department of Legal Affairs to revoke the qualification of
26 | a noncompliant program; providing for notice to programs
27 | and manufacturers not in compliance, for opportunity to
28 | correct deficiencies, and for administrative hearings;
29 | requiring the program to maintain dispute records;
30 | creating an annual reporting requirement; providing the
31 | program with rulemaking authority to implement provisions
32 | of this section; amending s. 681.1097, F.S.; providing and
33 | revising dispute resolution guidelines for consumers of
34 | recreational vehicles; requiring consumers to submit their
35 | dispute to the program; providing that the claim is
36 | considered filed when it is date-stamped as received by
37 | the program; requiring the consumer's application form to
38 | be prescribed by the program; requiring the program
39 | administrator to screen all applications to determine
40 | eligibility; requiring the program administrator to
41 | provide notice of rejected applications; providing for
42 | mandatory mediation and the expansion of the scope of
43 | mediation at the consent of the parties; providing
44 | guidelines for mediation proceedings; requiring written
45 | response of manufacturers to consumer allegations;
46 | removing requirement that the program administrator notify
47 | the department of the mediation outcome; extending the
48 | deadline for consumer notification to the program
49 | administrator of a manufacturer's failure to comply with a
50 | mediation decision; revising guidelines for arbitration
51 | proceedings; providing that technical rules of evidence

52 shall not apply to arbitration proceedings; providing for
 53 the expansion of the scope of arbitration at the consent
 54 of the parties; requiring the arbitrator's decision to
 55 consider all legal and equitable factors; providing
 56 consumers with means for civil enforcement of an award;
 57 extending the deadline for consumer notification to the
 58 program administrator of a manufacturer's failure to
 59 comply with an arbitration decision; providing that the
 60 arbitrator's decision is admissible as evidence in certain
 61 civil actions; providing an effective date.

62
 63 Be It Enacted by the Legislature of the State of Florida:

64
 65 Section 1. Subsection (8) is added to section 479.261,
 66 Florida Statutes, to read:

67 479.261 Logo sign program.--

68 (8) The department shall incorporate the use of RV
 69 friendly markers on specific information logo signs for
 70 establishments which cater to the needs of persons driving
 71 recreational vehicles. Establishments which qualify for
 72 participation in the specific information logo program and which
 73 also qualify as RV friendly may request the RV friendly marker
 74 on their specific information logo sign. An RV friendly marker
 75 shall consist of a design approved by the Federal Highway
 76 Administration. The department shall adopt rules pursuant to
 77 chapter 120 as necessary to implement the provisions of this
 78 subsection, including rules setting forth the minimum
 79 requirements that establishments must meet in order to qualify

80 as RV friendly. These requirements shall include large parking
 81 spaces, entrances, and exits which can easily accommodate
 82 recreational vehicles and facilities with appropriate overhead
 83 clearances, if applicable.

84 Section 2. Section 681.1096, Florida Statutes, is amended
 85 to read:

86 681.1096 ~~Pilot~~ RV Mediation and Arbitration Program;
 87 creation and qualifications.--

88 (1) This section and s. 681.1097 shall apply to disputes
 89 determined eligible under this chapter involving recreational
 90 vehicles acquired on or after October 1, 1997, ~~and shall remain~~
 91 ~~in effect until September 30, 2006, at which time recreational~~
 92 ~~vehicle disputes shall be subject to the provisions of ss.~~
 93 ~~681.109 and 681.1095. The Attorney General shall report to the~~
 94 ~~President of the Senate, the Speaker of the House of~~
 95 ~~Representatives, the Minority Leader of each house of the~~
 96 ~~Legislature, and appropriate legislative committees regarding~~
 97 ~~the effectiveness of the pilot program.~~

98 (2) Each manufacturer of a recreational vehicle involved
 99 in a dispute that is determined eligible under this chapter,
 100 including chassis and component manufacturers which separately
 101 warrant the chassis and components and which otherwise meet the
 102 definition of manufacturer set forth in s. 681.102(14), shall
 103 participate in a mediation and arbitration program that is
 104 deemed qualified by the department.

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

108 (a) The program must be administered by an administrator
 109 and staff that are ~~is~~ sufficiently insulated from the
 110 manufacturer to ensure impartial mediation and arbitration
 111 services and to ensure that a manufacturer does not make
 112 decisions as to whether a consumer's dispute proceeds to
 113 mediation or arbitration.

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

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

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

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

124 (f) Program mediators must complete a Florida Supreme
 125 Court certified circuit or county mediation training program, or
 126 other mediation training program approved by the department, ~~in~~
 127 ~~addition to a minimum of one-half day of training on this~~
 128 ~~chapter conducted by the department.~~

129 (g) Program mediators must comply with the Model Standards
 130 of Conduct for Mediators issued by the American Arbitration
 131 Association, the Dispute Resolution Section of the American Bar
 132 Association, and the Society of Professionals in Dispute
 133 Resolution.

134 (h) Program arbitrators must complete a Florida Supreme
 135 Court certified circuit or county arbitration program, or other

136 arbitration training program approved by the department, ~~in~~
 137 ~~addition to a minimum of 1 day of training in the application of~~
 138 ~~this chapter and any rules adopted thereunder conducted by the~~
 139 ~~department.~~

140 (i) Program arbitrators must comply with the Code of
 141 Ethics for Arbitrators in Commercial Disputes published by the
 142 American Arbitration Association and the American Bar
 143 Association in 1977 and as amended.

144 (j) The program must ensure that the mediators and
 145 arbitrators are sufficiently trained in the program rules and
 146 procedures and in the provisions of this chapter at least every
 147 other year and as a precondition to serving in the program. The
 148 program shall monitor the performance of the mediators and
 149 arbitrators to ensure that they are performing competently and
 150 impartially and are complying with all program rules and
 151 procedures and the provisions of this chapter. Program
 152 ~~arbitrators must construe and apply the provisions of this~~
 153 ~~chapter and rules adopted thereunder in making decisions.~~

154 (k) The program must complete all mediation and
 155 arbitration of an eligible consumer claim within 70 days of the
 156 program administrator's receipt of the claim from a consumer ~~the~~
 157 ~~department~~. Failure of the program to complete all proceedings
 158 within the prescribed period will not invalidate any settlement
 159 agreement or arbitration decision. The program shall gather all
 160 documents from the parties to a dispute that are necessary to a
 161 full consideration of the dispute, including, but not limited
 162 to, a statement of the respective complaints, positions, and
 163 desired resolution by the consumer and each manufacturer. Copies

164 of documents submitted to the program shall be provided to all
 165 parties involved in the dispute, the assigned mediator, and the
 166 assigned arbitrator.

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

170 (4) The department shall monitor the program for
 171 compliance with this chapter. If the program is determined not
 172 qualified or if qualification is revoked, then disputes shall be
 173 subject to the provisions of ss. 681.109 and 681.1095. If the
 174 program is determined not qualified or if qualification is
 175 revoked as to a manufacturer, all those manufacturers
 176 potentially involved in the eligible consumer dispute ~~the~~
 177 ~~involved manufacturer~~ shall be required to submit to arbitration
 178 conducted by the board if such arbitration is requested by a
 179 consumer and the dispute is deemed eligible for arbitration by
 180 the division pursuant to s. 681.109. A consumer having a dispute
 181 involving one or more manufacturers for which the program has
 182 been determined not qualified, or for which qualification has
 183 been revoked, shall not be required to submit the dispute to the
 184 program irrespective of whether the program may be qualified as
 185 to some of the manufacturers potentially involved in the
 186 dispute.

187 (5) A program failing to meet the requirements of this
 188 section, s. 681.1097, and the rules adopted thereunder by the
 189 department shall not be qualified by the department. The
 190 department may revoke the qualification of a program for failure
 191 to maintain compliance with the requirements of this section, s.

192 681.1097, and the rules adopted thereunder by the department.
 193 The department may revoke the qualification of a program as to
 194 one or more participating manufacturers for conduct to be
 195 specified by the department by rule pursuant to ss. 120.536(1)
 196 and 120.54.

197 ~~(6)(5)~~ If a program is determined not qualified or if
 198 qualification is revoked, or if program qualification is revoked
 199 as to a particular manufacturer, the program administrator and
 200 the involved manufacturer, if any, shall be notified by the
 201 department of any deficiencies in the program or, in the case of
 202 a manufacturer, notified of the manufacturer's conduct in
 203 violation of this chapter or the rules adopted thereunder by the
 204 department, shall be given an opportunity to correct such
 205 deficiencies, except as set forth by the department by rule, and
 206 shall be informed that it is entitled to a hearing pursuant to
 207 chapter 120.

208 ~~(7)(6)~~ The program administrator, mediators, and
 209 arbitrators are exempt from civil liability arising from any act
 210 or omission in connection with any mediation or arbitration
 211 conducted under this chapter.

212 ~~(8)(7)~~ The program administrator shall maintain records of
 213 each dispute submitted to the program, including the recordings
 214 of arbitration hearings. Such records shall be maintained in a
 215 manner separate from other unrelated records of the program. All
 216 records maintained by the program under this chapter shall be
 217 public records and shall be available for inspection by the
 218 department upon reasonable notice. The program shall retain all
 219 records for each dispute for at least 5 years after the final

220 disposition of the dispute. The program shall furnish the
 221 department with copies of all settlement agreements and
 222 decisions within 30 days of the date of such settlements and
 223 decisions. The records for disputes closed as of September 30 of
 224 each year shall be turned over to the department by the program
 225 administrator by no later than October 30 of the same year,
 226 unless a later date is specified by the department.

227 (9) The program shall provide the department with
 228 quarterly and annual reports containing such information as the
 229 department shall by rule prescribe.

230 (10)(8) The department shall have the authority to adopt
 231 reasonable rules pursuant to ss. 120.536(1) and 120.54 to
 232 implement carry out the provisions of this section.

233 Section 3. Section 681.1097, Florida Statutes, is amended
 234 to read:

235 681.1097 ~~Pilot~~ RV Mediation and Arbitration Program;
 236 dispute eligibility and program function.--

237 (1) Before filing a civil action on a matter subject to s.
 238 681.104, a consumer who acquires a recreational vehicle must
 239 first submit the dispute to the ~~department, and to the program~~
 240 if the dispute is deemed eligible. Such consumer is not required
 241 to resort to a procedure certified pursuant to s. 681.108,
 242 notwithstanding that one of the manufacturers of the
 243 recreational vehicle has such a procedure. Such consumer is not
 244 required to resort to arbitration conducted by the board, except
 245 as provided in s. 681.1096(4) and in this section.

246 (2) A consumer acquiring a recreational vehicle must apply
 247 to participate in this program with respect to a claim arising

248 during the Lemon Law rights period by filing the application in
 249 subsection (3) with the program ~~department~~ no later than 60 days
 250 after the expiration of the Lemon Law rights period. The claim
 251 is considered filed when the application is date-stamped as
 252 received by the program.

253 (3) The consumer's application for participation in the
 254 program must be on a form prescribed ~~or approved~~ by the program
 255 ~~department~~. The program administrator ~~department~~ shall screen
 256 all applications to participate in the program to determine
 257 eligibility. ~~The department shall forward to the program~~
 258 ~~administrator all applications the department determines are~~
 259 ~~potentially entitled to relief under this chapter.~~

260 ~~(a) If the department determines the application lacks~~
 261 ~~sufficient information from which a determination of eligibility~~
 262 ~~can be made, the department shall request additional information~~
 263 ~~from the consumer and, upon review of such additional~~
 264 ~~information, shall determine whether the application is eligible~~
 265 ~~or reject the application as incomplete.~~

266 ~~(b) The department shall reject any application it~~
 267 ~~determines to be fraudulent or outside the scope of this~~
 268 ~~chapter.~~

269 ~~(a)(e)~~ The consumer and the manufacturer shall be notified
 270 in writing by the program administrator ~~department~~ if an
 271 application is rejected. Such notification of rejection shall
 272 include a brief explanation as to the reason for the rejection.

273 ~~(b)(d)~~ If the program administrator ~~department~~ rejects a
 274 dispute, the consumer may file a lawsuit to enforce the remedies
 275 provided under this chapter. In any civil action arising under

276 | this chapter and relating to the matter considered by the
 277 | program department, any determination made to reject a dispute
 278 | is admissible in evidence.

279 | ~~(e) The department may delegate responsibility for the~~
 280 | ~~screening of claims to the program, in which event claims filed~~
 281 | ~~with the department shall be forwarded to the program~~
 282 | ~~administrator and the provisions of this section shall apply to~~
 283 | ~~claims screened by the program.~~

284 | (4) Mediation shall be mandatory for both the consumer and
 285 | manufacturer, unless the dispute is settled prior to the
 286 | scheduled mediation conference. The mediation conference shall
 287 | be confidential and inadmissible in any subsequent adversarial
 288 | proceedings. Participation shall be limited to the parties
 289 | directly involved in the dispute and their attorneys, if any.
 290 | All manufacturers shall be represented by persons with
 291 | settlement authority. The parties may, by agreement, consent to
 292 | expand the scope of a mediation conference to attempt to resolve
 293 | warranty claims by the consumer that may not be covered under
 294 | this chapter, provided such claims were reported by the consumer
 295 | to the manufacturer or its authorized service agent during the
 296 | term of the manufacturer's express warranty.

297 | (a) Upon determination that an application is eligible
 298 | ~~receipt of an eligible application~~, the program administrator
 299 | shall notify the consumer and all involved manufacturers in
 300 | writing that an eligible application has been received. Such
 301 | notification shall include a statement that a mediation
 302 | conference will be scheduled, shall identify the assigned
 303 | mediator, and provide information regarding the program's

304 | procedures. The program administrator shall provide all involved
 305 | manufacturers with a copy of the completed application and
 306 | obtain from each manufacturer a written response to the
 307 | allegations contained in the application along with copies of
 308 | any documents in support of such response. The written response
 309 | shall be on a form and submitted in the manner prescribed by the
 310 | program.

311 | (b) The mediator shall be selected and assigned by the
 312 | program administrator. The parties may factually object to a
 313 | mediator based upon the mediator's past or present relationship
 314 | with a party or a party's attorney, direct or indirect, whether
 315 | financial, professional, social, or of any other kind. The
 316 | program administrator shall consider any such objection,
 317 | determine its validity, and notify the parties of any
 318 | determination. If the objection is determined valid, the program
 319 | administrator shall assign another mediator to the case.

320 | (c) At the mediation conference, the mediator shall assist
 321 | the parties' efforts to reach a mutually acceptable settlement
 322 | of their dispute; however, the mediator shall not impose any
 323 | settlement upon the parties.

324 | (d) Upon conclusion of the mediation conference, the
 325 | mediator shall notify the program administrator that the case
 326 | has settled or remains at an impasse. ~~The program administrator~~
 327 | ~~shall notify the department in writing of the outcome of the~~
 328 | ~~mediation.~~

329 | (e) If the mediation conference ends in an impasse, it
 330 | shall proceed to arbitration pursuant to subsection (5). The
 331 | program administrator shall immediately notify the parties in

332 writing that the dispute will proceed to arbitration and shall
333 identify the assigned arbitrator.

334 (f) If the parties enter into a settlement at any time
335 after the dispute has been submitted to the program, such
336 settlement must be reduced to legible writing, signed by the
337 consumer and all involved manufacturers, and filed with the
338 program administrator. ~~The program administrator shall send a~~
339 ~~copy to the department.~~ All settlements must contain, at a
340 minimum, the following information:

- 341 1. Name and address of the consumer.
- 342 2. Name and address of each involved manufacturer.
- 343 3. Year, make, model, and vehicle identification number of
344 the subject recreational vehicle.
- 345 4. Name and address of the dealership from which the
346 recreational vehicle was acquired.
- 347 5. Date the claim was received by the program
348 administrator.
- 349 6. Name of the mediator and/or arbitrator, if any.
- 350 7. A complete statement of the terms of the agreement,
351 including, but not limited to: whether the vehicle is to be
352 reacquired by a manufacturer and the identity of the
353 manufacturer that will reacquire the vehicle; the amount of any
354 moneys to be paid by the consumer and/or a manufacturer; the
355 year, make, and model of any replacement motor vehicle or motor
356 vehicle accepted by the consumer as a trade-assist; the date,
357 time, location, and nature of any agreed upon repair or
358 replacement of a component part or accessory and an estimate as
359 to the anticipated length of time for such repair or

360 replacement; and a time certain for performance not to exceed 40
 361 days from the date the settlement agreement is signed by the
 362 parties.

363 (g) If a manufacturer fails to perform within the time
 364 required in any settlement agreement, the consumer must notify
 365 the program administrator of such failure in writing within 30
 366 ~~10~~ days of the required performance date. Within 10 days of
 367 receipt of such notice, the program administrator shall
 368 determine whether the dispute is eligible to proceed to
 369 arbitration ~~notify the department of the manufacturer's failure~~
 370 ~~in compliance~~ and shall schedule the matter for an arbitration
 371 hearing pursuant to subsection (5). If the program administrator
 372 determines the dispute is not eligible for arbitration, the
 373 dispute shall be rejected pursuant to subsection (3).

374 (5) ~~If the mediation ends in an impasse, or if a~~
 375 ~~manufacturer fails to comply with the settlement entered into~~
 376 ~~between the parties, the program administrator shall schedule~~
 377 ~~the dispute for an arbitration hearing.~~ Arbitration proceedings
 378 shall be open to the public on reasonable and nondiscriminatory
 379 terms.

380 (a) The arbitration hearing shall be conducted by a single
 381 arbitrator assigned by the program administrator. The arbitrator
 382 shall not be the same person as the mediator who conducted the
 383 prior mediation conference in the dispute. The parties may
 384 factually object to an arbitrator based on the arbitrator's past
 385 or present relationship with a party or a party's attorney,
 386 direct or indirect, whether financial, professional, social, or
 387 of any other kind. The program administrator shall consider any

388 such objection, determine its validity, and notify the parties
 389 of any determination. If the objection is determined valid, the
 390 program administrator shall assign another arbitrator to the
 391 case.

392 (b) The arbitrator may issue subpoenas for the attendance
 393 of witnesses and for the production of records, documents, and
 394 other evidence. Subpoenas so issued shall be served and, upon
 395 application to the court by a party to the arbitration, enforced
 396 in the manner provided by law for the service and enforcement of
 397 subpoenas in civil actions. Fees for attendance as a witness
 398 shall be the same as for a witness in the circuit court.

399 (c) At all program arbitration proceedings, the parties
 400 may present oral and written testimony, present witnesses and
 401 evidence relevant to the dispute, cross-examine witnesses, and
 402 be represented by counsel. The technical rules of evidence as
 403 are applicable to civil court proceedings shall not apply to
 404 arbitrations conducted by the program. The arbitrator shall
 405 record the arbitration hearing and shall have the power to
 406 administer oaths. The arbitrator may inspect the vehicle if
 407 requested by a party or if the arbitrator considers such
 408 inspection appropriate. The parties may, by mutual written
 409 agreement, consent to expand the scope of the arbitration
 410 hearing to permit consideration by the arbitrator of warranty
 411 claims by the consumer that may not be covered under this
 412 chapter, provided such claims were first reported by the
 413 consumer to the manufacturer or its authorized service agent
 414 during the term of the manufacturer's express warranty.

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

420 ~~(e) Where the arbitration is the result of a~~
 421 ~~manufacturer's failure to perform in accordance with a~~
 422 ~~settlement agreement, any relief to the consumer granted by the~~
 423 ~~arbitration will be no less than the relief agreed to by the~~
 424 ~~manufacturer in the settlement agreement.~~

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

431 (f)(g) The program arbitrator shall render a decision
 432 within 10 days of the closing of the hearing. The decision shall
 433 be in legible writing on a form prescribed ~~or approved~~ by the
 434 program department. The program administrator shall send a copy
 435 of the decision to the consumer and each involved manufacturer
 436 by registered mail. ~~The program administrator shall also send a~~
 437 ~~copy of the decision to the department within 5 days of mailing~~
 438 ~~to the parties.~~

439 (g)(h) A manufacturer shall comply with an arbitration
 440 decision within 40 days of the date the manufacturer receives
 441 the written decision. Compliance occurs on the date the consumer

442 receives ~~delivery of an acceptable replacement motor vehicle or~~
 443 the relief ~~refund~~ specified in the arbitration award.

444 (h) If a manufacturer fails to comply within the time
 445 required, and no appeal has been filed, the consumer shall ~~must~~
 446 notify the program administrator of such failure in writing
 447 within 30 ~~10~~ days. The program administrator shall notify the
 448 department of a manufacturer's failure to comply. A consumer may
 449 apply to a court of competent jurisdiction in this state for
 450 entry of an order confirming the award. Such application shall
 451 be by motion filed within 40 days of the manufacturer's failure
 452 to comply and shall be heard in the manner and upon notice
 453 provided by law or rule of court for the making and hearing of
 454 motions. Such application shall be served in the manner provided
 455 by law for the service of a civil summons. The consumer shall
 456 send a copy of the application for confirmation of the award and
 457 any order entered by the court confirming the award to the
 458 program administrator. The department shall have the authority
 459 ~~to enforce compliance with arbitration decisions under this~~
 460 ~~section in the same manner as is provided for enforcement of~~
 461 ~~compliance with board decisions under s. 681.1095(10). In any~~
 462 ~~civil action arising under this chapter and relating to a~~
 463 ~~dispute arbitrated pursuant to this section, the decision of the~~
 464 ~~arbitrator is admissible in evidence.~~

465 (i) Either party may request that the program arbitrator
 466 make a technical correction to the decision by filing a written
 467 request with the program administrator within 10 days after
 468 receipt of the written decision. Technical corrections shall be
 469 limited to computational errors, correction of a party's name or

470 information regarding the recreational vehicle, and
 471 typographical or spelling errors. Technical correction of a
 472 decision shall not toll the time for filing an appeal or for
 473 manufacturer compliance.

474 (6) Except as otherwise provided, all provisions in this
 475 section pertaining to mandatory mediation and arbitration,
 476 eligibility screening, mediation proceedings, arbitration
 477 hearings and decisions, and any appeals thereof are exempt from
 478 the provisions of chapter 120.

479 (7) A decision of the arbitrator is binding unless
 480 appealed by either party by filing a petition with the circuit
 481 court within the time and in the manner prescribed by s.
 482 681.1095(10) and (12). Section 681.1095(13) and (14) apply to
 483 appeals filed under this section. If a decision of a program
 484 arbitrator in favor of a consumer is confirmed by the court,
 485 recovery by the consumer shall include the pecuniary value of
 486 the award, attorney's fees incurred in obtaining confirmation of
 487 the award, and all costs and continuing damages in the amount of
 488 \$25 per day for each day beyond the 40-day period following a
 489 manufacturer's receipt of the arbitrator's decision. If a court
 490 determines the manufacturer acted in bad faith in bringing the
 491 appeal or brought the appeal solely for the purpose of
 492 harassment, or in complete absence of a justiciable issue of law
 493 or fact, the court shall double, and may triple, the amount of
 494 the total award.

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

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498 | (9)~~(8)~~ The department shall ~~have the authority to~~ adopt
499 | ~~reasonable~~ rules pursuant to ss. 120.536(1) and 120.54 to
500 | implement ~~carry out~~ the provisions of this section.

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