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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,

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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

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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.

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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~~,~~ 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

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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.

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- 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,

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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

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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



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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~~

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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

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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

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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

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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

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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

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

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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

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	Previous season crop size (millions of boxes)	1995-1996	1996-1997	1997-1998	1998-1999	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						



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Less than 155      41            42            43            44            46

413

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

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

420

Previous season crop size (millions of boxes)	1995- 1996	1996- 1997	1997- 1998	1998- 1999	1999-2000 and thereafter
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421

255 and greater	15	16	16	17	17
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422

245-254.9	16	16	17	17	18
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423

235-244.9	17	17	18	18	19
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424

225-234.9	17	18	18	19	19
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425

215-224.9	18	19	19	20	20
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426

205-214.9	19	20	20	21	21
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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

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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,

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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

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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

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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,

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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.

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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



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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

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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

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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

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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

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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

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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.