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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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05/01/2014 02:56 PM

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Senator Ring moved the following:

Senate Amendment (with title amendment)

Between lines 1510 and 1511

insert:

Section 35. Section 559.920, Florida Statutes, is amended
to read:

559.920 Unlawful acts and practices.—It shall be a
violation of this act for any motor vehicle repair shop, or any
facility providing motor vehicle glass replacement or glass
repair service or products, or an employee thereof to do any of
the following:



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- 12 (1) Engage or attempt to engage in repair work for
13 compensation of any type without first being registered with or
14 having submitted an affidavit of exemption to the department.†
15 (2) Make or charge for repairs which have not been
16 expressly or impliedly authorized by the customer.†
17 (3) Misrepresent that repairs have been made to a motor
18 vehicle.†
19 (4) Misrepresent that certain parts and repairs are
20 necessary to repair a vehicle.†
21 (5) Misrepresent that the vehicle being inspected or
22 diagnosed is in a dangerous condition or that the customer's
23 continued use of the vehicle may be harmful or cause great
24 damage to the vehicle.†
25 (6) Fraudulently alter any customer contract, estimate,
26 invoice, or other document.†
27 (7) Fraudulently misuse any customer's credit card.†
28 (8) Make or authorize in any manner or by any means
29 whatever any written or oral statement which is untrue,
30 deceptive or misleading, and which is known, or which by the
31 exercise of reasonable care should be known, to be untrue,
32 deceptive or misleading.†
33 (9) Make false promises of a character likely to influence,
34 persuade, or induce a customer to authorize the repair, service,
35 or maintenance of a motor vehicle.†
36 (10) Substitute used, rebuilt, salvaged, or straightened
37 parts for new replacement parts without notice to the motor
38 vehicle owner and to her or his insurer if the cost of repair is
39 to be paid pursuant to an insurance policy and the identity of
40 the insurer or its claims adjuster is disclosed to the motor



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41 vehicle repair shop.~~†~~

42 (11) Cause or allow a customer to sign any work order that
43 does not state the repairs requested by the customer or the
44 automobile's odometer reading at the time of repair.~~†~~

45 (12) Fail or refuse to give to a customer a copy of any
46 document requiring the customer's signature upon completion or
47 cancellation of the repair work.~~†~~

48 (13) Willfully depart from or disregard accepted practices
49 and professional standards.~~†~~

50 (14) Have repair work subcontracted without the knowledge
51 or consent of the customer unless the motor vehicle repair shop
52 or employee thereof demonstrates that the customer could not
53 reasonably have been notified.~~†~~

54 (15) Conduct the business of motor vehicle repair in a
55 location other than that stated on the registration
56 certificate.~~†~~

57 (16) Rebuild or restore a rebuilt vehicle without the
58 knowledge of the owner in such a manner that it does not conform
59 to the original vehicle manufacturer's established repair
60 procedures or specifications and allowable tolerances for the
61 particular model and year.~~†~~~~or~~

62 (17) Perform any other act that is a violation of this part
63 or that constitutes fraud or misrepresentation.

64 (18) Participate in the replacement or repair of motor
65 vehicle glass by doing one of the following:

66 (a) Intimidating, coercing, or threatening a consumer into
67 selecting a particular motor vehicle glass repair facility.

68 (b) Waiving or offering to waive an applicable insurance
69 deductible.



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70 (c) Offering a rebate, gift, gift card, cash, coupon, or
71 anything of value in exchange for a consumer making an insurance
72 claim for motor vehicle glass replacement or repair.

73 (d) Performing a motor vehicle glass replacement or repair
74 or other services for which the facility will seek reimbursement
75 from an insurer, without first obtaining insurer approval.

76 (e) Failing to make the subject motor vehicle available for
77 inspection before performing motor vehicle glass repair and
78 replacement services to the applicable insurer if the insurer
79 requests such inspection.

80

81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete lines 2 - 187

84 and insert:

85 An act relating to transportation; amending s.
86 61.13016, F.S.; revising notification requirements
87 with respect to the suspension of the driver license
88 of a child support obligor; requiring delinquent child
89 support obligors to provide certain documentation
90 within a specified period in order to prevent the
91 suspension of his or her driver license; amending s.
92 316.003, F.S.; defining the terms "sanitation vehicle"
93 and "utility service vehicle" for purposes of the
94 Florida Uniform Traffic Control Law; creating s.
95 316.0778, F.S.; defining the term "automated license
96 plate recognition system"; requiring the Department of
97 State to consult with the Department of Law
98 Enforcement in establishing a retention schedule for



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99 records generated by the use of an automated license
100 plate recognition system; amending s. 316.126, F.S.;
101 requiring a driver to change lanes when approaching a
102 sanitation or utility service vehicle performing a
103 service-related task on the roadside; amending s.
104 316.193, F.S.; authorizing the court to order the
105 placement of an ignition interlock device for certain
106 first-time offenders of driving under the influence;
107 authorizing the court to dismiss an order of
108 impoundment or immobilization as a result of driving
109 under the influence if the defendant provides proof to
110 the court of the installation of a functioning,
111 certified ignition interlock device; authorizing the
112 court to order sobriety and drug monitoring in
113 addition to specified ignition interlock device
114 requirements; defining terms; amending s. 316.1937,
115 F.S.; providing requirements for a person otherwise
116 required to have an installed ignition interlock
117 device to operate a leased motor vehicle in the course
118 and scope of employment without installation of such
119 device; amending s. 316.1938, F.S.; revising
120 requirements for certification of ignition interlock
121 devices; requiring contracts between the department
122 and ignition interlock device service providers;
123 providing contract requirements; requiring the
124 provider to maintain confidentiality under specified
125 provisions; providing for application of specified
126 provisions; amending s. 316.1975, F.S.; providing that
127 certain requirements for an unattended vehicle do not



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128 apply to a vehicle that is started by remote control
129 under certain circumstances; amending s. 316.2126,
130 F.S.; revising the timeframe for the authorized use of
131 golf carts, low-speed vehicles, and utility vehicles
132 related to seasonal delivery personnel; amending s.
133 316.2952, F.S.; revising a provision exempting a
134 global position system device or similar satellite
135 receiver device from the prohibition of attachments on
136 windshields; amending s. 316.86, F.S.; revising
137 provisions relating to the operation of vehicles
138 equipped with autonomous technology on state roads for
139 testing purposes; authorizing certain research
140 organizations to operate such vehicles; deleting an
141 obsolete provision; amending s. 318.15, F.S.;
142 prohibiting the department from accepting the
143 resubmission of certain driver license suspensions;
144 amending s. 318.18, F.S.; providing for a clerk of
145 court to designate a local governmental entity for
146 disposition of certain parking citations; authorizing
147 such entity to retain the processing fee; amending s.
148 320.02, F.S.; requiring the department to withhold the
149 renewal of registration or replacement registration of
150 a motor vehicle identified in a notice submitted by a
151 lienor for failure to surrender the vehicle; providing
152 conditions under which a revalidation sticker or
153 replacement license plate may be issued; amending ss.
154 320.08056 and 320.08058, F.S.; revising the names of
155 certain specialty license plates; revising
156 distribution of revenue received from the sale of a



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157 certain plate; revising requirements for the use of
158 specialty license plate annual use fees; defining the
159 term "administrative expenses"; amending s. 320.089,
160 F.S.; creating a new military-related special use
161 license plate that will be stamped with the word
162 "Veteran"; amending s. 320.08062, F.S.; revising audit
163 and attestation requirements for specialty license
164 plate organizations and the department; revising
165 procedures for discontinuance of revenue payments and
166 deauthorization of a plate; directing the department
167 to notify the Legislature within a certain timeframe
168 if an organization has failed to use revenue in
169 accordance with specified provisions; amending s.
170 320.083, F.S.; revising the requirements for a special
171 license plate for certain amateur radio operators;
172 amending s. 320.1316, F.S.; prohibiting the department
173 from issuing a license plate, revalidation sticker, or
174 replacement license plate for a vehicle, or a vessel
175 registration number or decal for a vessel, identified
176 in a notice from a lienor; requiring that a notice to
177 surrender a vehicle or vessel be signed under oath by
178 the lienor; authorizing a registered owner of a
179 vehicle or vessel to bring a civil action to dispute a
180 notice to surrender a vehicle or vessel or his or her
181 inclusion on the list of persons who may not be issued
182 a license plate, revalidation sticker, replacement
183 license plate, or vessel registration number or decal;
184 providing procedures for such a civil action;
185 providing for the award of attorney fees and costs;



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186 amending s. 320.771, F.S.; requiring a licensed
187 recreational vehicle dealer who applies for a
188 supplemental license to hold certain off-premises
189 sales to notify the local department office of the
190 dates and location for such sales; specifying
191 requirements for licensed recreational vehicle dealers
192 to hold such sales; creating s. 322.032, F.S.;
193 requiring the department to begin to review and
194 prepare for the development of a system for issuing an
195 optional digital proof of driver license; authorizing
196 the department to contract with private entities to
197 develop the system; providing requirements for digital
198 proof of driver license; providing criminal penalties
199 for manufacturing or possessing a false digital proof
200 of driver license; amending s. 322.055, F.S.; reducing
201 the mandatory period of revocation or suspension of,
202 or delay in eligibility for, a driver license for
203 persons convicted of certain drug offenses; requiring
204 the court to make a determination as to whether a
205 restricted license would be appropriate for persons
206 convicted of certain drug offenses; amending s.
207 322.058, F.S.; requiring the department to reinstate
208 the driving privilege and allow registration of a
209 motor vehicle of a child support obligor upon receipt
210 of an affidavit containing specified information;
211 amending s. 322.059, F.S.; requiring the department to
212 invalidate the digital proof of driver license for a
213 person whose license or registration has been
214 suspended; amending s. 322.141, F.S.; revising



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215 requirements for special markings on driver licenses
216 and state identification cards for persons designated
217 as sexual predators or subject to registration as
218 sexual offenders to include persons so designated or
219 subject to registration under the laws of another
220 jurisdiction; amending s. 322.143, F.S.; providing for
221 a first responder, emergency medical technician, or
222 other authorized health care practitioner to access
223 medical information through use of a person's driver
224 license or identification card under certain
225 conditions; amending s. 322.15, F.S.; authorizing a
226 digital proof of driver license to be accepted in lieu
227 of a physical driver license; amending s. 322.27,
228 F.S.; providing for a clerk of court to remove a
229 habitual traffic offender designation if the offender
230 meets certain conditions; amending s. 322.2715, F.S.;
231 authorizing ignition interlock device installation for
232 at least 6 continuous months for a first offense of
233 driving under the influence; creating s. 322.276,
234 F.S.; authorizing the department to issue a driver
235 license to a person whose license is suspended or
236 revoked in another state under certain circumstances;
237 amending s. 323.002, F.S.; providing that an
238 unauthorized wrecker operator's wrecker, tow truck, or
239 other motor vehicle used during certain offenses may
240 be immediately removed and impounded; requiring an
241 unauthorized wrecker operator to disclose in writing
242 to the owner or operator of a motor vehicle certain
243 information; requiring the unauthorized wrecker



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244 operator to provide a copy of the disclosure to the
245 owner or operator in the presence of a law enforcement
246 officer if such officer is at the scene of a motor
247 vehicle accident; authorizing a law enforcement
248 officer from a local governmental agency or state law
249 enforcement agency to cause to be removed and
250 impounded from the scene of a wrecked or disabled
251 vehicle an unauthorized wrecker, tow truck, or other
252 motor vehicle; authorizing the authority that caused
253 the removal and impoundment to assess a cost recovery
254 fine; requiring a release form; requiring the wrecker,
255 tow truck, or other motor vehicle to remain impounded
256 until the fine is paid; providing the amounts for the
257 cost recovery fine for first and subsequent
258 violations; requiring the unauthorized wrecker
259 operator to pay the fees associated with the removal
260 and storage of the wrecker, tow truck, or other motor
261 vehicle; amending s. 526.141, F.S.; requiring self-
262 service gasoline pumps to display an additional decal
263 containing specified information; requiring the
264 Department of Agriculture and Consumer Services to
265 confirm compliance by a specified date; providing for
266 preemption of local laws and regulations pertaining to
267 fueling assistance for certain motor vehicle
268 operators; amending s. 526.142, F.S.; providing for
269 preemption of local laws and regulations pertaining to
270 air and vacuum devices; amending s. 559.920, F.S.;
271 prohibiting a facility that provides motor vehicle
272 glass replacement or glass repair services or products



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273 or an employee thereof from performing certain
274 unlawful actions and practices; amending s. 562.11,
275 F.S.;