

1 A bill to be entitled
 2 An act relating to motor vehicle repair work;
 3 providing a short title; amending s. 559.905, F.S.;
 4 requiring a motor vehicle repair shop to request a
 5 written crash report from a customer under certain
 6 circumstances; requiring a motor vehicle repair shop
 7 to prepare a transaction form under certain
 8 circumstances; requiring the Department of Agriculture
 9 and Consumer Services to approve such form; specifying
 10 requirements for such form; requiring a motor vehicle
 11 repair shop to maintain a copy of the transaction form
 12 for a specified time; requiring the motor vehicle
 13 repair shop to deliver transaction forms to law
 14 enforcement by a certain time; authorizing a motor
 15 vehicle repair shop to use certain evidence in court;
 16 requiring the electronic transfer of transaction forms
 17 to law enforcement by the motor vehicle repair shop
 18 under certain circumstances; authorizing law
 19 enforcement to provide certain equipment to the motor
 20 vehicle repair shop; specifying ownership and
 21 maintenance of the equipment; specifying that the
 22 motor vehicle repair shop is not required to deliver
 23 transaction forms under certain circumstances;
 24 authorizing law enforcement to request an original
 25 transaction form from the motor vehicle repair shop

26 | under certain circumstances; requiring the motor
 27 | vehicle repair shop to respond to such request within
 28 | a certain timeframe; providing criminal penalties;
 29 | authorizing the department to revoke a vehicle repair
 30 | shop's registration under certain circumstances;
 31 | modifying the items required in a written repair
 32 | estimate; making technical changes; amending s.
 33 | 559.909, F.S.; conforming a cross-reference; making
 34 | technical changes; providing an effective date.

35 |

36 | Be It Enacted by the Legislature of the State of Florida:

37 |

38 | Section 1. This act may be cited as the "Lilly Glaubach
 39 | Act."

40 | Section 2. Section 559.905, Florida Statutes, is amended
 41 | to read:

42 | 559.905 Crash report or transaction form required for
 43 | accident or collision repair work; written motor vehicle repair
 44 | estimate; ~~and~~ disclosure statement required.-

45 | (1) (a) If a customer requests that a motor vehicle repair
 46 | shop perform work to restore a motor vehicle damaged in an
 47 | accident or a collision, the motor vehicle repair shop must,
 48 | before preparing a written repair estimate required by
 49 | subsection (2), request that the customer provide a written
 50 | crash report as specified under s. 316.066.

51 (b) If the customer does not provide a written crash
52 report to the motor vehicle repair shop, the motor vehicle
53 repair shop must prepare an accident or collision repair work
54 transaction form before preparing a written repair estimate
55 required by subsection (2). The Department of Agriculture and
56 Consumer Services must approve the design and format of the
57 transaction form, which must be 8 1/2 inches by 11 inches in
58 size and elicit the information required under this paragraph.
59 In completing the transaction form, the motor vehicle repair
60 shop shall record the following information, which must be typed
61 or written indelibly and legibly in English:

- 62 1. The name and address of the motor vehicle repair shop.
- 63 2. The vehicle identification number, year, license tag
64 number, make, model, and color of the damaged vehicle and the
65 name, telephone number, physical description, and address of the
66 owner of the vehicle or the person in possession of the vehicle.
- 67 3. A description of the damage to the vehicle.

68 (c) A motor vehicle repair shop shall maintain a copy of
69 each completed transaction form on the premises of the motor
70 vehicle repair shop for at least 1 year after the date of the
71 transaction. On or before the end of each business day, the
72 motor vehicle repair shop shall deliver to the appropriate law
73 enforcement official the original transaction forms for each of
74 the transactions occurring during the previous business day,
75 unless other arrangements have been agreed upon between the

76 motor vehicle repair shop and the appropriate law enforcement
77 official. If the original transaction form is lost or destroyed
78 by the appropriate law enforcement official, a copy may be used
79 by the motor vehicle repair shop as evidence in court.

80 (d) If the appropriate law enforcement agency supplies the
81 necessary software and the motor vehicle repair shop has the
82 computer capability, transaction forms must be electronically
83 transferred. If a motor vehicle repair shop does not have the
84 computer capability, the appropriate law enforcement agency may
85 provide the motor vehicle repair shop with the necessary
86 equipment for the purpose of electronically transferring
87 accident or collision repair work transaction forms. The
88 appropriate law enforcement agency shall retain ownership of the
89 equipment, unless otherwise agreed upon. The motor vehicle
90 repair shop shall maintain the equipment in good working order,
91 ordinary wear and tear excepted. If the motor vehicle repair
92 shop transfers accident or collision repair work transaction
93 forms electronically, the motor vehicle repair shop is not
94 required to also deliver to the appropriate law enforcement
95 official the original or copies of the transaction forms. The
96 appropriate law enforcement official may, for the purposes of a
97 criminal investigation, request that the motor vehicle repair
98 shop produce the original of a transaction form that has been
99 electronically transferred. The motor vehicle repair shop shall
100 deliver this form to the appropriate law enforcement official

101 within 24 hours after the request.

102 (e) Any person who violates this subsection commits a
 103 misdemeanor of the second degree, punishable as provided in s.
 104 775.082 or s. 775.083. If the department finds a motor vehicle
 105 repair shop in violation of this subsection, it may revoke the
 106 motor vehicle repair shop's registration under s. 559.904.

107 (2) When any customer requests a motor vehicle repair shop
 108 to perform repair work on a motor vehicle, the cost of which
 109 repair work will exceed \$100 to the customer, the shop shall
 110 prepare a written repair estimate, which is a form setting forth
 111 the estimated cost of repair work, including diagnostic work,
 112 before effecting any diagnostic work or repair. The written
 113 repair estimate must ~~shall~~ also include the following items:

114 (a) The name, address, and telephone number of the motor
 115 vehicle repair shop.

116 (b) The name, address, and telephone number of the
 117 customer.

118 (c) The date and time of the written repair estimate.

119 (d) The vehicle identification number, year, make, model,
 120 odometer reading, and license tag number of the motor vehicle.

121 (e) The proposed work completion date.

122 (f) A general description of the customer's problem or
 123 request for repair work or service relating to the motor
 124 vehicle.

125 (g) A statement as to whether the customer is being

126 | charged according to a flat rate or an hourly rate, or both.

127 | (h) The estimated cost of repair which must ~~shall~~ include
 128 | any charge for shop supplies or for hazardous or other waste
 129 | removal and, if a charge is included, the estimate must ~~shall~~
 130 | include the following statement:

131 |
 132 | "This charge represents costs and profits to the motor
 133 | vehicle repair facility for miscellaneous shop
 134 | supplies or waste disposal."
 135 |

136 | If a charge is mandated by state or federal law, the estimate
 137 | must ~~shall~~ contain a statement identifying the law and the
 138 | specific amount charged under the law.

139 | (i) The charge for making a repair price estimate or, if
 140 | the charge cannot be predetermined, the basis on which the
 141 | charge will be calculated.

142 | (j) The customer's intended method of payment.

143 | (k) The name and telephone number of another person who
 144 | may authorize repair work, if the customer desires to designate
 145 | such person.

146 | (l) A statement indicating what, if anything, is
 147 | guaranteed in connection with the repair work and the time and
 148 | mileage period for which the guarantee is effective.

149 | (m) A statement allowing the customer to indicate whether
 150 | replaced parts should be saved for inspection or return.

151 (n) A statement indicating the daily charge for storing
 152 the customer's motor vehicle after the customer has been
 153 notified that the repair work has been completed. However, ~~no~~
 154 storage charges may not ~~shall~~ accrue or be due and payable for a
 155 period of 3 working days after ~~from~~ the date of such
 156 notification.

157 ~~(3)(2)~~ If the cost of repair work will exceed \$100, the
 158 shop must ~~shall~~ present to the customer a written notice
 159 conspicuously disclosing, in a separate, blocked section, only
 160 the following statement, in capital letters of at least 12-point
 161 type:

162
 163 PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND
 164 SIGN:

165 I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A
 166 WRITTEN ESTIMATE IF MY FINAL BILL WILL EXCEED \$100.

167
 168 I REQUEST A WRITTEN ESTIMATE.

169
 170 I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE
 171 REPAIR COSTS DO NOT EXCEED \$ THE SHOP MAY NOT EXCEED THIS
 172 AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

173
 174 I DO NOT REQUEST A WRITTEN ESTIMATE.
 175

176 SIGNED DATE

177

178 (4)~~(3)~~ The information required by paragraphs (2) (h) and
 179 (i) ~~(1) (h) and (i)~~ need not be provided if the customer waives
 180 in writing her or his right to receive a written estimate.

181 (5)~~(4)~~ Except as provided in subsection (6) ~~(5)~~, a copy of
 182 the written repair estimate required by subsection (2) ~~(1)~~ and
 183 the disclosure statement required by subsection (3) must ~~(2)~~
 184 ~~shall~~ be given to the customer before repair work commences ~~is~~
 185 ~~begun~~. The disclosure statement may be provided on the same form
 186 as the written repair estimate.

187 (6)~~(5)~~ If the customer leaves her or his motor vehicle at
 188 a motor vehicle repair shop during hours when the shop is not
 189 open or if the customer permits the shop or another person to
 190 deliver the motor vehicle to the shop, there is ~~shall be~~ an
 191 implied partial waiver of the written estimate; however, upon
 192 completion of diagnostic work necessary to estimate the cost of
 193 repair, the shop shall notify the customer as required in s.
 194 559.909(1).

195 (7)~~(6)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed
 196 to require a motor vehicle repair shop to give a written
 197 estimated price if the motor vehicle repair shop does not agree
 198 to perform the requested repair.

199 Section 3. Subsection (1) of section 559.909, Florida
 200 Statutes, is amended to read:

201 559.909 Notification of charges in excess of repair
 202 estimate; unlawful charges; refusal to return vehicle
 203 prohibited; inspection of parts.—

204 (1) In the event that:

205 (a) The written repair estimate contains only an estimate
 206 for diagnostic work necessary to estimate the cost of repair and
 207 such diagnostic work has been completed;

208 (b) A determination is made by a motor vehicle repair shop
 209 that the actual charges for the repair work will exceed the
 210 written estimate by more than \$10 or 10 percent, whichever is
 211 greater, but not to exceed \$50; or

212 (c) An implied partial waiver exists for diagnostic work,
 213 as described in s. 559.905(6) ~~s. 559.905(5)~~, and such diagnostic
 214 work has been completed,

215
 216 the customer must ~~shall~~ be promptly notified by the motor
 217 vehicle repair shop by telephone, telegraph, mail, or other
 218 means of the additional repair work and estimated cost thereof.
 219 A customer so notified shall, orally or in writing, authorize,
 220 modify, or cancel the order for repair.

221 Section 4. This act shall take effect July 1, 2024.