

By Senator Gruters

22-00114-24

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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

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shop's registration under certain circumstances;
modifying the items required in a written repair
estimate; making technical changes; amending s.
559.909, F.S.; conforming a cross-reference; making
technical changes; providing an effective date.

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

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

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

559.905 Crash report or transaction form required for
accident or collision repair work; written motor vehicle repair
estimate; ~~and~~ disclosure statement required.—

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

(b) If the customer does not provide a written crash report
to the motor vehicle repair shop, the motor vehicle repair shop
must prepare an accident or collision repair work transaction
form before preparing a written repair estimate required by
subsection (2). The Department of Agriculture and Consumer
Services must approve the design and format of the transaction
form, which must be 8 1/2 inches by 11 inches in size and elicit
the information required under this paragraph. In completing the

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59 transaction form, the motor vehicle repair shop shall record the
60 following information, which must be typed or written indelibly
61 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, phone 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

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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

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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 charged
126 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 may
144 authorize repair work, if the customer desires to designate such
145 person.

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146 (1) A statement indicating what, if anything, is guaranteed
147 in connection with the repair work and the time and mileage
148 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 the
152 customer's motor vehicle after the customer has been notified
153 that the repair work has been completed. However, ~~no~~ storage
154 charges may not shall accrue or be due and payable for a period
155 of 3 working days after ~~from~~ the date of such notification.

156 (3)~~(2)~~ If the cost of repair work will exceed \$100, the
157 shop must shall present to the customer a written notice
158 conspicuously disclosing, in a separate, blocked section, only
159 the following statement, in capital letters of at least 12-point
160 type:

161
162 PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND
163 SIGN:

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

166
167 I REQUEST A WRITTEN ESTIMATE.

168
169 I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE
170 REPAIR COSTS DO NOT EXCEED \$..... THE SHOP MAY NOT EXCEED THIS
171 AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

172
173 I DO NOT REQUEST A WRITTEN ESTIMATE.

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175 SIGNED

DATE

176

177 (4)~~(3)~~ The information required by paragraphs (2) (h) and
 178 (i) ~~(1) (h) and (i)~~ need not be provided if the customer waives
 179 in writing her or his right to receive a written estimate.

180 (5)~~(4)~~ Except as provided in subsection (6) ~~(5)~~, a copy of
 181 the written repair estimate required by subsection (2) ~~(1)~~ and
 182 the disclosure statement required by subsection (3) must ~~(2)~~
 183 ~~shall~~ be given to the customer before repair work commences ~~is~~
 184 ~~begun~~. The disclosure statement may be provided on the same form
 185 as the written repair estimate.

186 (6)~~(5)~~ If the customer leaves her or his motor vehicle at a
 187 motor vehicle repair shop during hours when the shop is not open
 188 or if the customer permits the shop or another person to deliver
 189 the motor vehicle to the shop, there is ~~shall be~~ an implied
 190 partial waiver of the written estimate; however, upon completion
 191 of diagnostic work necessary to estimate the cost of repair, the
 192 shop shall notify the customer as required in s. 559.909(1).

193 (7)~~(6)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed
 194 to require a motor vehicle repair shop to give a written
 195 estimated price if the motor vehicle repair shop does not agree
 196 to perform the requested repair.

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

199 559.909 Notification of charges in excess of repair
 200 estimate; unlawful charges; refusal to return vehicle
 201 prohibited; inspection of parts.-

202 (1) In the event that:

203 (a) The written repair estimate contains only an estimate

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204 for diagnostic work necessary to estimate the cost of repair and
205 such diagnostic work has been completed;

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

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

213

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

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