

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/CS/SB 92

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government and Commerce; Tourism Committee and Senators Gruters and Grall

SUBJECT: Motor Vehicle Repair Work

DATE: March 20, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Wiseheart</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 92 creates the “Lilly Glaubach Act,” which requires a motor vehicle repair shop to request that a customer provide a written crash report after providing the customer with a written repair estimate when the accident or collision repair work requested is estimated to cost \$2,500 or more. However, if the customer does not provide a written crash report, the motor vehicle repair shop or the vendor that processes repair estimates for the motor vehicle repair shop must transmit a copy of the repair estimate, within three business days after finalizing the estimate, to a database to be established and maintained by the Department of Law Enforcement. If the Department of Agriculture and Consumer Services finds a motor vehicle repair shop in violation of the crash report or repair estimate requirements, it may revoke the repair shop's registration.

The bill adds “vehicle identification number” to the requirements that must be included in a written repair estimate.

The bill establishes that a license plate is required to be displayed on the rear and front of a vehicle, and provides that this provision of the bill is effective January 1, 2026.

The bill has a significant, negative impact to state revenues or expenditures, as well as, the private sector. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Motor Vehicle Repair

The Florida Motor Vehicle Repair Act¹ requires anyone who is paid to repair motor vehicles owned by other individuals to register with the DACS.² Registration applications are required to be accompanied by a registration fee calculated on a per-year basis.³ Additionally, each registration application must include the following:

- The name of the applicant;
- The name under which the applicant is doing business;
- The business address;
- Copies of all licenses, permits, and certifications; and
- The number of employees the applicant intends to employ or currently employs.⁴

For repairs costing more than \$150, motor vehicle repair shops are required to prepare a written repair estimate that includes the estimated cost of repair work, including diagnostic work, before beginning any diagnostic work or repair.⁵ Additionally, for repairs costing more than \$150, motor vehicle repair shops are required to provide a written disclosure statement to the customer.⁶ The written repair estimate must include the following:

- The name, address, and telephone number of the motor vehicle repair shop;
- The name, address, and telephone number of the customer;
- The date and time of the written repair estimate;
- The year, make, model, odometer reading, and license tag number of the motor vehicle;
- The proposed work completion date;
- A general description of the customer's problem or request for repair work or service relating to the motor vehicle;
- A statement as to whether the customer is being charged according to a flat rate or an hourly rate, or both;
- The estimated cost of repair which must include any charge for shop supplies or for hazardous or other waste removal;
- The charge for making a repair price estimate or, if the charge cannot be predetermined, the basis on which the charge will be calculated;
- The customer's intended method of payment;
- The name and telephone number of another person who may authorize repair work, if the customer desires to designate such person;
- A statement indicating what, if anything, is guaranteed in connection with the repair work and the time and mileage period for which the guarantee is effective;

¹ Section 559.901, F.S.

² Section 559.904(1), F.S.

³ Section 559.904(3)(a), F.S.

⁴ Section 559.904(1), F.S.

⁵ Section 559.905(1), F.S.

⁶ Section 559.905(2), F.S.

- A statement allowing the customer to indicate whether replaced parts should be saved for inspection or return; and
- A statement indicating the daily charge for storing the customer's motor vehicle after the customer has been notified that the repair work has been completed.⁷

If the customer leaves their motor vehicle at the motor vehicle repair shop during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the shop, then there is an implied partial waiver of the written estimate. However, upon completion of diagnostic work necessary to estimate the cost of repair, the shop must properly notify the customer.⁸

In the following circumstances, the customer must be promptly notified by telephone, telegraph, mail, or other means of additional repair work and the estimated cost thereof:

- In the event that the written repair estimate contains only an estimate for diagnostic work necessary to estimate the cost of repair and such diagnostic work has been completed;
- If a determination is made by a motor vehicle repair shop that the actual charges for the repair work will exceed the written estimate by more than \$10 or ten percent, whichever is greater, but not to exceed \$50; or
- If an implied partial waiver exists for diagnostic work, and such diagnostic work has been completed.⁹

Written Crash Reports

A Florida Traffic Crash Report, Long Form must be completed and submitted to the Department of Highway Safety and Motor Vehicles (FLHSMV) within ten days after an investigation is completed by the law enforcement officer who in the regular course of duty investigates a motor vehicle crash that:

- Resulted in the death of, personal injury to, or any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash;
- Involved a violation of s. 316.061(1), F.S., or s. 316.193, F.S.;¹⁰
- Rendered a vehicle inoperable to a degree that required a wrecker to remove it from the scene of the crash; or
- Involved a commercial motor vehicle.¹¹

The Florida Traffic Crash Report, Long Form must include the following:

- The date, time, and location of the crash;
- A description of the vehicles involved;

⁷ Section 559.905(1), F.S.

⁸ Section 559.905(5), F.S.

⁹ Section 559.909(1), F.S.

¹⁰ Section 316.061(1), F.S., provides that the driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person must immediately stop such vehicle at the scene of such crash or as close thereto as possible, and must forthwith return to, and in every event must remain at, the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S. Section 316.193, F.S., provides regulations for a person driving under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, F.S., or any substance controlled under chapter 893, F.S., when affected to the extent that the person's normal faculties are impaired.

¹¹ Section 316.066(1)(a), F.S.

- The names and addresses of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or a passenger;
- The names and addresses of witnesses;
- The name, badge number, and law enforcement agency of the officer investigating the crash; and
- The names of the insurance companies for the respective parties involved in the crash.¹²

In any crash where a Florida Traffic Crash Report, Long Form is not required and which occurs on the public roadways of Florida, the law enforcement officer must complete a Short Form Crash Report or provide a driver exchange-of-information form, to be completed by all drivers and passengers involved in the crash, which requires the identification of each vehicle that the drivers and passengers were in.¹³

The driver of a vehicle that was involved in a crash resulting in damage to a vehicle or other property which does not require a law enforcement report must, within ten days after the crash, submit a written report of the crash to the FLHSMV. The report must be submitted on a form approved by the FLHSMV. Additionally, Long Form and Short Form Crash Reports prepared by law enforcement must be submitted to the FLHSMV and may be maintained by the law enforcement officer's agency.¹⁴

Crash reports may take up to ten days to become available and may be requested online through the FLHSMV Crash Portal.¹⁵ Alternatively, customers may receive a crash report by mail or in person if they complete a "Sworn Statement for Crash Report."¹⁶ Requests for ten or fewer crash records may be fulfilled at the Florida Highway Patrol Station nearest to where the crash occurred.¹⁷ Requests for more than ten records must include a request letter detailing the crash report that is being requesting and a "Sworn Statement for Crash Report," which must be mailed with payment to the FLHSMV "Crash Records" division.¹⁸

License Plates

Section 316.605, F.S., provides that at all times, while driven, stopped, or parked upon any highways, roads, or streets, every vehicle in Florida must be licensed in the name of the owner and display the license plate or both of the license plates assigned to it by Florida, one on the rear and, if two, the other on the front of the vehicle.¹⁹ No license plates other than those furnished by Florida can be used. However, if the vehicle is not required to be licensed in Florida, the license plates on such vehicle issued by another state, by a territory, possession, or district of the United

¹² Section 316.066(1)(b), F.S.

¹³ Section 316.066(1)(c), F.S.

¹⁴ Section 316.066(1)(e), F.S.

¹⁵ Florida Highway Safety and Motor Vehicles, *Traffic Crash Reports*, available at <https://www.flhsmv.gov/traffic-crash-reports/> (last visited Feb. 28, 2024).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 316.605(1), F.S., provides an exception for front-end registration license plates on truck tractors, as well as exempts the display of license plates on described former military vehicles. *See also* ss. 320.0706 and 320.086, F.S.

States, or by a foreign country, must be considered as complying with ch. 316, F.S. A violation of this provision is a noncriminal traffic infraction.²⁰

III. Effect of Proposed Changes:

The bill amends ss. 316.605, 559.905, and 559.909, F.S., and may be cited as the “Lilly Glaubach Act.”

The bill requires a license plate to be displayed on the rear and front of a vehicle, and provides that this provision of the bill is effective January 1, 2026.

The bill requires a crash report or transaction form for certain accident or collision repair work. If a customer requests that a motor vehicle repair shop perform work to restore a motor vehicle damaged in an accident or collision, and such work is estimated to cost \$2,500 or more, the motor vehicle repair shop must request that the customer provide a written crash report after preparing a written repair estimate.²¹

The bill provides that if the customer does not provide a written crash report, the motor vehicle repair shop or the vendor that processes repair estimates for the motor vehicle repair shop must, within three business days after finalizing the repair estimate, transmit a copy of the repair estimate to a database to be established and maintained by the Department of Law Enforcement. The DACS may revoke the motor vehicle repair shop’s registration if a motor vehicle repair shop violates the provisions relating to the crash report or repair estimate requirements.

Additionally, if the DACS finds a motor vehicle repair shop in violation of s. 559.905(1), F.S., it may revoke the motor vehicle repair shop’s registration under s. 559.904, F.S.

The bill adds “vehicle identification number” to the requirements that must be included in a written repair estimate.

The bill amends s. 559.909, F.S., to provide that a customer must be promptly notified by the motor vehicle repair shop if an implied partial waiver exists for diagnostic work, as described in s. 559.905(6), F.S.²²

The bill re-enacts ss. 316.2128, 316.545, 320.0655, 320.0659, 320.0706, and 559.907, F.S., for the purpose of incorporating the amendments made to s. 559.905, F.S.

The bill takes effect July 1, 2025.

²⁰ *Id.* See also ch. 318, F.S., which provides the framework for noncriminal

²¹ Section 316.066, F.S., provides the framework of a “written crash report.”

²² Section 559.905(5), F.S., which is redesignated to s. 559.905(6), F.S., in the bill, provides that if a customer leaves their motor vehicle at a motor vehicle repair shop during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the shop, there is an implied partial waiver of the written estimate. However, upon completion of diagnostic work necessary to estimate the cost of repair, the shop must notify the customer.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If a customer requests that a motor vehicle repair shop perform work to restore a motor vehicle damaged in an accident or collision, the motor vehicle repair shop will be required to obtain a crash report or within three business days after finalizing the repair estimate, transmit a copy of the repair estimate to a database to be established and maintained by the Department of Law Enforcement.

C. Government Sector Impact:

The bill requires a license plate to be displayed on the rear and front of a vehicle. The Florida Department of Highway Safety and Motor Vehicles (FLHSMV) estimates the annual cost of one plate per vehicle at \$13 million, which is good for 10 years. The initial cost for a second plate would be \$130 million with a recurring cost of \$13 million. Without a fee bill raising the fee covering the increased cost, this cost would have to be covered with General Revenue. Additionally, the Department of Law Enforcement will have Indeterminate costs associated with establishing and maintaining the database. .

VI. Technical Deficiencies:

None.

VII. Related Issues:**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 559.905 and 559.909.

This bill re-enacts the following sections of the Florida Statutes: 320.0655, 320.0659, 320.0706, and 559.907.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on March 18, 2025:

The committee substitute establishes that a license plate is required to be displayed on the rear and front of a motor vehicle, as well as provides that this provision is effective January 1, 2026.

The CS lowers the threshold for when a motor vehicle repair shop is required to request a written crash report from \$5,000 to \$2,500. The committee substitute removes the requirement that a repair shop prepare a transaction form if they are not provided with a written crash report. Additionally, the CS provides that if a customer does not provide a written crash report, the motor vehicle repair shop or the vendor that processes repair estimates for the motor vehicle repair shop must transmit a copy of the repair estimate, within three business days after finalizing the estimate, to a database to be established and maintained by the Department of Law Enforcement. If the Department of Agriculture and Consumer Services finds a repair shop in violation of the crash report or repair estimate requirements, it may revoke the repair shop's registration. The language establishing the process for a transaction form is removed, and it removes that a violation of s. 559.905(1), F.S., is a second degree misdemeanor.

CS by Commerce and Tourism on March 3, 2025:

The committee substitute changes the timeline for when a crash report must be requested from before the motor vehicle repair shop provides the customer with a written estimate to after the motor vehicle repair shop provides the customer with a written repair estimate. However, if the customer does not provide a written crash report, the motor vehicle repair shop must prepare an accident or collision repair work transaction form. The committee substitute changes the timeline for when the motor vehicle repair shop must prepare the transaction form before preparing the written estimate to after preparing the written estimate.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
