

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/SB 92

INTRODUCER: Commerce and Tourism Committee and Senator Gruters

SUBJECT: Motor Vehicle Repair Work

DATE: March 17, 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>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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 \$5,000 or more. 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 after preparing a written estimate. The Department of Agriculture and Consumer Services (DACS) must approve the design and format of the transaction form. Additionally, the bill provides the framework for preparing and maintaining the transaction forms, as well as delivering the transaction forms to the appropriate law enforcement agency.

The bill provides that any person who violates these requirements commits a second-degree misdemeanor.

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

The bill has an insignificant 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 10 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 10 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 10 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 10 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 10 or fewer crash records may be fulfilled at the Florida Highway Patrol Station nearest to where the crash occurred.¹⁷ Requests for more than 10 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

III. Effect of Proposed Changes:

The bill amends ss. 559.905, 559.907, and 559.909, F.S., and may be cited as the "Lilly Glaubach Act."

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 \$5,000 or more, the motor vehicle repair shop must request that the customer provide a written crash report after preparing a written repair estimate.¹⁹

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 316.066, F.S., provides the framework of a "written crash report."

The bill provides that 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 after preparing a written repair estimate. The DACS must approve the design and format of the transaction form, which must be 8.5 inches by 11 inches in size. Additionally, the following information must be recorded by the motor vehicle repair shop when completing the transaction form:

- The name and address of the motor vehicle repair shop;
- The vehicle identification number, year, license tag number, make, model, and color of the damaged vehicle and the name, phone number, physical description, and address of the owner of the vehicle or the person in possession of the vehicle; and
- A detailed description of the damage to the vehicle.

The bill requires a motor vehicle repair shop to maintain a copy of each completed transaction form on its premises for at least one year after the date of the transaction. On or before the end of each business day, the motor vehicle repair shop must deliver the original transaction forms for each of the transactions occurring during the previous business day to the appropriate law enforcement agency, unless other arrangements have been agreed upon between the motor vehicle repair shop and the appropriate law enforcement agency. Additionally, if the original transaction form is lost or destroyed by the appropriate law enforcement agency, a copy may be used by the motor vehicle repair shop as evidence in court.

The bill requires transaction forms to be electronically transferred if the appropriate law enforcement agency supplies the necessary software and the motor vehicle repair shop has the computer capability. If a motor vehicle repair shop does not have the computer capability, the appropriate law enforcement agency may provide the shop with the necessary equipment for the purpose of electronically transferring accident or collision repair work transaction forms. Unless otherwise agreed upon, the appropriate law enforcement agency is required to retain ownership of the equipment. Additionally, the motor vehicle repair shop must maintain the equipment in good working order.

The bill provides that a motor vehicle repair shop is not required to deliver to the appropriate law enforcement agency the original or copies of the accident or collision repair work transaction forms if the shop transfers the forms electronically.

The bill authorizes the appropriate law enforcement agency to request that the motor vehicle repair shop produce the original transaction form that has been electronically transferred if it is for the purpose of a criminal investigation. The motor vehicle repair shop must deliver the requested form to the appropriate law enforcement agency within 24 hours of request.

The bill provides that any person who violates s. 559.905(1), F.S., commits a misdemeanor of the second degree.²⁰ 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.

²⁰ Section 775.082(4)(b), F.S., provides that a person who has been convicted of a misdemeanor of the second degree may be sentenced to a definite term of imprisonment not to exceed 60 days. Section 775.083(1)(e), F.S., provides that fines for a misdemeanor of the second degree may not exceed \$500.

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.²¹

The bill re-enacts s. 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.

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

²¹ 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.

required to obtain a crash report or complete an accident or collision repair work transaction form for accident or collision repair work. Additionally, a motor vehicle repair shop will be required to prepare, maintain, and deliver the transaction forms to the appropriate law enforcement agency.

C. Government Sector Impact:

The bill requires the DACS to approve the design and format of the accident or collision repair work transaction form, which can be done within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not define “appropriate law enforcement agency,” which may affect compliance by motor vehicle repair shops.

VIII. Statutes Affected:

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

This bill re-enacts section 559.907 of the Florida Statutes.:

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

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.