

STORAGE NAME: h1431s1.sgc.doc
DATE: February 26, 2002

**HOUSE OF REPRESENTATIVES
COUNCIL FOR SMARTER GOVERNMENT
ANALYSIS**

BILL #: CS/HB 1431
RELATING TO: Pilot RV Mediation & Arbitration
SPONSOR(S): Council for Smarter Government and Representative Jordan
TIED BILL(S): none

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) JUDICIAL OVERSIGHT YEAS 12 NAYS 0
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

This bill extends the life of the recreational vehicle ("RV") mediation and arbitration program from its currently scheduled expiration date of September 30, 2001 until September 30, 2006.

This bill does not appear to have a fiscal impact on state or local government.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Chapter 681, F.S., governs motor vehicle sales warranties.

Section 681.1096, F.S., creates a mediation and arbitration program for disputes arising out of recreational vehicle ("RV") purchases. The program was initially to remain in effect until September 30, 2001, at which time RV disputes were to follow the standard new vehicle warranty arbitration procedures in the "Lemon Law," ss. 681.108-681.1095, F.S.¹ In 2001, the Legislature extended the RV mediation and arbitration program by one year;² the program is currently set to expire on September 30, 2002.

Current law requires manufacturers of motor vehicles to inform purchasers, "clearly and conspicuously in writing how and where to file a claim" under the Lemon Law,³ but it is unclear whether this requirement applies to claims under the RV mediation and arbitration program.

Current law requires claims under the RV mediation and arbitration program to be screened for eligibility by the Department of Legal Affairs.⁴

C. EFFECT OF PROPOSED CHANGES:

This bill amends s. 681.1096, F.S., to extend the life of the RV mediation and arbitration program until September 30, 2006.

This bill also amends s. 681.103(3), F.S., to specifically require that RV manufacturers inform RV purchasers "clearly and conspicuously in writing" of where to file claims under the RV mediation and arbitration program.

Finally, this bill amends s. 681.1097(3), F.S., to allow the Department of Legal Affairs to delegate screening of claims under the RV mediation and arbitration program to the program itself.

¹ See s. 7, ch. 97-245, L.O.F.

² See s. 33, ch. 2001-196, L.O.F.

³ See s. 681.103(3), F.S.

⁴ See s. 681.1097(3), F.S.

D. SECTION-BY-SECTION ANALYSIS:

None.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

This bill does not require, but does allow, the Department of Legal Affairs to delegate screening authority under the RV mediation and arbitration program to the program itself. The fiscal impact of such rulemaking is unknown.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the authority of counties or municipalities to raise revenues in the aggregate.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON JUDICIAL OVERSIGHT:

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