

1 A bill to be entitled
 2 An act relating to warranty associations; amending s.
 3 634.271, F.S.; providing an exemption from penalty
 4 provisions for certain service warranties; providing
 5 actual damages and costs for violations for which such
 6 statutory penalties do not apply; providing retroactive
 7 applicability; providing an effective date.

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

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 11 Section 1. Subsection (5) is added to section 634.271,
 12 Florida Statutes, to read:

13 634.271 Civil remedy.--

14 (5) The penalty provisions in ss. 520.12 and 521.006, as
 15 well as the statutory penalty in subsection (1), do not apply to
 16 any violation of this part or chapters 520 and 521 relating to
 17 or in connection with the sale or failure to disclose in a
 18 retail installment contract or lease, prior to April 23, 2002,
 19 of a vehicle protection product, or contract or agreement that
 20 provides for payment of vehicle protection expenses, as defined
 21 in s. 634.011(7)(b)1., so long as the sale of such product,
 22 contract, or agreement was otherwise disclosed to the consumer
 23 in writing at the time of the purchase or lease. However, in the
 24 event of a violation for which such statutory penalties do not
 25 apply, the court shall award actual damages and costs, including
 26 a reasonable attorney's fee. Nothing in this subsection shall be
 27 construed to require the application of the referenced statutory
 28 penalty provisions where this subsection is not applicable.

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29 Section 2. This act shall take effect upon becoming a law
30 and shall apply retroactively to January 1, 1998.