

By Senator Campbell

32-1423-05

See HB

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

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

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

634.271 Civil remedy.--

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

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