

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
.
.



1 Representative(s) Evers offered the following:

2

3 **Amendment (with title amendment)**

4 Between lines 141 and 142, insert:

5 Section 4. Subsection (13) of section 634.401, Florida  
6 Statutes, is amended to read:

7 634.401 Definitions.--As used in this part, the term:

8 (13) "Service warranty" means any warranty, guaranty,  
9 extended warranty or extended guaranty, maintenance service  
10 contract equal to or greater than 1 year in length or which does  
11 not meet the exemption in paragraph (a), contract agreement, or  
12 other written promise for a specific duration to perform the  
13 repair, replacement, or maintenance of a consumer product, or  
14 for indemnification for repair, replacement, or maintenance, for  
15 the operational or structural failure due to a defect in

989887

4/18/2005 9:15:15 AM

Amendment No. (for drafter's use only)

16 materials or workmanship, normal wear and tear, power surge, or  
17 accidental damage from handling to indemnify against the cost of  
18 repair or replacement of a consumer product in return for the  
19 payment of a segregated charge by the consumer; however:

20 (a) Maintenance service contracts written for less than 1  
21 year or less which do not contain provisions for indemnification  
22 and which do not provide a discount to the consumer for any  
23 combination of parts and labor in excess of 20 percent during  
24 the effective period of such contract, motor vehicle service  
25 agreements, transactions exempt under s. 624.125, and home  
26 warranties subject to regulation under parts I and II of this  
27 chapter are excluded from this definition; and

28 (b) The term "service warranty" does not include service  
29 contracts between consumers and condominium associations.

30 Section 5. Section 634.4015, Florida Statutes, is created  
31 to read:

32 634.4015 Coverage for accidental damage for handling.--All  
33 service warranty contracts that include coverage for accidental  
34 damage from handling must be covered by the contractual  
35 liability policy specified in s. 634.406(3).

36

37 ===== T I T L E A M E N D M E N T =====

38 Remove line 19 and insert:  
39 agreements; amending s. 634.401, F.S.; revising the definition  
40 of the term "service warranty"; creating s. 634.4015, F.S.;  
41 requiring that service warranty contracts be covered by a

989887

4/18/2005 9:15:15 AM

HOUSE AMENDMENT

Bill No. HB 825 CS

Amendment No. (for drafter's use only)

42 | certain contractual liability policy; providing an effective  
43 | date.

989887

4/18/2005 9:15:15 AM