

Bill No. SB 2496

Barcode 893828

CHAMBER ACTION

Senate

House

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The Committee on Commerce and Consumer Services (Aronberg)
recommended the following **amendment to amendment** (503744):

Senate Amendment

In title, on page 11, line 16, through
page 13, line 8, delete those lines

and insert:

specifying additional actions and practices of
a dealer actionable under the Florida Deceptive
and Unfair Trade Practices Act; amending s.
501.976, F.S.; creating s. 501.9765, F.S.;
providing that a motor vehicle dealer who
willfully uses a method or practice that
victimizes or attempts to victimize senior
citizens or handicapped persons commits an
unfair or deceptive trade practice; providing a
civil penalty; providing for reimbursement or
restitution; creating s. 501.977, F.S.;
providing additional remedies against a motor
vehicle dealer; creating s. 501.978, F.S.;

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1 providing that the remedies of part VI of ch.
2 501, F.S., are in addition to remedies
3 otherwise available for the same conduct under
4 state or local law and do not preempt local
5 consumer-protection ordinances not in conflict
6 with part VI of ch. 501, F.S.; creating s.
7 501.979, F.S.; providing for attorney's fees
8 for a prevailing party; providing procedures
9 for receiving attorney's fees; authorizing the
10 Department of Legal Affairs or the office of
11 the state attorney to receive attorney's fees
12 under certain circumstances; creating s.
13 501.980, F.S.; requiring that, as a condition
14 precedent to initiating civil litigation
15 arising under part VI of ch. 501, F.S., a
16 claimant give the motor vehicle dealer written
17 notice of the claimant's intent to initiate
18 litigation against the motor vehicle dealer not
19 less than 30 days before initiating the
20 litigation; providing for the content of the
21 notice of claim and the method by which the
22 notice of claim is given to the motor vehicle
23 dealer; providing that if the claim is paid by
24 the motor vehicle dealer within 30 days after
25 receiving the notice of claim, together with a
26 surcharge of 10 percent of the alleged actual
27 damages, the claimant may not initiate
28 litigation against the motor vehicle dealer,
29 and the motor vehicle dealer is obligated to
30 pay no more than \$500 for the attorney's fees
31 of the claimant; providing that the surcharge

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1 not exceed \$500; providing procedures for
2 damage claims that are nonquantifiable;
3 providing expedited procedures when the
4 claimant is without access to a motor vehicle;
5 specifying when a payment by a dealer is deemed
6 paid; providing that a claimant is not entitled
7 to a surcharge under certain circumstances;
8 providing that a motor vehicle dealer is not
9 obligated to pay the claimant's attorney's fees
10 under certain circumstances; providing that the
11 act does not apply to the statutory
12 responsibility of the Attorney General or the
13 state attorney or to certain claims, actions,
14 or proceedings; requiring the Department of
15 Legal Affairs to make a sample demand letter
16 available to the public; providing for the
17 tolling of the applicable statute of
18 limitations;

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