

29 (d) "Service contract" means a written contract for the
30 performance of services over a fixed period of time or for a
31 specified duration.

32 (2) SERVICE CONTRACTS WITH AUTOMATIC RENEWAL PROVISIONS.--

33 (a) Any person, firm, partnership, association, or
34 corporation engaged in commerce that sells, leases, or offers to
35 sell or lease any service to a consumer pursuant to a service
36 contract that automatically renews unless the consumer cancels
37 the contract shall disclose the automatic renewal provision
38 clearly and conspicuously in the contract or contract offer.

39 (b) Any person, firm, partnership, association, or
40 corporation that sells or offers to sell any service to a
41 consumer pursuant to a service contract the term of which is a
42 specified term of 12 months or more and that automatically
43 renews for a specified term of more than 1 month unless the
44 consumer cancels the contract shall provide the consumer with
45 written or electronic notification of the automatic renewal
46 provision. Notification shall be provided to the consumer no
47 less than 30 days and no more than 60 days before the
48 cancellation deadline pursuant to the automatic renewal
49 provision. Such notification shall disclose clearly and
50 conspicuously:

51 1. That unless the consumer cancels the contract the
52 contract will automatically renew.

53 2. Methods by which the consumer may obtain details of the
54 automatic renewal provision and cancellation procedure, whether
55 by contacting the seller at a specified telephone number or
56 address, by referring to the contract, or by any other method.

57 (c) A person, firm, partnership, association, or
58 corporation that fails to comply with the requirements of this
59 subsection is in violation of this subsection unless the person,
60 firm, partnership, association, or corporation demonstrates
61 that:

62 1. As part of its routine business practice, it has
63 established and implemented written procedures to comply with
64 this section and enforces compliance with the procedures.

65 2. Any failure to comply with this subsection is the
66 result of error.

67 3. As part of its routine business practice, where an
68 error has caused the failure to comply with this subsection, the
69 unearned portion of the contract subject to the automatic
70 renewal provision is refunded as of the date on which the seller
71 is notified of the error.

72 (d) This subsection does not apply to:

73 1. A financial institution as defined in s. 655.005(1)(h),
74 Florida Statutes, or any depository institution as defined in 12
75 U.S.C. s. 1813(c)(2);

76 2. A foreign bank maintaining a branch or agency licensed
77 under the laws of any state of the United States;

78 3. Any subsidiary or affiliate of an entity described in
79 subparagraph 1. or subparagraph 2.;

80 4. A health studio as defined in s. 501.0125(1), Florida
81 Statutes; or

82 5. Any entity licensed under chapter 634.

83 (e) A violation of this subsection renders the automatic
84 renewal provision void and unenforceable.

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85 Section 2. This act shall take effect July 1, 2008, and
86 shall apply only to contracts entered into on or after July 1,
87 2008.