

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Brisé offered the following:

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3 **Amendment to Amendment (533109) (with title amendment)**

4 Remove line(s) 322-324 and insert:

5 penalties and remedies provided in part II of this chapter.

6 (8) ACTIONS FOR DAMAGES.--

7 (a) A homeowner may bring an action against a foreclosure-
8 rescue consultant or equity purchaser for any violation of this
9 section. Judgment must be entered for actual damages and
10 consequential damages, reasonable attorney's fees and costs, and
11 appropriate equitable relief, including, but not limited to, the
12 rescission of any deed, mortgage, or other instrument signed by
13 the homeowner or equity purchaser. The rights and remedies
14 provided in this section are cumulative with, and not a
15 limitation of, any other rights and remedies provided by law.

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16 Any action brought pursuant to this subsection must be commenced
17 within 4 years after the date of the alleged violation.

18 (b) In addition to any other damages available to a
19 homeowner:

20 1. The court may award damages up to one and one-half
21 times the compensation charged by the foreclosure-rescue
22 consultant if the court finds that the foreclosure-rescue
23 consultant's conduct was in bad faith.

24 2. For a violation of paragraph (5)(c), paragraph (5)(d),
25 paragraph (5)(e), or paragraph (5)(f), the court may award
26 damages no less than one and one-half times the actual damages.

27 (c) Notwithstanding any other provision of this
28 subsection, no action may be brought on the basis of a violation
29 of this section except by a homeowner against whom the violation
30 was committed or by the attorney general.

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34 **T I T L E A M E N D M E N T**

35 Remove line 365 and insert:

36 for penalties and remedies; providing for damages; authorizing
37 homeowners to bring actions against certain persons for certain
38 violations; providing for judgments for actual and consequential
39 damages, attorney's fees and costs, and equitable relief;
40 specifying rights and remedies as cumulative; providing a time
41 limitation on bringing such actions; authorizing courts to award
42 certain additional damages; repealing s. 501.2078, F.S.,
43 relating to violations

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