

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Brisé offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 358 - 360, insert:

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

7 (8) ACTIONS FOR DAMAGES.--

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

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

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

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

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

28 (c) Notwithstanding any other provision of this
29 subsection, no action may be brought on the basis of a violation
30 of this section except by a homeowner against whom the violation
31 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 34, and insert:
36 in part II of ch. 501, F.S.; providing for penalties and
37 remedies; providing for damages; authorizing homeowners to bring
38 actions against certain persons for certain violations;
39 providing for judgments for actual and consequential damages,
40 attorney's fees and costs, and equitable relief; specifying
41 rights and remedies as cumulative; providing a time limitation
42 on bringing such actions; authorizing courts to award certain
43 additional damages;

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