

Lemon Law Arbitration Program



2020 ANNUAL REPORT



OFFICE OF
ATTORNEY GENERAL
ASHLEY MOODY
— Stronger, Safer Florida —

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Dear Floridians:

The Florida New Motor Vehicle Arbitration Board, housed in the Lemon Law Arbitration Division of the Attorney General's office, is a free and effective forum for the resolution of disputes between consumers and motor vehicle manufacturers under Florida's "Lemon Law." Since the first case was filed in 1989 through the close of the reporting period, consumers have recovered more than \$509 million in refunds and vehicle replacements via settlements and arbitration awards.

This report focuses on disputes that were filed with the Office of Attorney General and approved for arbitration before the New Motor Vehicle Arbitration Board for the 2020 calendar year. The report includes a summary comparison of data for cases filed from 1989 through 2020. Also reported is the total number of motor vehicles identified by manufacturers as having been reacquired in 2020.

Consumers can obtain additional information about Florida's Lemon Law and search a list of vehicles repurchased by motor vehicle manufacturers by visiting the Office of the Attorney General's website, www.myfloridalegal.com.

Sincerely,



Ashley Moody
Attorney General



INTRODUCTION

Florida's "Lemon Law," Chapter 681, Florida Statutes, allows consumers to receive purchase price refunds or replacement motor vehicles when their new or demonstrator motor vehicles are subjected to repeated, unsuccessful repairs by the manufacturer or its authorized service agent for the same defect or condition, or are constantly in the shop for repair of one or more different defects or conditions. The defects or conditions covered by the Lemon Law are those that substantially impair the use, value or safety of the vehicle, and are first reported to the manufacturer or its authorized service agent during a specified period after the consumer takes delivery of the vehicle. If the manufacturer fails to provide the remedy required by statute, the consumer can arbitrate their claim before the Florida New Motor Vehicle Arbitration Board.

Members of the Florida New Motor Vehicle Arbitration Board are appointed by the Attorney General and conduct arbitration hearings throughout the state. Arbitration is an "all-or-nothing" proposition for the consumer, who will either win an award of a refund or replacement vehicle, or have their claim dismissed. Section 681.1095, Florida Statutes, requires the Attorney General to compile annual statistics for all disputes submitted to the Board. Since 2011, requests for arbitration have been initially filed with, and screened by, the Office of the Attorney General, instead of the Department of Agriculture and Consumer Services. As a result, comparison of certain data in more recent reports with that from 2010 and years prior may not be possible. The information contained in this report was derived from the records of the Attorney General's Lemon Law Arbitration Division, and covers claims filed with the Office of the Attorney General and approved for arbitration from January 1, 2020, through December 31, 2020.

Disputes are reported by manufacturer. Under certain circumstances, a single claim can involve multiple manufacturers. In those instances, approval of the claim for arbitration is credited to the "nameplate" manufacturer (the name of the manufacturer under which the vehicle was sold). In reporting the dollar values of the arbitration awards, all manufacturers found liable by the Board in each case are listed; however, the per-case dollar amount of the award is not pro-rated. For example, if two manufacturers were found liable to pay the consumer in one case a refund of \$60,000.00, only the total amount of the award is reflected in this report, along with the names of both liable manufacturers. The law does not give the Board the authority to pro-rate awards in multiple manufacturer cases.

Note should be made of the unique circumstances superimposed over the 2020 calendar year. In response to the emergence of the COVID-19 virus, and under the authority of Executive Orders issued by the Governor of the State of Florida, all hearings before the Florida New Motor Vehicle Arbitration Board were cancelled, and all substantive and procedural time frames imposed under Chapter 681, Florida Statutes, were suspended in March 2020, pursuant to Board Emergency Orders 20-001 and 20-002. Board hearings resumed using a "virtual" format in late September 2020, and time frames were reinstated November 11, 2020, pursuant to Board Emergency Order 20-006.

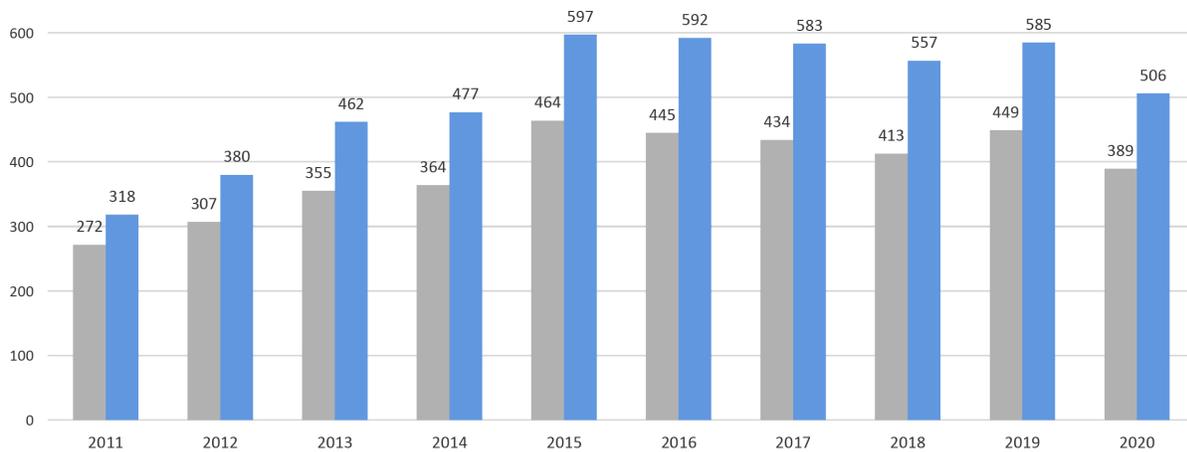


2020 EXECUTIVE SUMMARY

During the calendar year 2020, a total of 506 consumers filed arbitration claims with the Office of the Attorney General. This represents a decrease in total cases filed compared to the year 2019 (which numbered 585), but still surprisingly strong in light of the COVID-19 health emergency. The overall trend since 2011 continues to reflect an increase in the number of consumers seeking relief through the program. For 2020, purchase price refunds were requested by 89.3 percent (452) of the consumers approved for arbitration, while 10.7 percent (54) requested replacement vehicles. Of the 506 cases filed, 39 cases were rejected by the Office of the Attorney General as outside of the scope of the Arbitration Board's authority, and 78 were withdrawn by the consumer before formal action was taken on the request. The remaining 389 claims were approved for arbitration. This report is focused primarily on the outcomes of those cases. From January 1, 2020, through December 31, 2020, a total of 46 of the approved cases were voluntarily withdrawn by consumers after approval, but prior to any reported resolution. The remaining 343 cases were resolved via prehearing settlement (213) or arbitration decision (130). The dollar amount of relief obtained for the 2020 calendar year totaled over \$11.1 million.

Graph A shows the number of cases filed and the number approved for arbitration between 2011 and 2020.

GRAPH A
2011-2020 CASES FILED AND CASES APPROVED



CASES APPROVED FOR ARBITRATION

Since mid-2011, consumers have requested arbitration of their Lemon Law disputes by filing a Request for Arbitration form with the Lemon Law Arbitration Division of the Attorney General's office. The forms are screened for eligibility under a process governed by statute. If a request is determined eligible, it is approved for arbitration, the parties are notified of the approval, and the case is assigned to the appropriate regional office of the Lemon Law Arbitration Division for administration and the scheduling of a hearing.

The total number of claims filed by consumers in 2020 is reflected in **Table 1**, along with the number of those claims that were rejected or withdrawn prior to approval. Claims were approved against 25 manufacturers during the 2020 report period. The number of cases approved to move forward against each manufacturer, as well as the number of claims withdrawn by consumers after approval but for reasons other than settlement, is reflected in **Table 2**. Manufacturers are identified by the nameplate under which the vehicles were sold.

TABLE 1
2020 CASES FILED FOR ARBITRATION:
CASES REJECTED/NOT APPROVED AND CASES WITHDRAWN/NOT APPROVED

Manufacturer	Cases Filed	Cases Rejected- Not Approved	Cases Withdrawn- Not Approved	Cases Approved
ALFA ROMEO	1	0	0	1
AMERICAN HONDA/ACURA	36	1	1	34
ASTON MARTIN	2	0	0	2
BENTLEY	1	0	0	1
BMW	33	6	0	27
CHRYSLER/FCA US LLC	122	5	23	94
EVOLUTION ELECTRIC VEHICLE	1	0	0	1
FISKER AUTOMOTIVE	1	0	0	1
FORD	25	2	7	16
GENERAL MOTORS	98	13	21	64
HYUNDAI	4	0	1	3
ISUZU COMMERCIAL TRUCK	1	1	0	0



TABLE 1
2020 CASES FILED FOR ARBITRATION:
CASES REJECTED/NOT APPROVED AND CASES WITHDRAWN/NOT
APPROVED (Continued)

Manufacturer	Cases Filed	Cases Rejected- Not Approved	Cases Withdrawn- Not Approved	Cases Approved
JAGUAR	8	1	2	5
KARMA AUTOMOTIVE F/K/A FISHER	1	0	0	1
KIA	6	1	1	4
LAND ROVER	29	2	2	25
MASERATI	2	0	1	1
MAZDA	5	0	1	4
MERCEDES-BENZ	27	0	4	23
MITSUBISHI	1	0	0	1
NAVISTAR	1	1	0	0
NISSAN/INFINITI	14	0	0	14
PORSCHE	2	0	2	0
SUBARU	2	0	0	2
TESLA	20	0	2	18
TOYOTA/LEXUS	48	4	5	39
VOLKSWAGEN/AUDI	11	2	3	6
VOLVO	4	0	2	2
TOTALS	506	39	78	389



TABLE 2
2020 CASES APPROVED FOR ARBITRATION AND CASES WITHDRAWN
AFTER APPROVAL WITHOUT SETTLEMENT

Manufacturer	Cases Approved	Cases Withdrawn After Approval
ALFA ROMEO	1	0
AMERICAN HONDA/ACURA	34	5
ASTON MARTIN	2	0
BENTLEY	1	0
BMW	27	8
CHRYSLER/FCA US LLC	94	12
EVOLUTION ELECTRIC VEHICLE	1	1
FORD	16	1
GENERAL MOTORS	64	7
HYUNDAI	3	0
JAGUAR	5	0
KIA	5	0
LAMBORGHINI	1	0
LAND ROVER	25	2
MASERATI	1	0
MAZDA	4	1
MERCEDES-BENZ	23	2
MITSUBISHI	1	0
NAVISTAR	0	0
NISSAN/INFINITI	14	1
PORSCHE	0	0
SUBARU	2	0
TESLA	18	1
TOYOTA/LEXUS	39	4
VOLKSWAGEN/AUDI	6	1
VOLVO	2	0
TOTALS	389	46



PREHEARING SETTLEMENTS

Consumer claims were resolved by settlement between the parties in 55 percent (213) of the 389 approved cases for the report period. “Full” settlements, or settlements for the same full refund or vehicle replacements consumers would have obtained had they prevailed in arbitration, numbered 161, while the remaining 52 cases were settled for something less than full relief. Generally, these “partial” settlements are for such things as additional repairs, extended warranties, or partial cash payments.

This is the sixth consecutive reporting period in which consumer claims were resolved by settlement between the parties in over 50% of the cases approved for arbitration; the settlement rate for 2015 was 59 percent (274 out of 464 cases), the settlement rate for 2016 was 51 percent (230 out of 445), the settlement rate for 2017 was 58 percent (250 out of 434), the settlement rate for 2018 was 52 percent (216 out of 413) and the settlement rate for 2019 was 55 percent (247 out of 449).

Tables 3 and **4** identify the manufacturers entering into partial and full settlements with consumers during the report period, and the total dollar values of the full settlements. The nature of most partial settlements prevents assignment of dollar values to them.

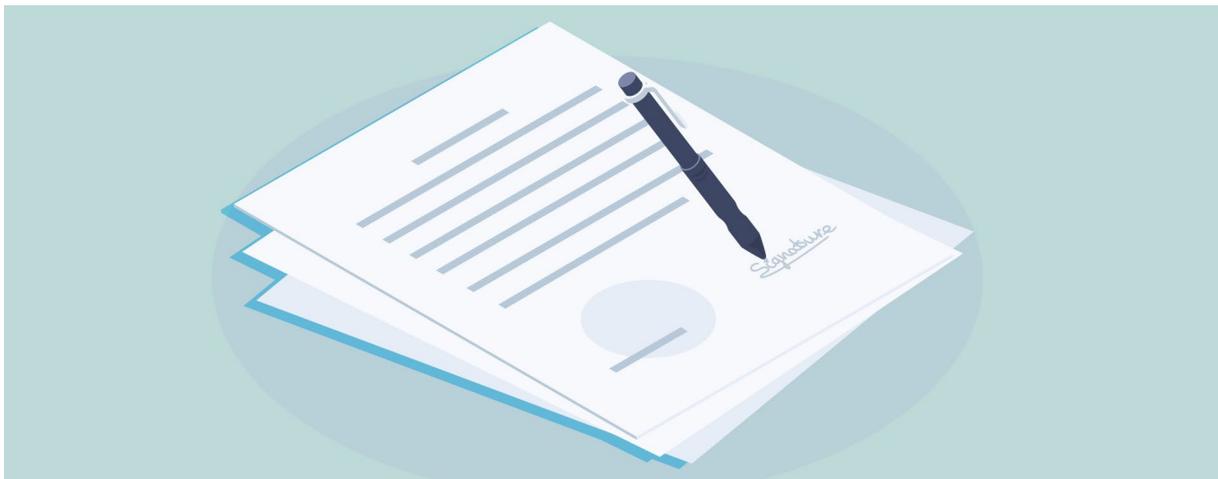
TABLE 3
2020 NUMBER OF “PARTIAL” SETTLEMENTS

Manufacturer	Number
ALFA ROMEO	1
AMERICAN HONDA/ACURA	3
BMW	7
CHRYSLER/FCA	13
FORD	1
GENERAL MOTORS	13
HYUNDAI	1
LAND ROVER	1
MAZDA	2
MERCEDES-BENZ	3
NISSAN	2
SUBARU	1
TELSA	1
TOYOTA/LEXUS	2
VOLKSWAGEN	1
TOTALS	52



TABLE 4
2020 NUMBER, PERCENT, AND VALUE OF FULL SETTLEMENTS

Manufacturer	Full Settlements	Percentages of All Settlements	Value of Full Settlements
AMERICAN HONDA/ACURA	3	1.86%	\$81,736.00
ASTON MARTIN	1	0.62%	\$95,000.00
BMW	3	1.86%	\$194,538.00
CHRYSLER/FCA	61	37.89%	\$2,571,766.00
FISKER AUTOMOTIVE	1	0.62%	\$27,411.00
FORD	2	1.24%	\$99,418.00
GENERAL MOTORS	36	22.36%	\$1,701,481.00
JAGUAR	3	1.86%	\$138,353.00
KARMA AUTOMOTIVE f/k/a FISKER	1	0.62%	\$21,270.00
LAND ROVER	10	6.21%	\$827,242.00
MASERATI	1	0.62%	\$83,104.00
MERCEDES-BENZ	12	7.45%	\$933,088.00
NISSAN/INFINITI	9	5.59%	\$276,713.00
TESLA	3	1.86%	\$252,757.00
TOYOTA/LEXUS	14	8.70%	\$528,250.00
VOLVO	1	0.62%	\$60,749.00
TOTALS	161	100.00%	\$7,892,876.00



DECISIONS BY THE ARBITRATION BOARD

Cases that were not withdrawn or settled went to hearings before the Florida New Motor Vehicle Arbitration Board. During the report period, as many as 87 Florida citizens served as members of the statewide Arbitration Board. The Board is comprised of members with diverse backgrounds, and include individuals in the legal, education, automotive, engineering, alternative dispute resolution, and business professions. They perform a very valuable public service, and do so for very little compensation.

Cases are assigned to geographical regions from Pensacola to Miami, depending upon the residence address of the consumer. Arbitration hearings are conducted by three-member panels of the Board. Historically, hearings were held in person, at public locations throughout the state. However, in response to the Covid-19 health emergency, arbitration program hearings changed to an online, video teleconference format beginning in September of 2020. If the consumer prevails at hearing, a refund or replacement motor vehicle is awarded. If the manufacturer prevails, the case is dismissed. It is neither necessary nor required for parties to have attorneys in order to participate in arbitrations before the Florida New Motor Vehicle Arbitration Board. The Board is not empowered by the Legislature to award attorney fees to parties who prevail in arbitration.

The Board conducted a total of 130 arbitration hearings during this report period. Consumers prevailed in 67 (51.5 percent) of these cases, while manufacturers prevailed in 63 (48.5 percent).

When the consumer prevails at a hearing, the Arbitration Board awards either a refund of all amounts paid to acquire the vehicle or a replacement motor vehicle, at the option of the consumer. If a refund is awarded and the “lemon” vehicle was purchased with financing, the consumer and lienholder are refunded according to their interests. Generally, such awards direct the manufacturer to pay the consumer a specified amount consisting of all expenses incurred to acquire the vehicle (e.g. cash down payment, as well as non-financed government fees, options and accessories, extended service agreements, etc.), and where applicable, the net allowance for any trade-in vehicle, all periodic principal and interest payments made as of the date the vehicle is repurchased, and any reasonable costs caused by the substantial defect(s). The manufacturer is directed to pay to the lienholder the remainder of the balance owed on the loan.

If the vehicle was leased, the consumer is awarded all amounts paid at lease signing, the net allowance for any trade-in vehicle, all lease payments made as of the date the vehicle is repurchased, and any reasonable costs caused by the substantial defect(s). The lessor is paid according to a formula set forth by statute and is prohibited from charging any penalty for early termination of the lease.

If a replacement motor vehicle is awarded, the replacement vehicle must be identical or reasonably equivalent to the vehicle being replaced, and it must be acceptable to the consumer. In addition, the consumer is refunded costs paid to acquire the “lemon” vehicle (e.g. options and accessories, sales tax, extended service agreements, interest paid on the loan, or rental charge



paid on the lease as of the date of replacement, if applicable), as well as costs incurred as a result of the substantial defect(s).

The consumer who prevails at hearing is charged a “reasonable offset for use” that is calculated according to a statutory formula. The consumer is responsible for the charge regardless of whether they choose a refund or a replacement vehicle.

Table 5 shows the number, percentage and dollar values of Arbitration Board award decisions for 2020 by manufacturer. Dollar values are based upon the total amount of the awards, including the loan or lease pay-offs, and any additional amounts awarded, reduced by the statutory offsets. In multiple manufacturer cases, one or several of the participating manufacturers could have been found liable for the award. If liability was assessed jointly against several participating manufacturers, these are listed separately.

**TABLE 5
2020 DECISION AWARDS BY LIABLE MANUFACTURER**

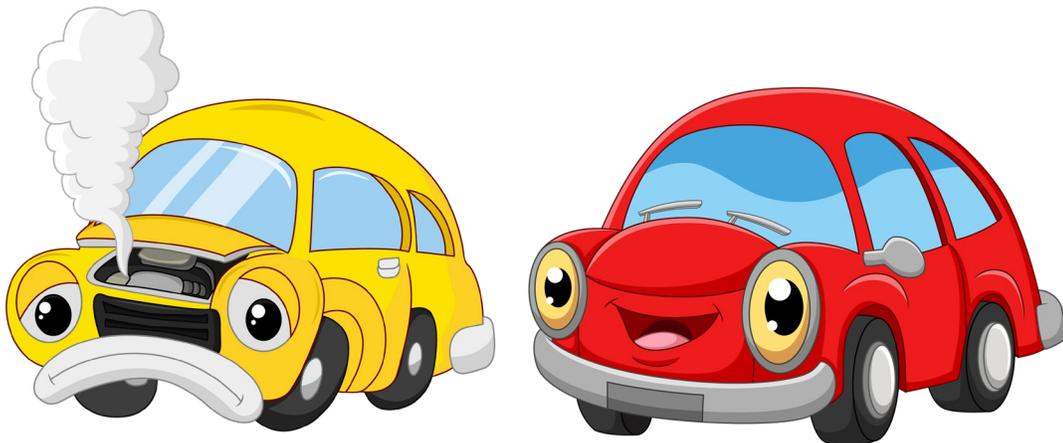
Liabe Manufacturer	Number of Decision Awards	Percentages	Value of Awards
AMERICAN HONDA/ACURA	9	13.43%	\$275,564.00
BMW	5	7.46%	\$353,326.00
CHRYSLER	2	2.99%	\$116,636.00
FORD	4	5.97%	\$100,764.00
GENERAL MOTORS	3	4.48%	\$148,447.00
HYUNDAI	2	2.99%	\$65,458.00
JAGUAR	2	2.99%	\$104,891.00
KIA	2	2.99%	\$41,237.00
LAND ROVER	10	14.93%	\$491,506.00
MERCEDES-BENZ	3	4.48%	\$159,847.00
NISSAN/INFINITI	2	2.99%	\$74,205.00
SUBARU	1	1.49%	\$41,664.00
TESLA	11	16.42%	\$850,124.00
TOYOTA/LEXUS	8	11.94%	\$225,874.00
VOLKSWAGEN/AUDI	3	4.48%	\$161,063.00
TOTALS	67	100.00%	\$3,210,606.00



Table 6 shows the number of cases dismissed, by manufacturer, and the percentage that number represents of the total number of cases dismissed in 2020.

**TABLE 6
2020 CASES DISMISSED**

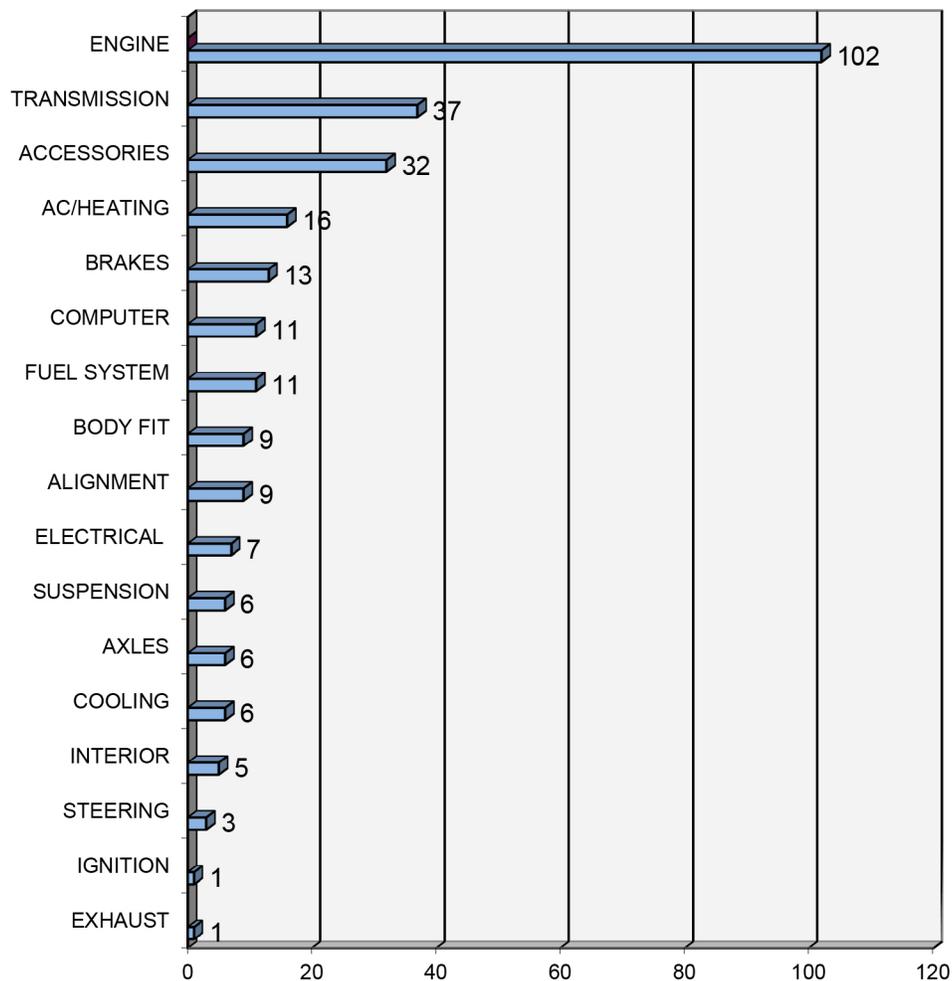
Manufacturer	Number	Total Percentages
AMERICAN HONDA/ACURA	14	22.22%
ASHTON MARTIN	1	1.59%
BENTLEY	1	1.59%
BMW	4	6.35%
CHRYSLER/FCA	6	9.52%
FORD	8	12.70%
GENERAL MOTORS	5	7.94%
KIA	2	3.17%
LAND ROVER	2	3.17%
MAZDA	1	1.59%
MERCEDES-BENZ	3	4.76%
MINI	1	1.59%
TESLA	2	3.17%
TOYOTA/LEXUS	11	17.46%
VOLKSWAGEN/AUDI	1	1.59%
VOLVO	1	1.59%
Totals	63	100.00%



NONCONFORMITIES FOUND

The Lemon Law requires that an award decision on behalf of a consumer be based on the existence of a “nonconformity,” meaning a defect or condition that substantially impairs the use, value or safety of the vehicle and that is not the result of abuse, neglect, modification or alteration of the vehicle by persons other than the manufacturer or its authorized service agent. **Graph B** illustrates the number of nonconformities found by the Arbitration Board in 2020 in the major vehicle systems or components listed. The five most common nonconformities found by the Board in 2020 were defects in the engine, transmission, accessories, AC/heating, and brakes.

GRAPH B
2020 NONCONFORMITIES FOUND



APPEALS

Parties not satisfied with decisions of the Florida New Motor Vehicle Arbitration Board can appeal them to the circuit court. Manufacturers filed 1 appeal in 2020. Consumers filed 17 appeals in 2020. Overall, the appeals totaled 13.8% of the 130 cases decided by the Board.



PROGRAM SUMMARY

Graph C illustrates the total number of cases approved for arbitration for each year since the inception of the program through the report period, from 1989-2020.

GRAPH C
1989-2020 CASES APPROVED FOR ARBITRATION

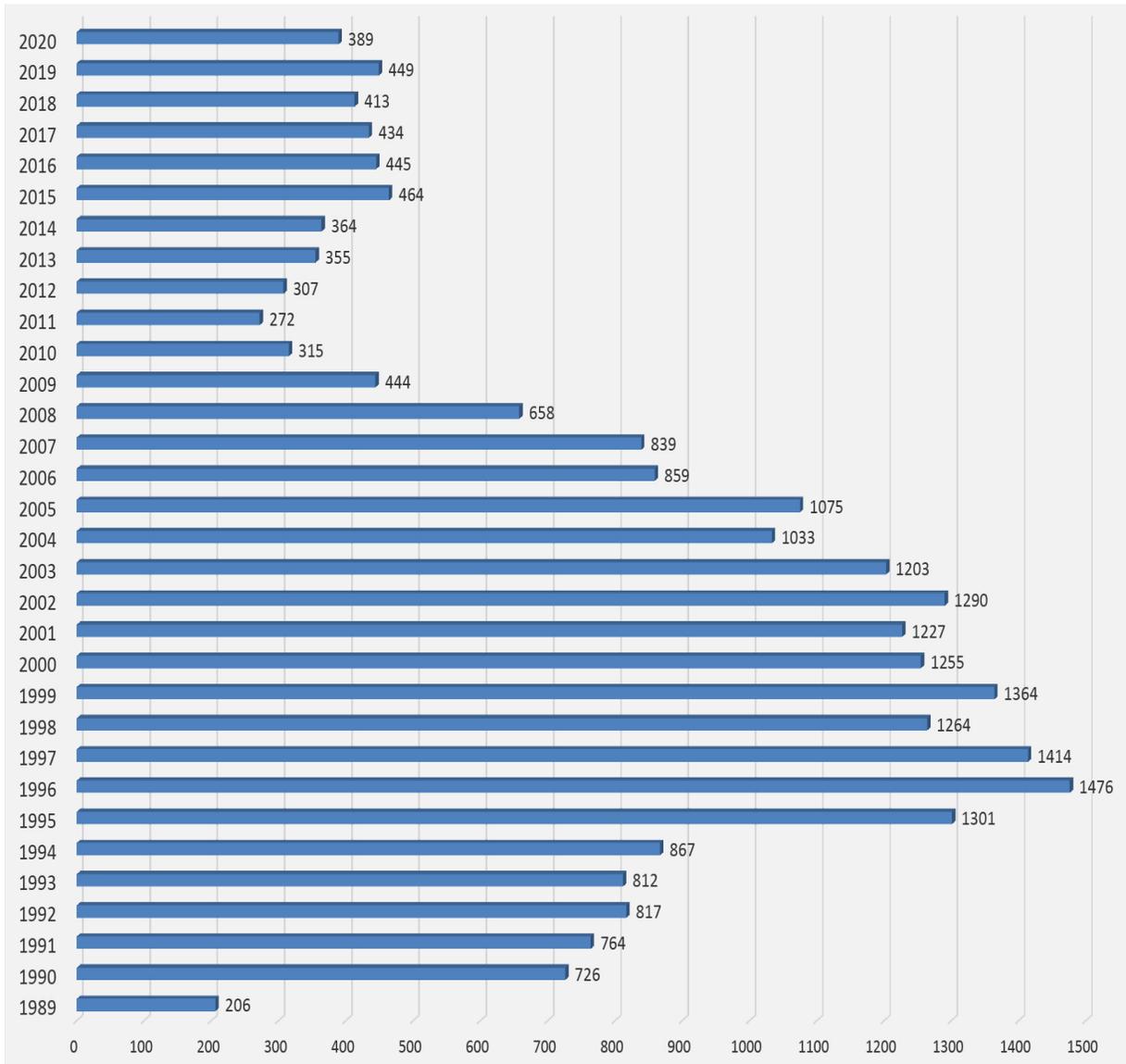


Table 7 and **Graph D** illustrate the consumer relief obtained through the program from 1989-2020. Of the 25,101 consumer claims approved for arbitration during that period, full relief via either prehearing settlements or decision awards was obtained in 69.4 percent (17,412) of cases, for a total dollar value of more than \$509 million.

TABLE 7
1989-2020 TOTAL CASES APPROVED AND RECOVERY VALUES

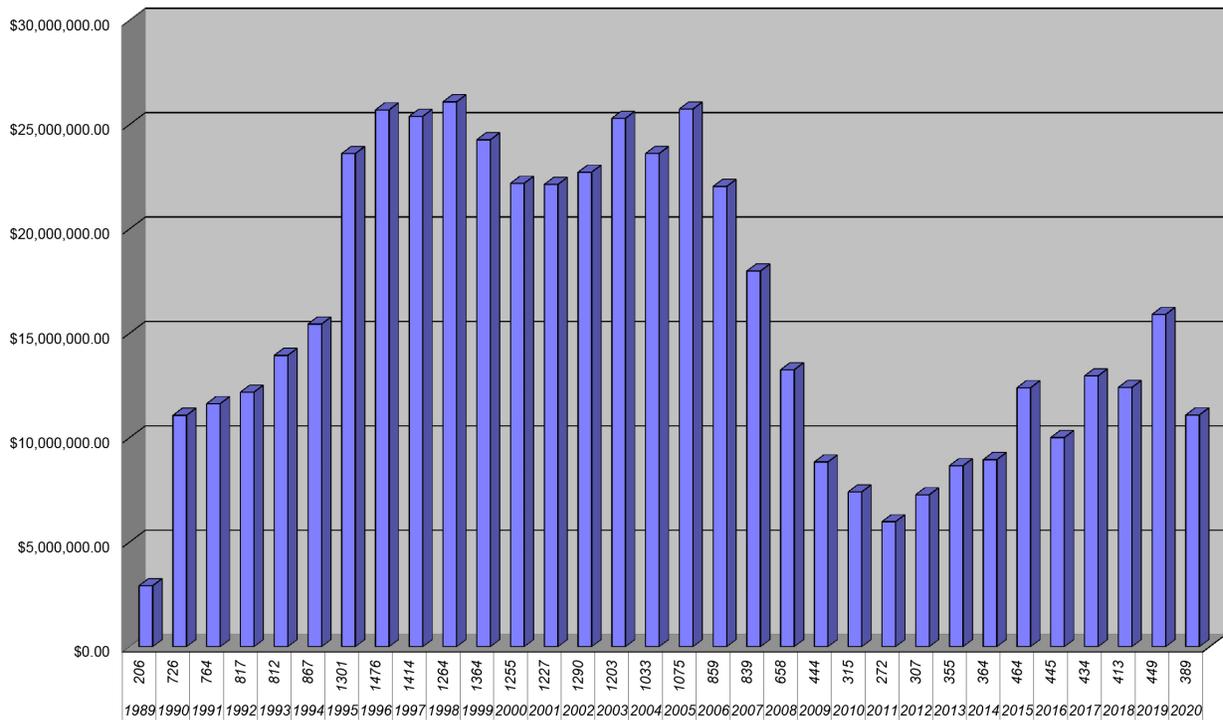
Year	Total Number of Approved Cases	Dollar Value of Recoveries	Number of Cases with Recoveries
1989	206	\$ 2,925,943.00	145
1990	726	\$ 11,084,254.00	533
1991	764	\$ 11,645,821.00	543
1992	817	\$ 12,194,871.00	661
1993	812	\$ 13,955,116.00	603
1994	867	\$ 15,455,498.00	635
1995	1301	\$ 23,623,638.00	934
1996	1476	\$ 25,716,474.00	1076
1997	1414	\$ 25,407,219.00	1014
1998	1264	\$ 26,103,773.00	905
1999	1364	\$ 24,284,201.00	953
2000	1255	\$ 22,199,403.00	863
2001	1227	\$ 22,144,257.00	850
2002	1290	\$ 22,730,626.00	832
2003	1203	\$ 25,311,738.00	825
2004	1033	\$ 23,626,887.00	714
2005	1075	\$ 25,755,869.00	784
2006	859	\$ 22,047,619.00	611
2007	839	\$ 17,995,763.00	500
2008	658	\$ 13,266,987.00	404
2009	444	\$ 8,851,875.00	254
2010	315	\$ 7,415,805.00	204
2011	272	\$ 5,987,621.00	168
2012	307	\$ 7,280,706.00	207



TABLE 7
1989-2020 TOTAL CASES APPROVED AND RECOVERY VALUES
(Continued)

Year	Total Number of Approved Cases	Dollar Value of Recoveries	Number of Cases with Recoveries
2013	355	\$ 8,670,318.00	235
2014	364	\$ 8,961,428.55	241
2015	464	\$ 12,406,702.32	336
2016	445	\$ 10,021,220.00	298
2017	434	\$ 12,975,100.00	279
2018	413	\$ 12,420,607.00	270
2019	449	\$15,918,766.00	307
2020	389	\$11,103,482.00	228
Totals	25,101	\$509,489,588.05	17412

GRAPH D
1989-2020 TOTAL CASES APPROVED AND RECOVERY VALUES



2020 MANUFACTURER-REPORTED REACQUIRED VEHICLES

Under Florida's Lemon Law, manufacturers are required to notify the Office of the Attorney General when they reacquire new vehicles from the original owners under certain conditions specified by the statute. This notification is made on a form that includes identification of the vehicle, the reason for the buy-back, and disclosure of the reported defects. A portion of the form is sent by the manufacturer to the Office of the Attorney General, with the remainder of the form required to travel with the vehicle and be provided to the retail buyer if and when the vehicle is resold.

When the Attorney General's Office receives a disclosure form from a manufacturer, the information reported is entered in a database maintained by the Lemon Law Arbitration Division. This information also forms the basis for the searchable database of repurchased vehicles that is accessible on the Attorney General's website.



Table 8 lists, by vehicle make, the number of vehicles reported by manufacturers as having been repurchased for 2020. The total number reported was 1,105. Included in that number are not only vehicles bought back as a result of settlements or decisions of claims before the Florida New Motor Vehicle Arbitration Board, but also vehicles repurchased for a variety of other reasons, including settlements or decisions of manufacturer-sponsored procedures, similar statutes of other states (a number of the reported repurchases originated in states other than Florida), court settlements or decisions, and reasons characterized as “customer goodwill.”



TABLE 8
2020 MANUFACTURER-REPORTED REACQUIRED VEHICLES

Vehicle Make	Reporting Manufacturer	Number of Vehicles Repurchased
AMG	MERCEDES-BENZ USA, LLC	15
Audi	VOLKSWAGEN/AUDI OF AMERICA INC.	5
BENTLEY	BENTLEY MOTORS, INC.	1
BMW	BMW of North America, LLC	24
BUICK	GENERAL MOTORS LLC	7
CADILLAC	GENERAL MOTORS LLC	37
CHEVROLET	GENERAL MOTORS LLC	92
CHRYSLER	FCA US LLC, F/K/A CHRYSLER GROUP LLC	9
DODGE	FCA US LLC, F/K/A CHRYSLER GROUP LLC	6
FORD	FORD MOTOR COMPANY	146
GMC	GENERAL MOTORS LLC	47
HONDA	AMERICAN HONDA MOTOR COMPANY	11
HYUNDAI	HYUNDAI MOTOR AMERICA	132
INFINITI	NISSAN MOTOR CORPORATION U.S.A.	35
JEEP	FCA US LLC, F/K/A CHRYSLER GROUP LLC	17
KIA	KIA MOTORS AMERICA, INC.	37
LEXUS	TOYOTA MOTOR SALES, U.S.A., INC.	30
LINCOLN	FORD MOTOR COMPANY	36
MASERATI	MASERATI NORTH AMERICA, INC.	13
MAZDA	MAZDA MOTOR OF AMERICA, INC	8
MERCEDES-BENZ	MERCEDES-BENZ USA, LLC	69
MINI	MINI OF NORTH AMERICA, INC.	1
MITSUBISHI	MITSUBISHI MOTORS NORTH AMERICA, INC.	1
NISSAN	NISSAN MOTOR CORPORATION U.S.A.	138
PORSCHE	PORSCHE CARS NORTH AMERICA, INC.	30
RAM	FCA US LLC, F/K/A CHRYSLER GROUP LLC	11
SMART	DAIMLER VEHICLE INNOVATIONS USA, LLC	1
SUBARU	SUBARU OF AMERICA, INC.	59
TOYOTA	TOYOTA MOTOR SALES, U.S.A., INC.	49
VOLKSWAGEN	VOLKSWAGEN/AUDI OF AMERICA, INC.	23
VOLVO	VOLVO CARS OF NORTH AMERICA	4
TOTAL		1105





APPENDIX



**STATE OF FLORIDA
OFFICE OF THE ATTORNEY GENERAL
FLORIDA NEW MOTOR VEHICLE ARBITRATION BOARD**

**IN RE: SUSPENSION OF STATUTES,
RULES AND ORDERS PURSUANT
TO EXECUTIVE ORDER 20-52, MADE
NECESSARY BY THE COVID-19
PUBLIC HEALTH EMERGENCY –
CASES BEFORE THE FLORIDA NEW
MOTOR VEHICLE ARBITRATION
BOARD.**

BOARD EMERGENCY ORDER 20-001

WHEREAS the Governor of the State of Florida issued Executive Orders 20-51 and 20-52 in response to the emergence of the COVID-19 virus, a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS the Governor of the State of Florida has ordered, and the State Surgeon General has issued, a declaration of public health emergency in the State of Florida, recognizing that COVID-19 is a communicable disease with significant morbidity and mortality, presenting a severe danger to public health in Florida; and

WHEREAS the Governor of the State of Florida has recognized that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in response to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer; and

WHEREAS the Florida New Motor Vehicle Arbitration Board (the "Board") is responsible for conducting arbitration hearings throughout the State, in a trial-like setting, to resolve disputes between consumers and motor vehicle manufacturers.

These hearings are held in conference rooms located at both state and local community

venues such as court houses and libraries, each requiring the attendance of arbitrators, parties, witnesses, and Board staff members, some of whom may travel a significant distance to attend; and

WHEREAS pursuant to section 681.1095(6), Florida Statutes, the Board is to hear each dispute within 40 days, and render the decision within 60 days, after approval of the party's request for arbitration. The Board is also authorized to continue hearings on its own motion, and any failure to hear a case or render a decision within those time frames does not invalidate the decision.

NOW THEREFORE, in consideration of the foregoing:

1. From the date of this Notice through April 13, 2020, no arbitration hearings will be held. All hearings throughout the State that are currently scheduled are hereby CANCELLED and will be rescheduled for a date to be determined. All parties/attorneys will be notified in writing of the new hearing dates when the hearings are rescheduled.

2. Further assessment will be made prior to April 13, 2020, regarding the need for additional scheduling considerations.

3. Anyone with questions concerning either this ORDER or the status of a particular case before the Board should contact the Office of the Attorney General, Lemon Law Arbitration Program at 850-414-3500.

DONE AND ORDERED this 16th day of March, 2020

FLORIDA NEW MOTOR VEHICLE ARBITRATION BOARD

**STATE OF FLORIDA
OFFICE OF THE ATTORNEY GENERAL
FLORIDA NEW MOTOR VEHICLE ARBITRATION BOARD**

**IN RE: SUSPENSION OF STATUTES,
RULES AND ORDERS PURSUANT
TO EXECUTIVE ORDER 20-52, MADE
NECESSARY BY THE COVID-19
PUBLIC HEALTH EMERGENCY –
EMERGENCY STAY OF ALL LEMON
LAW TIME FRAMES.**

BOARD EMERGENCY ORDER 20-002

WHEREAS on March 9, 2020, the Governor of the State of Florida issued Executive Order 20-52 in response to the emergence of the COVID-19 virus, a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS the Governor of the State of Florida has ordered, and the State Surgeon General has issued, a declaration of public health emergency in the State of Florida, recognizing that COVID-19 is a communicable disease with significant morbidity and mortality, presenting a severe danger to public health in Florida; and

WHEREAS Federal, State and Local authorities have increasingly called for individuals to limit or avoid unnecessary contact with others, encouraging “social distancing” and other steps to limit the spread of this communicable disease, and business of all sizes have closed or limited service for the protection of their employees and customers; and

WHEREAS Executive Order 20-52 recognizes that the special duties and responsibilities resting upon some State, regional, and local agencies and other

governmental bodies in response to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer; and

WHEREAS the Florida Lemon Law, Chapter 681, Florida Statutes, sets forth a number of time requirements and deadlines relating to the Lemon Law process, including, but not limited to, the Lemon Law Rights period; consumer deadlines for filing cases with the Florida New Motor Vehicle Arbitration Board (“Board”); consumer deadlines for filing cases with manufacturer certified programs and the RV Mediation and Arbitration Program; deadlines applicable to manufacturer certified programs and the RV Mediation and Arbitration Program for completing cases filed with those programs; time limitations and deadlines relating to repair attempts by manufacturers and their authorized service agents; and manufacturer deadlines for responding to defect notifications and notices of arbitration, and for filing other documents with the Board; and

WHEREAS compliance with these deadlines during this public health emergency would require actions by individuals and businesses that could prevent, hinder, delay and otherwise be contrary to the public health protection measures that Federal, State and Local authorities are working to achieve;

NOW THEREFORE, in consideration of the foregoing and pursuant to the authority granted by Executive Order 20-52:

1. Retroactive to and including March 9, 2020, until and through the date of expiration of Executive Order 20-52, including any extension thereof, all time frames established by Chapter 681, Florida Statutes, and the rules promulgated thereunder, as

they relate to the substantive and procedural requirements of the Lemon Law, shall be and are hereby STAYED, SUSPENDED and TOLLED.

2. Anyone with questions concerning either this ORDER or the status of a particular case before the Board should contact the Office of the Attorney General, Lemon Law Arbitration Program at 850-414-3500.

DONE AND ORDERED this 20th day of March, 2020
FLORIDA NEW MOTOR VEHICLE ARBITRATION BOARD

**STATE OF FLORIDA
OFFICE OF THE ATTORNEY GENERAL
FLORIDA NEW MOTOR VEHICLE ARBITRATION BOARD**

**IN RE: SUSPENSION OF STATUTES,
RULES AND ORDERS PURSUANT
TO EXECUTIVE ORDER 20-52, MADE
NECESSARY BY THE COVID-19
PUBLIC HEALTH EMERGENCY –
CANCELLATION OF EMERGENCY
STAY OF ALL LEMON LAW TIME
FRAMES.**

BOARD EMERGENCY ORDER 20-006

WHEREAS on March 9, 2020, the Governor of the State of Florida issued a declaration of public health emergency in response to the emergence of the COVID-19 virus, a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS at that time, businesses of all types and sizes began to either close or limit customer service for the protection of their employees and customers, and government restrictions were put into place to limit the potential for transmission of COVID-19 via person-to-person contact; and

WHEREAS as a consequence the ability of consumers and manufacturers to meet statutory time frames relating to the Florida Lemon Law, established in Chapter 681, Florida Statutes, was adversely impacted; and

WHEREAS on March 20, 2020, Board Emergency Order 20-002 was issued to stay, suspend and toll all time frames established by Chapter 681, Florida Statutes, and the rules promulgated thereunder, in order to protect the substantive and procedural

rights and obligations of parties involved in, or preparing to be involved in, Lemon Law proceedings; and

WHEREAS since the initial closures in the Spring and Summer of 2020, businesses have begun to reopen, safety guidelines to help protect Floridians in their day-to-day activities have been distributed, and government restrictions relating to reducing interpersonal contact have been eased;

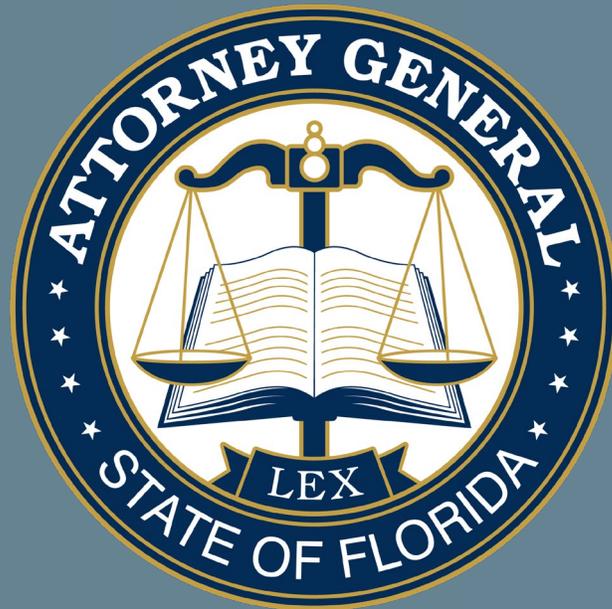
NOW THEREFORE, in consideration of the foregoing:

1. As of November 11, 2020, the suspension of the time frames established by Chapter 681, Florida Statutes, will cease. All time frames previously suspended will resume running on November 11, 2020.

2. Anyone with questions concerning either this ORDER or the status of a particular case before the Board should contact the Office of the Attorney General, Lemon Law Arbitration Program at 850-414-3500.

DONE AND ORDERED this 27th day of October, 2020

FLORIDA NEW MOTOR VEHICLE ARBITRATION BOARD



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