

Application of 2020 Florida Executive Order

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Quick Facts

- ◆ The Florida Executive Order (“Order”) staying timelines due to the COVID-19 pandemic went into effect on March 9, 2020 and was lifted on November 12, 2020.
- ◆ The intent of the Order is not to prejudice any parties for circumstances out of their control due to the pandemic.

Timelines

All timelines were suspended during the time of the order, including:

- ◆ Consumers’ deadline for filing a lemon law claim
- ◆ Manufacturers’ deadline for responding to a consumer
- ◆ Manufacturers’ time period for a repair attempt

Repair Attempts

Repair attempts during the time of the Order count if the manufacturer was open and operating. But, if they were delayed due to a pandemic-related reason, such as an inability to get a part, that should be considered by the arbitrator.

Arbitrator Discretion

Arbitrators should use their discretion when deciding cases. They should consider the circumstances of both parties and decide whether delays were caused by the pandemic.

Determining Eligibility

- ◆ If a consumer’s lemon law rights period expired during the time of the stay, starting on November 12, that person has the same amount of days they had left when the stay went into effect + 60 days.
- ◆ If vehicle’s (alleged) defect does not present itself until after the Order was lifted and their lemon law rights period have expired, the consumer does not get the benefit of the extension.
- ◆ If the vehicle’s (alleged) defect does not present itself until after the Order was lifted and they are still within their lemon law rights period, the consumer gets the benefit of the extension (the full time period of the Order) + 60 days.