

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/SB 1884 — Consumer Protection

by Commerce and Tourism Committee and Senator Gaetz

This bill prohibits a post-transaction third-party seller from charging a consumer for a good or service sold over the Internet unless specific disclosures are made and the seller receives the informed consent of the consumer. It also requires a post-transaction third-party seller to provide a simple mechanism for a consumer to cancel a purchase of a good or service and stop any recurring charges. Finally, it prohibits an initial merchant from disclosing a consumer's credit card number, debit card number, bank account number, or other account number, or disclose other consumer billing information, to a post-transaction third-party seller.

This bill is very similar to recently enacted federal law, enacted to counter “negative option marketing,” which refers to a category of commercial transactions in which sellers interpret a customer's failure to take an affirmative action, either to reject an offer or cancel an agreement, as assent to be charged for goods or services.

By including these same protections in our statutes, Florida has jurisdiction to enforce the consumer protections provided in the act under state law.

If approved by the Governor, these provisions take effect October 1, 2011.

Vote: Senate 38-0; House 116-1