

1 A bill to be entitled
 2 An act relating to sales solicitation; amending ss.
 3 501.025 and 501.031, F.S.; revising provisions
 4 relating to the cancellation of home solicitation
 5 sales; amending s. 501.052, F.S.; providing rights of
 6 action for home solicitation sale violations; amending
 7 s. 501.055, F.S.; providing liability for damages in
 8 civil actions; amending s. 501.059, F.S.; prohibiting
 9 telephone solicitors from conducting certain payment
 10 transactions; limiting certain solicitation calls;
 11 authorizing the cancellation of certain transactions
 12 within a specified time period; providing an effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 501.025, Florida Statutes, is amended
 18 to read:

19 501.025 Home solicitation sale; buyer's right to cancel.—
 20 In addition to any other right to revoke an offer, the buyer has
 21 the right to cancel a home solicitation sale until midnight of
 22 the 30th calendar ~~third business~~ day after the day on which the
 23 buyer receives the product ~~signs an agreement or offer to~~
 24 ~~purchase~~. Cancellation is evidenced by the buyer giving written
 25 notice of cancellation in person, ~~by telegram,~~ or by mail,

26 | facsimile, or electronic transmission to the seller at the
 27 | address stated in the agreement or offer to purchase. The
 28 | written notice of cancellation given by mail shall be effective
 29 | upon postmarking. The notice of cancellation need not take a
 30 | particular form and is sufficient if it indicates by any form of
 31 | written expression the intention of the buyer not to be bound by
 32 | the home solicitation sale. Notice of a buyer's right to cancel
 33 | must appear on every note or other evidence of indebtedness
 34 | given pursuant to any home solicitation sale. For the purposes
 35 | of this section, unless a mortgage also creates the buyer's
 36 | promise to pay the secured debt, it is not an evidence of
 37 | indebtedness.

38 | Section 2. Subsection (2) of section 501.031, Florida
 39 | Statutes, is amended, and subsection (3) is added to that
 40 | section, to read:

41 | 501.031 Home solicitation sale; written agreement.—Every
 42 | home solicitation sale shall be evidenced by a writing as
 43 | provided in this section.

44 | (2) The statement must:

45 | (a) Appear under the conspicuous caption, "BUYER'S RIGHT
 46 | TO CANCEL";

47 | (b) Read as follows: "This is a home solicitation sale,
 48 | and if you do not want the goods or services, you may cancel
 49 | this agreement by providing written notice to the seller in
 50 | person, ~~by telegram,~~ or by mail, facsimile, or electronic

HB 1479

2022

51 transmission. This notice must indicate that you do not want the
52 goods or services and must be delivered or postmarked before
53 midnight of the third business day after you sign this
54 agreement. If you cancel this agreement, the seller may not keep
55 all or part of any cash down payment."

56 (3) The seller must also verbally inform the buyer of the
57 right to cancel under subsection (2).

58 Section 3. Section 501.052, Florida Statutes, is amended
59 to read:

60 501.052 Home solicitation sale; enforcement authority;
61 injunctive relief.—The Attorney General or state attorney may
62 institute proceedings to enjoin any person found to be violating
63 the provisions of ss. 501.021-501.055. A buyer who is aggrieved
64 by a violation of the provisions of ss. 501.021-501.055 may
65 bring an action to enjoin such violation and recover damages.

66 Section 4. Subsection (4) is added to section 501.055,
67 Florida Statutes, to read:

68 501.055 Home solicitation sale; penalties.—

69 (4) In the case of a private civil action for a violation
70 of any of the provisions of ss. 501.025-501.047, the seller is
71 liable for damages equal to 3 times the amount charged to the
72 buyer.

73 Section 5. Subsection (9) through (13) of section 501.059,
74 Florida Statutes, are renumbered as subsections (10) through
75 (14), respectively, and a new subsection (9) is added to that

HB 1479

2022

76 section to read:

77 501.059 Telephone solicitation.—

78 (9) (a) A telephone solicitor may not make or cause to made
79 a charge to the debit card, secured or unsecured credit card, or
80 any other line of credit of a consumer over the age of 60; an
81 electronic transfer of funds from the bank account of a consumer
82 over the age of 60; or obtain a wire transfer or payment in any
83 cash equivalent from a consumer over the age of 60 for payment
84 of a product or service without receiving a verification form
85 bearing the signature of the consumer within 72 hours after the
86 date of the transaction.

87 (b) A telephone solicitor may not contact a consumer over
88 the age of 60 about the same product or service more than once
89 in a 30-day period, unless the consumer requests to contacted
90 sooner.

91 (c) A consumer over the age of 60 who makes a payment over
92 the telephone for a product or service may cancel the
93 transaction and rescind any contract without cause within 90
94 days after the date of the transaction.

95 Section 6. This act shall take effect July 1, 2022.