

By Representative C. Green

1 A bill to be entitled
2 An act relating to remedies for unlawful sales
3 of securities; amending s. 517.211, F.S.;
4 limiting authorization to rescind certain sales
5 of securities under certain circumstances;
6 providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (1) of section 517.211, Florida
11 Statutes, is amended to read:

12 517.211 Remedies available in cases of unlawful
13 sale.--

14 (1) Every sale made in violation of either s. 517.07
15 or s. 517.12(1), (4), (5), (9), (11), (13), (16), or (18) may
16 be rescinded at the election of the purchaser, except a sale
17 made in violation of the provisions of s. 517.12(11) relating
18 to a renewal of a branch office registration shall not be
19 subject to rescission and a sale made in violation of the
20 provisions of s. 517.12(13) relating to filing a change of
21 address amendment shall not be subject to rescission. Each
22 ~~and the~~ person making the sale and every director, officer,
23 partner, or agent of or for the seller, if the director,
24 officer, partner, or agent has personally participated or
25 aided in making the sale, is jointly and severally liable to
26 the purchaser in an action for rescission, if the purchaser
27 still owns the security, or for damages, if the purchaser has
28 sold the security. No purchaser otherwise entitled will have
29 the benefit of this subsection who has refused or failed,
30 within 30 days of receipt, to accept an offer made in writing
31 by the seller, if the purchaser has not sold the security, to

1 take back the security in question and to refund the full
2 amount paid by the purchaser or, if the purchaser has sold the
3 security, to pay the purchaser an amount equal to the
4 difference between the amount paid for the security and the
5 amount received by the purchaser on the sale of the security,
6 together, in either case, with interest on the full amount
7 paid for the security by the purchaser at the legal rate,
8 pursuant to s. 55.03, for the period from the date of payment
9 by the purchaser to the date of repayment, less the amount of
10 any income received by the purchaser on the security.

11 Section 2. This act shall take effect upon becoming a
12 law.

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15 HOUSE SUMMARY

16 Limits authorization to rescind sales of securities made
17 in violation of specified registration requirements for
18 dealers, associated persons, investment advisers, and
19 branch offices. See bill for details.
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