

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eisnaugle offered the following:

Amendment (with title amendment)

Remove lines 123-137 and insert:

(9)(a) Any person who meets the definition of a commercial telephone seller or salesperson as defined in s. 501.603 must be licensed under part IV of chapter 501 before doing business in this state under this chapter. ~~Prior to listing or advertising a timeshare interest for resale, a resale service provider shall provide to the timeshare interest owner a description of any fees or costs relating to the advertising, listing, or sale of the timeshare interest that the timeshare interest owner, or any other person, must pay to the resale service provider or any third party, when such fees or costs are due, and the ratio or percentage of the number of listings of timeshare interests for~~

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16 ~~sale versus the number of timeshare interests sold by the resale~~
17 ~~service provider for each of the previous 2 calendar years.~~

18 ~~(b) Failure to disclose this information in writing~~
19 ~~constitutes an unfair and deceptive trade practice pursuant to~~
20 ~~chapter 501. Any contract entered into in violation of this~~
21 ~~subsection is void and the purchaser is entitled to a full~~
22 ~~refund of any moneys paid to the resale service provider.~~

23 Section 4. Subsection (8) is added to section 501.616,
24 Florida Statutes, to read:

25 501.616 Unlawful acts and practices.-

26 (8) It shall be unlawful for any commercial telephone
27 seller or salesperson to violate any provision of chapter 721.

28 Section 5. Subsection (12) of section 501.615, Florida
29 Statutes, is amended to read:

30 501.615 Written contract; cancellation; refund.-

31 (12) Any commercial telephone seller or salesperson
32 engaged in any activity regulated by chapter 721 must comply
33 with s. 721.205. Exempt from the requirements of subsections
34 ~~(1)-(5) is any sale in which the consumer is given a full refund~~
35 ~~for the return of undamaged and unused goods or a cancellation~~
36 ~~of services notice is given to the seller, within 7 days after~~
37 ~~receipt of the goods or services by the consumer, and the seller~~
38 ~~shall process the refund within 30 days after receipt of the~~
39 ~~returned merchandise by the consumer.~~

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T I T L E A M E N D M E N T

Remove lines 10-13 and insert:

amending s. 721.20, F.S.; requiring commercial telephone sellers and salespersons to be licensed with the Department of Agriculture and Consumer Services before doing business in this state under ch. 721, F.S.; deleting a provision requiring resale service providers to provide certain fee or cost and listing information to timeshare interest owners; amending s. 501.616, F.S.; providing additional unlawful practices with respect to telephone solicitation; amending s. 501.615, F.S.; requiring commercial telephone sellers and salespersons to comply with certain disclosure obligations; deleting an exemption; creating s. 721.205, F.S.; specifying