

1                   A bill to be entitled  
 2           An act relating to consumer protection; creating s.  
 3           501.0195, F.S.; defining the term "unlicensed vendor";  
 4           requiring an unlicensed vendor providing home repair  
 5           services to take certain actions within a specified  
 6           timeframe after receiving payment; providing that the  
 7           unlicensed vendor has the burden to prove just cause;  
 8           providing criminal penalties; amending s. 501.022,  
 9           F.S.; modifying an exemption from permitting  
 10          requirements for certain solicitors, salespersons, and  
 11          agents; providing an effective date.

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

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 15           **Section 1. Section 501.0195, Florida Statutes, is created**  
 16 **to read:**

17           501.0195 Home repairs by unlicensed vendors.—

18           (1) For the purposes of this section, the term "unlicensed  
 19 vendor" means a person who:

20           (a) Provides or promises to provide services related to a  
 21 residential home or the extended parcel of land on which the  
 22 home is located, including, but not limited to, driveways,  
 23 lawns, trees, gardens, landscaping areas, walls, fences, or  
 24 other vegetation or fixtures located thereon; and

25           (b) Is not a contractor as defined in s. 489.105(3).

26       (2) (a) An unlicensed vendor who receives money as an  
27 initial payment for services to be performed must, unless the  
28 unlicensed vendor has just cause for failing to apply for the  
29 necessary permits, start the work, continue the work, or refund  
30 the payment or unless the person who made the payment agreed in  
31 writing to a longer period for performance, do all of the  
32 following:

33       1. If the work requires a permit, apply for such permit  
34 within 14 days after receiving payment for the work, or within a  
35 time period mutually agreed upon in writing by the parties.

36       2. Start the work within 14 days after receiving payment  
37 for the work or within 14 days after the date all required  
38 permits for work, if any, are issued, or within a time period  
39 mutually agreed upon in writing by the parties.

40       3. Perform the work, without failing to continue the work  
41 for any 14-day period after payment is made or 14 days after the  
42 date all necessary permits for work, if any, are issued, or  
43 within a time period mutually agreed upon in writing by the  
44 parties.

45       (b)1. There is a presumption that an unlicensed vendor  
46 does not have just cause if the unlicensed vendor fails to  
47 return all moneys paid to the unlicensed vendor in excess of the  
48 value of all work, if any, performed and fails to do any of the  
49 following:

50       a. If the work requires a permit, apply for such permit

51 within the timeframe required by subparagraph (a)1.

52 b. Start the work within the timeframe required by

53 subparagraph (a)2.

54 c. Perform the work continuously according to the

55 requirements of subparagraph (a)3.

56 d. Terminate the contract with proper notification to the

57 owner. For purposes of this sub-subparagraph, proper

58 notification of termination made by the unlicensed vendor must

59 be in the form of a letter that includes the reason for

60 termination of the contract or the reason for failure to

61 perform. The notification must be sent by certified mail, return

62 receipt requested, and mailed to the address of the owner listed

63 in the contracting agreement. If a written agreement does not

64 exist, the letter must be mailed to the address where the work

65 was to be performed or the address listed on the permit, if

66 applicable.

67 2. The burden is on the unlicensed vendor to prove just

68 cause and to rebut the presumption.

69 (3) A person who violates subsection (2):

70 (a) Must be prosecuted in accordance with the thresholds

71 established in this section and with the following:

72 1. The required intent to prove a criminal violation may

73 be shown to exist at the time that the unlicensed vendor

74 appropriated the money to his or her own use and is not required

75 to be proven to exist at the time of the taking of the money

76 from the owner or at the time the owner makes a payment to the  
77 unlicensed vendor.

78 2. If an unlicensed vendor fails to refund any portion of  
79 the money paid to the unlicensed vendor in excess of the value  
80 of all work, if any, performed and fails to perform as required  
81 in subsection (2), it may be inferred that the unlicensed vendor  
82 intended to deprive the owner of the right to the money owed, or  
83 deprive the owner of the benefit from it, and it may be inferred  
84 that the unlicensed vendor appropriated the money for his or her  
85 own use or remitted it to a person not entitled to the use of  
86 the money.

87 3. In a prosecution for a violation of subsection (2), the  
88 fact that the unlicensed vendor intended to return the money  
89 owed is not a defense.

90 (b) Commits:

91 1. If the total money received is less than \$1,000, a  
92 misdemeanor of the first degree, punishable as provided in s.  
93 775.082 or s. 775.083.

94 2. If the total money received is less than \$1,000 and the  
95 unlicensed vendor has had more than one violation within a 3-  
96 year period, a felony of the third degree, punishable as  
97 provided in s. 775.082, s. 775.083, or s. 775.084.

98 3. If the total money received is greater than or equal to  
99 \$1,000 but less than \$20,000, a felony of the third degree,  
100 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

101 4. If the total money received is \$20,000 or more but less  
102 than \$200,000, a felony of the second degree, punishable as  
103 provided in s. 775.082, s. 775.083, or s. 775.084.

104 5. If the total money received is \$200,000 or more, a  
105 felony of the first degree, punishable as provided in s.  
106 775.082, s. 775.083, or s. 775.084.

107 **Section 2. Subsection (1) of section 501.022, Florida**  
108 **Statutes, is amended to read:**

109 501.022 Home solicitation sale; permit required.—

110 (1)(a) It is unlawful for a ~~any~~ person to conduct a ~~any~~  
111 home solicitation sale, as defined in s. 501.021(1) ~~s. 501.021~~,  
112 or to supervise excluded minors conducting such sales provided  
113 in subparagraph (b)5., in this state without first obtaining a  
114 valid home solicitation sale permit as provided in this section.

115 (b) The following are excluded from the operation of this  
116 section:

117 1. Bona fide agents, business representatives, or  
118 salespersons making calls or soliciting orders at the usual  
119 place of business of a customer regarding products or services  
120 for use in connection with the customer's business.

121 2. Solicitors, salespersons, or agents making a call or  
122 business visit upon the express invitation, oral or written, of  
123 an inhabitant of the premises or her or his agent.

124 3. Telephone solicitors, salespersons, or agents making  
125 calls which involve transactions that are unsolicited by the

126 consumer and consummated by telephone and without any other  
127 contact between the buyer and the seller or its representative  
128 before ~~prior to~~ delivery of the goods or performance of the  
129 services.

130 4. Solicitors, salespersons, or agents conducting a sale,  
131 lease, or rental of consumer goods or services by sample,  
132 catalog, or brochure for future delivery. For purposes of this  
133 subparagraph, a business card does not constitute a sample,  
134 catalog, or brochure.

135 5. Minors, as defined in s. 1.01(13), conducting home  
136 solicitation sales under the supervision of an adult supervisor  
137 who holds a valid home solicitation sale permit. Minors excluded  
138 from operation of this section must, however, carry personal  
139 identification which includes their full name, date of birth,  
140 residence address, and employer and the name and permit number  
141 of their adult supervisor.

142 6. Those sellers or their representatives that are  
143 currently regulated as to the sale of goods and services by  
144 chapter 475 or chapter 497.

145 7. Solicitors, salespersons, or agents making calls or  
146 soliciting orders on behalf of a religious, charitable,  
147 scientific, educational, or veterans' institution or  
148 organization holding a sales tax exemption certificate under s.  
149 212.08(7).

150 **Section 3.** This act shall take effect July 1, 2025.