

CS/SB 498 – Consumer Protection (Similar HB 317)

This bill creates s. 501.0195, F.S., adding the following felonies for an unlicensed vendor who agrees to do home repairs from an initial payment and doesn't apply for a permit within 14 days, start work within 14 days, or refund payment within 14 days:

- 1st degree misdemeanor if total money received is less than \$300
- unranked, 3rd degree felony (Level 1 by default) if total money received is less than \$300, and more than one violation within a 3-year period
- unranked, 3rd degree felony (Level 1 by default) if total money received is \$300 or more, but less than \$5,000
- unranked, 2nd degree felony (Level 4 by default) if total money received is \$5,000 or more, but less than \$50,000
- unranked, 1st degree felony (Level 7 by default) if total money received is \$50,000 or more

It is not known how many additional offenders there would be under this new language. However, multiple felonies went into effect on October 1, 2019, under s. 489.126, F.S. for two defined acts. The first list of felonies with monetary thresholds exist for “a contractor who receives, as initial payment, money totaling more than 10 percent of the contract price for repair, restoration, improvement, or construction to residential real property” who does not apply for the necessary permits within 30 days of payment and does not start the work within 90 days after the date all necessary permits for work, if any, are issued. Felony thresholds also apply to “a contractor who receives money for repair, restoration, addition, improvement, or construction of residential real property in excess of the value of the work performed” and fails or refuses to perform any work for any 90-day period or for any period that is mutually agreed upon and specified in the contract.” Per FDLE, one person has been arrested since this law went into effect on October, 2019. Per DOC, there have been no new commitments to prison since the law went into effect.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate