



1 license for the operation of a ~~health studio pursuant to ss.~~  
2 ~~501.012-501.019~~ or ballroom dance studio pursuant to s.  
3 501.143, unless such business exhibits a current license,  
4 registration, or letter of exemption from the Department of  
5 Agriculture and Consumer Services.

6 Section 2. Sections 501.012, 501.014, 501.015, and  
7 501.016, Florida Statutes, are repealed.

8 Section 3. Section 501.0125, Florida Statutes, is  
9 amended to read:

10 501.0125 Health studios; definitions.--For purposes of  
11 ss. 501.0125-501.019 ~~501.012-501.019~~, the following terms  
12 shall have the following meanings:

13 (1) "Health studio" means any person who is engaged in  
14 the sale of services for instruction, training, or assistance  
15 in a program of physical exercise or in the sale of services  
16 for the right or privilege to use equipment or facilities in  
17 furtherance of a program of physical exercise.

18 (2) "Health studio services" means privileges or  
19 rights offered for sale or provided by a health studio.

20 (3) "Business location" means any place where health  
21 studio services are performed by a health studio.

22 ~~(4) "Department" means the Department of Agriculture~~  
23 ~~and Consumer Services.~~

24 ~~(5) "Reasonable and fair service fee" means no more~~  
25 ~~than 10 percent of the total contract price for contracts.~~  
26 ~~Service fee includes, but is not limited to, registration fee,~~  
27 ~~membership fee, and processing or startup fee.~~

28 Section 4. Section 501.013, Florida Statutes, is  
29 amended to read:

30 501.013 Health studios; exemptions.--The following  
31 businesses or activities are ~~may be declared~~ exempt from the

1 provisions of ss. 501.0125-501.019 ~~501.012-501.019~~ upon the  
2 filing of an affidavit with the department establishing that  
3 the stated qualifications are met:

4 (1) A bona fide nonprofit organization which has been  
5 granted tax-exempt status by the Internal Revenue Service.

6 (2) A gymnastics school which engages only in  
7 instruction and training and in which exercise is only  
8 incidental to such instruction and training.

9 (3) A golf, tennis, or racquetball club in which  
10 sports play is the only activity offered by the club. If the  
11 facility offers the use of physical exercise equipment, this  
12 exemption shall not apply.

13 (4) A program or facility which is offered and used  
14 solely for the purpose of dance, aerobic exercise, or martial  
15 arts, and which utilizes no physical exercise equipment.

16 (5) A country club that has as its primary function  
17 the provision of a social life and recreational amenities to  
18 its members, and for which a program of physical exercise is  
19 merely incidental to membership. As used in this subsection,  
20 the term "country club" means a facility that offers its  
21 members a variety of services that may include, but need not  
22 be limited to, social activities; dining, banquet, catering,  
23 and lounge facilities; swimming; yachting; golf; tennis; card  
24 games such as bridge and canasta; and special programs for  
25 members' children. Upon the filing of an affidavit with the  
26 department establishing that the stated qualifications of this  
27 subsection were met before July 1, 1997, this subsection will  
28 apply retroactively to the date that the country club met  
29 these qualifications.

30 Section 5. Subsection (2) of section 501.017, Florida  
31 Statutes, is amended to read:

1           501.017 Health studios; contracts.--  
2           (2) Every health studio ~~exempt from the requirements~~  
3 ~~of s. 501.016(1) and (2)~~ shall include in all of its contracts  
4 for health studio services, in the same manner as provided in  
5 subsection (1) of this section, the following disclosure:

6  
7           SHOULD YOU (THE BUYER) CHOOSE TO PAY FOR MORE  
8 THAN 1 MONTH OF THIS AGREEMENT IN ADVANCE, BE  
9 AWARE THAT YOU ARE PAYING FOR FUTURE SERVICES  
10 AND MAY BE RISKING LOSS OF YOUR MONEY IN THE  
11 EVENT THIS HEALTH STUDIO AND/OR THIS BUSINESS  
12 LOCATION CEASES TO OPERATE. THIS HEALTH STUDIO  
13 IS NOT REQUIRED BY FLORIDA LAW TO PROVIDE ANY  
14 SECURITY, AND THERE MAY NOT BE OTHER  
15 PROTECTIONS PROVIDED TO YOU SHOULD YOU CHOOSE  
16 TO PAY IN ADVANCE.

17  
18           Section 6. Section 501.019, Florida Statutes, is  
19 amended to read:

20           501.019 Health studios; penalties.--  
21           ~~(1)~~ Any health studio or any owner or manager thereof,  
22 or, in the case of corporate ownership, any substantial  
23 stockholder of the corporation owning the health studio, who  
24 is convicted of a violation of the provisions of ss.  
25 501.0125-501.019 ~~501.012-501.019~~ is guilty of a misdemeanor of  
26 the first degree, punishable as provided in s. 775.082 or s.  
27 775.083.

28           ~~(2) Any health studio owner or, in the case of~~  
29 ~~corporate ownership, any officer of the corporation, or any~~  
30 ~~manager of a health studio or health studio's business~~  
31 ~~location, who knowingly makes a false representation to the~~

1 ~~department with the intent to obtain an exemption of any kind~~  
2 ~~from the requirements of s. 501.016 commits a felony of the~~  
3 ~~third degree, punishable as provided in s. 775.082, s.~~  
4 ~~775.083, or s. 775.084.~~

5 ~~(3) The department may institute proceedings in the~~  
6 ~~appropriate circuit court to recover any penalties or damages~~  
7 ~~allowed in this section and for injunctive relief to enforce~~  
8 ~~compliance with ss. 501.012-501.019 or any rule or order of~~  
9 ~~the department. The department may seek a civil penalty of up~~  
10 ~~to \$5,000 for each violation of this section.~~

11 ~~(4)(a) The department may enter an order imposing one~~  
12 ~~or more of the penalties set forth in paragraph (b) if the~~  
13 ~~department finds that a health studio:~~

14 ~~1. Violated or is operating in violation of any of the~~  
15 ~~provisions of this part or of the rules adopted or orders~~  
16 ~~issued thereunder;~~

17 ~~2. Made a material false statement in any application,~~  
18 ~~document, or record required to be submitted or retained under~~  
19 ~~this part;~~

20 ~~3. Refused or failed, or any of its principal officers~~  
21 ~~has refused or failed, after notice, to produce any document~~  
22 ~~or record or disclose any information required to be produced~~  
23 ~~or disclosed under this part or the rules of the department;~~

24 ~~4. Made a material false statement in response to any~~  
25 ~~request or investigation by the department, the Department of~~  
26 ~~Legal Affairs, or the state attorney; or~~

27 ~~5. Has intentionally defrauded the public through~~  
28 ~~dishonest or deceptive means.~~

29 ~~(b) Upon a finding as set forth in paragraph (a), the~~  
30 ~~department may enter an order doing one or more of the~~  
31 ~~following:~~

