

CHAMBER ACTION

1 The Agriculture Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act relating to consumer protection; amending s.  
8 493.6303, F.S.; revising training requirements for  
9 obtaining a Class "D" license; requiring a minimum number  
10 of hours of training in terrorism awareness or other  
11 training prescribed by the Department of Agriculture and  
12 Consumer Services; providing a timeframe for submitting  
13 proof of having completed the training; revising the  
14 number of training hours required; amending s. 501.059,  
15 F.S.; prohibiting the transmission of facsimile documents  
16 under certain circumstances; providing for attorney's fees  
17 and for the recovery of certain litigation expenses by the  
18 department and the Department of Legal Affairs; repealing  
19 ss. 546.001, 546.002, 546.003, 546.004, 546.006, and  
20 546.008, F.S., relating to the "Amusement Ride and  
21 Attraction Insurance Act"; amending s. 559.801, F.S.;  
22 redefining the term "business opportunity" for purposes of  
23 the "Sale of Business Opportunities Act"; amending s.

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24 | 559.920, F.S.; revising actions by motor vehicle repair  
 25 | shops or employees which are unlawful; amending s.  
 26 | 559.927, F.S.; providing a definition of "travel club";  
 27 | amending s. 559.928, F.S.; revising information to be  
 28 | submitted for registration as a seller of travel and  
 29 | information submitted by independent agents; requiring the  
 30 | payment of an annual fee by independent agents; amending  
 31 | s. 616.242, F.S.; deleting provisions authorizing the  
 32 | owner of an amusement ride to maintain liability  
 33 | protection in the form of a surety bond; exempting certain  
 34 | governmental entities from a requirement to maintain  
 35 | liability protection covering amusement rides; amending s.  
 36 | 849.094, F.S.; redefining the term "operator" for purposes  
 37 | of the regulation of game promotions in connection with  
 38 | the sale of consumer products or services; providing that  
 39 | the operator of certain game promotions need only include  
 40 | the material terms of the rules and regulations of the  
 41 | game in advertising copy used in connection therewith  
 42 | under specified conditions; reenacting s. 501.603(1)(a),  
 43 | F.S., which defines "commercial telephone solicitation";  
 44 | reenacting s. 559.809(12), F.S., which specifies  
 45 | prohibited acts under the "Sale of Business Opportunities  
 46 | Act"; providing an effective date.

47 |  
 48 | Be It Enacted by the Legislature of the State of Florida:  
 49 |

50 | Section 1. Section 493.6303, Florida Statutes, is amended  
 51 | to read:

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52 |           493.6303 License requirements.--In addition to the license  
53 | requirements set forth elsewhere in this chapter, each  
54 | individual or agency shall comply with the following additional  
55 | requirements:

56 |           (1) Each agency or branch office shall designate a minimum  
57 | of one appropriately licensed individual to act as manager,  
58 | directing the activities of the Class "D" employees.

59 |           (2) An applicant for a Class "MB" license shall have 2  
60 | years of lawfully gained, verifiable, full-time experience, or  
61 | training in:

62 |           (a) Security work or related fields of work that provided  
63 | equivalent experience or training;

64 |           (b) Experience described in paragraph (a) for 1 year and  
65 | experience described in paragraph (c) for 1 year;

66 |           (c) No more than 1 year using:

67 |           1. Either college coursework related to criminal justice,  
68 | criminology, or law enforcement administration; or

69 |           2. Successfully completed law enforcement-related training  
70 | received from any federal, state, county, or municipal agency;  
71 | or

72 |           (d) Experience described in paragraph (a) for 1 year and  
73 | work in a managerial or supervisory capacity for 1 year.

74 |           (3) An applicant for a Class "M" license shall qualify for  
75 | licensure as a Class "MA" manager as outlined under s.  
76 | 493.6203(2) and as a Class "MB" manager as outlined under  
77 | subsection (2).

78 |           (4)(a) Effective January 1, 2006 ~~October 1, 1994~~, an  
79 | applicant for a Class "D" license must complete ~~have completed~~ a

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80 | minimum of 44 ~~40~~ hours of professional training administered by  
 81 | ~~at~~ a school or training facility licensed by the department. The  
 82 | department shall by rule establish the general content and  
 83 | number of hours of all the training. Such training must include  
 84 | at least 8 hours of instruction in terrorism awareness or other  
 85 | special training prescribed by the department.

86 | (b) An applicant may fulfill the training requirement  
 87 | prescribed in paragraph (a) by submitting proof of:

88 | 1. Successful completion of the total number of required  
 89 | ~~40~~ hours of training before initial application for a Class "D"  
 90 | license; or

91 | 2. Successful completion of 24 hours of training before  
 92 | initial application ~~for~~, and the remaining 16 hours of training  
 93 | within 180 days after the date upon the first application is  
 94 | submitted for renewal of, a Class "D" license. If documentation  
 95 | of completion of the required training is not submitted within  
 96 | the specified timeframe, the individual's license is  
 97 | automatically suspended until such time as proof of the required  
 98 | training is provided to the department. However, Individuals  
 99 | licensed before October 1, 1994, or individuals who have  
 100 | successfully completed 40 hours of professional training before  
 101 | January 1, 2006, at a school or training facility licensed by  
 102 | the department are exempt from the training requirements of  
 103 | paragraph (a) need not complete additional training hours in  
 104 | order to renew their licenses.

105 |  
 106 | However, any person whose license has been revoked or whose  
 107 | license has been expired for 1 year or longer is considered,

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108 upon reapplication for a license, an initial applicant and must  
 109 submit proof of successful completion of the total number of  
 110 required 40 hours of professional training at a school or  
 111 training facility licensed by the department.

112 (5) An applicant for a Class "G" license shall satisfy the  
 113 firearms training outlined in s. 493.6115.

114 Section 2. Subsections (7), (8), and (9) of section  
 115 501.059, Florida Statutes, are amended to read:

116 501.059 Telephone solicitation.--

117 (7)(a) A ~~No~~ person may not ~~shall~~ make or knowingly allow a  
 118 telephonic sales call to be made if the ~~such~~ call involves an  
 119 automated system for the selection or dialing of telephone  
 120 numbers or the playing of a recorded message when a connection  
 121 is completed to a number called.

122 (b) Nothing herein prohibits the use of an automated  
 123 telephone dialing system with live messages if the calls are  
 124 made or messages given solely in response to calls initiated by  
 125 the persons to whom the automatic calls or live messages are  
 126 directed or if the telephone numbers selected for automatic  
 127 dialing have been screened to exclude any telephone subscriber  
 128 who is included on the department's then-current "no sales  
 129 solicitation calls" listing or any unlisted telephone number, or  
 130 if the calls made concern goods or services that have been  
 131 previously ordered or purchased.

132 (c) A person may not transmit or knowingly allow the  
 133 transmission of a facsimile of documents through connection with  
 134 a telephone network if the facsimile transmission involves

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135 unsolicited advertising material for the sale of any real  
 136 property, goods, or services.

137 (8) The department shall investigate any complaints  
 138 received concerning violations of this section. If, after  
 139 investigating any complaint, the department finds that there has  
 140 been a violation of this section, the department or the  
 141 Department of Legal Affairs may bring an action to impose a  
 142 civil penalty and to seek other relief, including injunctive  
 143 relief, as the court deems appropriate against the telephone  
 144 solicitor. The civil penalty shall not exceed \$10,000 per  
 145 violation and shall be deposited in the General Inspection Trust  
 146 Fund if the action or proceeding was brought by the department,  
 147 or the Legal Affairs Revolving Trust Fund if the action or  
 148 proceeding was brought by the Department of Legal Affairs. This  
 149 civil penalty may be recovered in any action brought under this  
 150 part by the department, or the department may terminate any  
 151 investigation or action upon agreement by the person to pay an  
 152 agreed-upon ~~a stipulated~~ civil penalty. The department or the  
 153 court may waive any civil penalty if the person has previously  
 154 made full restitution or reimbursement or has paid actual  
 155 damages to the consumers who have been injured by the violation.

156 (9)(a) In any civil litigation resulting from a  
 157 transaction involving a violation of this section, the  
 158 prevailing party, after judgment in the trial court and  
 159 exhaustion of all appeals, if any, shall receive his or her  
 160 reasonable attorney's fees and costs from the nonprevailing  
 161 party.

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162 (b) The attorney for the prevailing party shall submit a  
 163 sworn affidavit of his or her time spent on the case and his or  
 164 her costs incurred for all the motions, hearings, and appeals to  
 165 the trial judge who presided over the civil case.

166 (c) The trial judge shall award the prevailing party the  
 167 sum of reasonable costs incurred in the action plus a reasonable  
 168 legal fee for the hours actually spent on the case as sworn to  
 169 in an affidavit.

170 (d) Any award of attorney's fees or costs shall become a  
 171 part of the judgment and subject to execution as the law allows.

172 (e) In any civil litigation initiated by the department or  
 173 the Department of Legal Affairs, the court shall ~~may~~ award to  
 174 the prevailing party reasonable attorney's fees and costs ~~if the~~  
 175 ~~court finds that there was a complete absence of a justiciable~~  
 176 ~~issue of either law or fact raised by the losing party or if the~~  
 177 ~~court finds bad faith on the part of the losing party.~~ Travel  
 178 and per diem expenses incurred by the department or the  
 179 Department of Legal Affairs for its attorneys and witnesses  
 180 shall be recoverable costs by the department or the Department  
 181 of Legal Affairs if either party prevails in civil litigation.

182 Section 3. Sections 546.001, 546.002, 546.003, 546.004,  
 183 546.006, and 546.008, Florida Statutes, are repealed.

184 Section 4. Paragraph (a) of subsection (1) of section  
 185 559.801, Florida Statutes, is amended to read:

186 559.801 Definitions.--For the purpose of ss. 559.80-  
 187 559.815, the term:

188 (1)(a) "Business opportunity" means the sale or lease of  
 189 any products, equipment, supplies, or services which are sold or

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190 leased to a purchaser to enable the purchaser to start a  
 191 business for which the purchaser is required to pay an initial  
 192 fee or sum of money which exceeds \$500 to the seller, and in  
 193 which the seller represents:

194 1. That the seller or person or entity affiliated with or  
 195 referred by the seller will provide locations, either  
 196 contemporaneously at the time of the sale or lease or at a  
 197 future time, or assist the purchaser in finding locations for  
 198 the use or operation of vending machines, racks, display cases,  
 199 currency or card operated equipment, or other similar devices or  
 200 currency-operated amusement machines or devices on premises  
 201 neither owned nor leased by the purchaser or seller;

202 2. That the seller will purchase, either contemporaneously  
 203 at the time of the sale or lease or at a future time, any or all  
 204 products made, produced, fabricated, grown, bred, or modified by  
 205 the purchaser using in whole or in part the supplies, services,  
 206 or chattels sold to the purchaser;

207 3. That the seller guarantees that the purchaser will  
 208 derive income from the business opportunity which exceeds the  
 209 price paid or rent charged for the business opportunity or that  
 210 the seller will refund all or part of the price paid or rent  
 211 charged for the business opportunity, or will repurchase any of  
 212 the products, equipment, supplies, or chattels supplied by the  
 213 seller, if the purchaser is unsatisfied with the business  
 214 opportunity; or

215 4. That the seller will provide, either contemporaneously  
 216 at the time of the sale or lease or at a future time, a sales  
 217 program or marketing program that will enable the purchaser to



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218 | derive income from the business opportunity, except that this  
 219 | paragraph does not apply to the sale of a sales program or  
 220 | marketing program made in conjunction with the licensing of a  
 221 | trademark or service mark that is registered under the laws of  
 222 | any state or of the United States if the seller requires use of  
 223 | the trademark or service mark in the sales agreement.

224 |  
 225 | For the purpose of subparagraph 1., the term "assist the  
 226 | purchaser in finding locations" means, but is not limited to,  
 227 | supplying the purchaser with names of locator companies,  
 228 | contracting with the purchaser to provide assistance or supply  
 229 | names, or collecting a fee on behalf of or for a locator  
 230 | company.

231 | Section 5. Section 559.920, Florida Statutes, is amended  
 232 | to read:

233 | 559.920 Unlawful acts and practices.--It shall be a  
 234 | violation of this act for any motor vehicle repair shop or  
 235 | employee thereof to:

236 | (1) Engage or attempt to engage in repair work for  
 237 | compensation of any type without first being registered with ~~or~~  
 238 | ~~having submitted an affidavit of exemption to the department;~~

239 | (2) Make or charge for repairs which have not been  
 240 | expressly or impliedly authorized by the customer;

241 | (3) Misrepresent that repairs have been made to a motor  
 242 | vehicle;

243 | (4) Misrepresent that certain parts and repairs are  
 244 | necessary to repair a vehicle;

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- 245 (5) Misrepresent that the vehicle being inspected or
- 246 diagnosed is in a dangerous condition or that the customer's
- 247 continued use of the vehicle may be harmful or cause great
- 248 damage to the vehicle;
- 249 (6) Fraudulently alter any customer contract, estimate,
- 250 invoice, or other document;
- 251 (7) Fraudulently misuse any customer's credit card;
- 252 (8) Make or authorize in any manner or by any means
- 253 whatever any written or oral statement which is untrue,
- 254 deceptive or misleading, and which is known, or which by the
- 255 exercise of reasonable care should be known, to be untrue,
- 256 deceptive or misleading;
- 257 (9) Make false promises of a character likely to
- 258 influence, persuade, or induce a customer to authorize the
- 259 repair, service, or maintenance of a motor vehicle;
- 260 (10) Substitute used, rebuilt, salvaged, or straightened
- 261 parts for new replacement parts without notice to the motor
- 262 vehicle owner and to her or his insurer if the cost of repair is
- 263 to be paid pursuant to an insurance policy and the identity of
- 264 the insurer or its claims adjuster is disclosed to the motor
- 265 vehicle repair shop;
- 266 (11) Cause or allow a customer to sign any work order that
- 267 does not state the repairs requested by the customer or the
- 268 automobile's odometer reading at the time of repair;
- 269 (12) Fail or refuse to give to a customer a copy of any
- 270 document requiring the customer's signature upon completion or
- 271 cancellation of the repair work;

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272 (13) Willfully depart from or disregard accepted practices  
273 and professional standards;

274 (14) Have repair work subcontracted without the knowledge  
275 or consent of the customer unless the motor vehicle repair shop  
276 or employee thereof demonstrates that the customer could not  
277 reasonably have been notified;

278 (15) Conduct the business of motor vehicle repair in a  
279 location other than that stated on the registration certificate;

280 (16) Rebuild or restore a rebuilt vehicle without the  
281 knowledge of the owner in such a manner that it does not conform  
282 to the original vehicle manufacturer's established repair  
283 procedures or specifications and allowable tolerances for the  
284 particular model and year; or

285 (17) Perform any other act that is a violation of this  
286 part or that constitutes fraud or misrepresentation.

287 Section 6. Subsection (12) is added to section 559.927,  
288 Florida Statutes, to read:

289 559.927 Definitions.--For the purposes of this part, the  
290 term:

291 (12) "Travel club" means a membership in an organization  
292 in which a member has the right to receive or purchase  
293 prearranged travel, tourist-related services, or tour-guide  
294 services, as such travel or services are from time-to-time  
295 offered, for an advance fee or payment, which may be available  
296 on a first-come, first-served, space-available reservation basis  
297 and in which a member is not granted a legal or equitable  
298 interest in any real property or specific right of use of any  
299 specific property. A travel club properly registered under this

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300 part shall not be deemed to be nor constitute a timeshare  
 301 interest or timeshare plan.

302 Section 7. Subsections (1) and (3) of section 559.928,  
 303 Florida Statutes, are amended to read:

304 559.928 Registration.--

305 (1) Each seller of travel shall annually register with the  
 306 department, providing: its legal business or trade name, mailing  
 307 address, and business locations; the full names, addresses, and  
 308 telephone numbers, ~~and social security numbers~~ of its owners or  
 309 corporate officers and directors and the Florida agent of the  
 310 corporation; a statement whether it is a domestic or foreign  
 311 corporation, its state and date of incorporation, its charter  
 312 number, and, if a foreign corporation, the date it registered  
 313 with the State of Florida, and occupational license where  
 314 applicable; the date on which a seller of travel registered its  
 315 fictitious name if the seller of travel is operating under a  
 316 fictitious or trade name; the name of all other corporations,  
 317 business entities, and trade names through which each owner of  
 318 the seller of travel operated, was known, or did business as a  
 319 seller of travel within the preceding 5 years; a list of all  
 320 authorized independent agents, including the agent's trade name,  
 321 full name, mailing address, business address, telephone numbers,  
 322 and social security number; the business location and address of  
 323 each branch office and full name and address of the manager or  
 324 supervisor; and proof of purchase of adequate bond or  
 325 establishment of a letter of credit or certificate of deposit as  
 326 required in this part. A certificate evidencing proof of  
 327 registration shall be issued by the department and must be

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328 prominently displayed in the seller of travel's primary place of  
329 business.

330 (3) Each independent agent shall annually file an  
331 affidavit with the department and pay a fee of \$100 prior to  
332 engaging in business in this state. This affidavit must include  
333 the independent agent's full name, legal business or trade name,  
334 mailing address, business address, and telephone number, ~~social~~  
335 ~~security number~~, and the name or names and addresses of each  
336 seller of travel represented by the independent agent and must  
337 be accompanied by a copy of the independent agent's current  
338 contract with each seller of travel. A letter evidencing proof  
339 of filing must be issued by the department and must be  
340 prominently displayed in the independent agent's primary place  
341 of business. As used in this subsection, the term "independent  
342 agent" means a person who represents a seller of travel by  
343 soliciting persons on its behalf; who has a written contract  
344 with a seller of travel which is operating in compliance with  
345 this part and any rules adopted thereunder; who does not receive  
346 a fee, commission, or other valuable consideration directly from  
347 the purchaser for the seller of travel; who does not at any time  
348 have any unissued ticket stock or travel documents in his or her  
349 possession; and who does not have the ability to issue tickets,  
350 vacation certificates, or any other travel document. The term  
351 "independent agent" does not include an affiliate of the seller  
352 of travel, as that term is used in s. 559.935(3), or the  
353 employees of the seller of travel or of such affiliates.

354 Section 8. Paragraph (b) of subsection (5) and subsection  
355 (9) of section 616.242, Florida Statutes, are amended to read:

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356 |           616.242 Safety standards for amusement rides.--  
 357 |           (5) ANNUAL PERMIT.--  
 358 |           (b) To apply for an annual permit an owner must submit to  
 359 | the department a written application on a form prescribed by  
 360 | rule of the department, which must include the following:  
 361 |           1. The legal name, address, and primary place of business  
 362 | of the owner.  
 363 |           2. A description, manufacturer's name, serial number,  
 364 | model number and, if previously assigned, the United States  
 365 | Amusement Identification Number of the amusement ride.  
 366 |           3. A valid certificate of insurance ~~or bond~~ for each  
 367 | amusement ride.  
 368 |           4. An affidavit of compliance that the amusement ride was  
 369 | inspected in person by the affiant and that the amusement ride  
 370 | is in general conformance with the requirements of this section  
 371 | and all applicable rules adopted by the department. The  
 372 | affidavit must be executed by a professional engineer or a  
 373 | qualified inspector no earlier than 60 days before, but not  
 374 | later than, the date of the filing of the application with the  
 375 | department. The owner shall request inspection and permitting of  
 376 | the amusement ride within 60 days of the date of filing the  
 377 | application with the department. The department shall inspect  
 378 | and permit the amusement ride within 60 days after filing the  
 379 | application with the department.  
 380 |           5. If required by subsection (6), an affidavit of  
 381 | nondestructive testing dated and executed no earlier than 60  
 382 | days prior to, but not later than, the date of the filing of the  
 383 | application with the department. The owner shall request

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384 inspection and permitting of the amusement ride within 60 days  
385 of the date of filing the application with the department. The  
386 department shall inspect and permit the amusement ride within 60  
387 days after filing the application with the department.

388 6. A request for inspection.

389 7. Upon request, the owner shall, at no cost to the  
390 department, provide the department a copy of the manufacturer's  
391 current recommended operating instructions in the possession of  
392 the owner, the owner's operating fact sheet, and any written  
393 bulletins in the possession of the owner concerning the safety,  
394 operation, or maintenance of the amusement ride.

395 (9) INSURANCE REQUIREMENTS.--

396 (a) An owner may not operate an amusement ride unless the  
397 owner has in effect at all times of operation ~~insurance meeting~~  
398 ~~the following requirements:~~

399 ~~1.~~ an insurance policy in an amount of not less than \$1  
400 million per occurrence, \$1 million in the aggregate, which  
401 insures the owner of the amusement ride against liability for  
402 injury to persons arising out of the use of the amusement ride;  
403 ~~or~~

404 ~~2. A bond in a like amount; however, the aggregate~~  
405 ~~liability of the surety under the bond may not exceed the face~~  
406 ~~amount thereof.~~

407 (b) The policy ~~or bond~~ must be procured from an insurer or  
408 surety that is licensed to transact business in this state or  
409 that is approved as a surplus lines insurer.

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410       (c) The insurance requirements imposed under this  
 411 subsection do not apply to a governmental entity that is covered  
 412 by the provisions of s. 768.28(16).

413       Section 9. Subsections (1) and (3) of section 849.094,  
 414 Florida Statutes, are amended to read:

415       849.094 Game promotion in connection with sale of consumer  
 416 products or services.--

417       (1) As used in this section, the term:

418       (a) "Game promotion" means, but is not limited to, a  
 419 contest, game of chance, or gift enterprise, conducted within or  
 420 throughout the state and other states in connection with the  
 421 sale of consumer products or services, and in which the elements  
 422 of chance and prize are present. However, "game promotion" shall  
 423 not be construed to apply to bingo games conducted pursuant to  
 424 s. 849.0931.

425       (b) "Operator" means any person, firm, corporation, or  
 426 association on whose behalf a game promotion is conducted ~~or~~  
 427 ~~agent or employee thereof who promotes, operates, or conducts a~~  
 428 ~~game promotion~~, except any charitable nonprofit organization.

429       (3) The operator of a game promotion in which the total  
 430 announced value of the prizes offered is greater than \$5,000  
 431 shall file with the Department of Agriculture and Consumer  
 432 Services a copy of the rules and regulations of the game  
 433 promotion and a list of all prizes and prize categories offered  
 434 at least 7 days before the commencement of the game promotion.  
 435 Such rules and regulations may not thereafter be changed,  
 436 modified, or altered. The operator of a game promotion shall  
 437 conspicuously post the rules and regulations of such game



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438 promotion in each and every retail outlet or place where such  
 439 game promotion may be played or participated in by the public  
 440 and shall also publish the rules and regulations in all  
 441 advertising copy used in connection therewith. However, such  
 442 advertising copy need only include the material terms of the  
 443 rules and regulations if the advertising copy includes a website  
 444 address, a toll-free telephone number, or a mailing address  
 445 where the full rules and regulations may be viewed, heard, or  
 446 obtained for the full duration of the game promotion. Such  
 447 disclosures must be legible. Radio and television announcements  
 448 may indicate that the rules and regulations are available at  
 449 retail outlets or from the operator of the promotion. A  
 450 nonrefundable filing fee of \$100 shall accompany each filing and  
 451 shall be used to pay the costs incurred in administering and  
 452 enforcing the provisions of this section.

453 Section 10. For the purpose of incorporating the amendment  
 454 to section 501.059, Florida Statutes, in a reference thereto,  
 455 paragraph (a) of subsection (1) of section 501.603, Florida  
 456 Statutes, is reenacted to read:

457 501.603 Definitions.--As used in this part, unless the  
 458 context otherwise requires, the term:

459 (1) "Commercial telephone solicitation" means:

460 (a) An unsolicited telephone call to a person initiated by  
 461 a commercial telephone seller or salesperson, or an automated  
 462 dialing machine used in accordance with the provisions of s.  
 463 501.059(7) for the purpose of inducing the person to purchase or  
 464 invest in consumer goods or services;

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466 For purposes of this section, "other communication" means a  
467 written or oral notification or advertisement transmitted  
468 through any means. Also, for purposes of this section, "invites  
469 a response by telephone" does not mean the mere listing or  
470 including of a telephone number in a notification or  
471 advertisement.

472 Section 11. For the purpose of incorporating the amendment  
473 to section 559.801, Florida Statutes, in a reference thereto,  
474 subsection (12) of section 559.809, Florida Statutes, is  
475 reenacted to read:

476 559.809 Prohibited acts.--Business opportunity sellers  
477 shall not:

478 (12) Misrepresent their ability or the ability of a person  
479 or entity providing services as defined in s. 559.801(1)(a) to  
480 provide locations or assist the purchaser in finding locations  
481 expected to have a positive impact on the success of the  
482 business opportunity.

483 Section 12. This act shall take effect October 1, 2005.