

1 the background results to determine if an applicant meets
2 licensure requirements. The cost for fingerprint processing
3 shall be borne by the person subject to the background
4 screening. These fees shall be collected by the authorized
5 agencies and vendors. The authorized agencies and vendors are
6 responsible for paying the costs of processing to the
7 Department of Law Enforcement.

8 (7)(a) Any auction that is subject to the provisions
9 of this part must be conducted by an auctioneer who has an
10 active license or an apprentice who has an active apprentice
11 auctioneer license and who has received prior written sponsor
12 consent.

13 (8)(b) No business shall auction or offer to auction
14 any property in this state unless it is licensed as an auction
15 business by the board or is exempt from licensure under this
16 act. ~~Each application for licensure shall include the names of~~
17 ~~the owner and the business, the business mailing address and~~
18 ~~location, and any other information which the board may~~
19 ~~require. The owner of an auction business shall report to the~~
20 ~~board within 30 days of any change in this required~~
21 ~~information.~~

22 (a) If the applicant auction business is a sole
23 proprietorship, the application shall state the name of the
24 owner. If the owner uses a fictitious name, he or she shall
25 furnish evidence of compliance with the fingerprint
26 requirements under subsection (4). If there is a change in any
27 information that is required to be stated on the application,
28 the auction business shall, within 45 days after such change
29 occurs, mail the correct information to the department.

30 (b) If the applicant auction business is a
31 partnership, corporation, business trust, or other legal

1 entity, other than a sole proprietorship, the application
2 shall state the name of the partnership and its partners; the
3 name of the corporation and its officers and directors and the
4 name of each of its stockholders who is also an officer or
5 director; the name of the business trust and its trustees; or
6 the name of the legal entity and its members. If any
7 fictitious names are stated in the application, the applicant
8 shall furnish evidence of compliance with the fingerprint
9 requirements under subsection (4) for each fictitious name
10 used. If there is a change in any information that is required
11 to be stated on the application, the auction business shall,
12 within 45 days after such change occurs, mail the correct
13 information to the department.

14 (c) Any person licensed under this part who has had
15 his or her license revoked shall not be eligible for a 5-year
16 period, beginning from the date of revocation, to be an owner,
17 partner, officer, director, or trustee of an auction business
18 as defined in s. 468.382(1). Such person shall also be
19 ineligible to reapply for licensure under this part for a
20 period of 5 years, beginning from the date of revocation.

21 (d) The applicant auction business shall furnish
22 evidence of financial responsibility, credit history, and
23 business reputation of the auction business. The board shall
24 adopt rules defining financial responsibility based upon an
25 auction business' credit history, ability to be bonded, and
26 any history of bankruptcy or other insolvency proceeding or
27 assignment of receivers. Such rules shall specify the
28 financial responsibility grounds on which the board may
29 determine that an auction business is not eligible for
30 licensure.

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1 (e) If an auction business or any of its owners,
2 partners, officers, directors, trustees, or members commits
3 any act or offense in this state or any other jurisdiction
4 that would constitute a basis for disciplinary action under s.
5 468.389, the board may, on that basis alone, deny issuance of
6 a license to that auction business.

7 ~~(9)(8)~~ A license issued by the department to an
8 auctioneer, apprentice, or auction business is not
9 transferable.

10 Section 2. This act shall take effect July 1, 2007.

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 SB 1786

15 The committee substitute (CS) amends s. 468.385(4), F.S., to
16 require fingerprinting by an agency or vendor authorized by
17 rule of the Department of Business and Professional Regulation
18 (department) instead of by a law enforcement officer. It also
19 requires that the complete set of fingerprints must be in an
20 electronic format. It provides that the Department of Law
21 Enforcement will conduct the state processing of the
22 fingerprints and will forward the fingerprints to the Federal
23 Bureau of Investigations for national processing. The CS also
24 requires that the Board of Auctioneers review the background
25 results to determine if an applicant meets licensure
26 requirements. The vendors and agencies that are authorized by
27 rule of the department to perform the fingerprints must
28 collect the fee and pay the Department of Law Enforcement for
29 the cost of processing.
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