

HB 711

2007

1 A bill to be entitled
2 An act relating to auctioneering; amending s. 468.385,
3 F.S.; providing a fingerprint requirement to qualify for
4 auctioneer and auctioneer business licensures; revising
5 application requirements for licensure as an auction
6 business; providing for ineligibility of certain persons
7 and auction businesses to reapply for licensure; requiring
8 the Florida Board of Auctioneers to adopt rules relating
9 to auction business financial responsibility; providing an
10 effective date.

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

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14 Section 1. Subsections (4), (7), and (8) of section
15 468.385, Florida Statutes, are amended to read:

16 468.385 Licenses required; qualifications; examination.--

17 (4) Any person seeking a license as an auctioneer must
18 pass a written examination approved by the board which tests his
19 or her general knowledge of the laws of this state relating to
20 provisions of the Uniform Commercial Code that are relevant to
21 auctions, the laws of agency, and the provisions of this act.
22 Each applicant must file a complete set of fingerprints that
23 have been taken by an authorized law enforcement officer, and
24 that set of fingerprints shall be submitted to the Department of
25 Law Enforcement for state processing and to the Federal Bureau
26 of Investigation for federal processing. The cost of processing
27 shall be borne by the applicant.

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28 (7)(a) Any auction that is subject to the provisions of
29 this part must be conducted by an auctioneer who has an active
30 license or an apprentice who has an active apprentice auctioneer
31 license and who has received prior written sponsor consent.

32 ~~(8)(b) No business shall auction or offer to auction any~~
33 ~~property in this state unless it is licensed as an auction~~
34 ~~business by the board or is exempt from licensure under this~~
35 ~~act. Each application for licensure shall include the names of~~
36 ~~the owner and the business, the business mailing address and~~
37 ~~location, and any other information which the board may require.~~
38 ~~The owner of an auction business shall report to the board~~
39 ~~within 30 days of any change in this required information.~~

40 (a) If the applicant auction business is a sole
41 proprietorship, the application shall state the name of the
42 owner. If the owner uses a fictitious name, he or she shall
43 furnish evidence of compliance with the fingerprint requirements
44 under subsection (4). If there is a change in any information
45 that is required to be stated on the application, the auction
46 business shall, within 45 days after such change occurs, mail
47 the correct information to the department.

48 (b) If the applicant auction business is a partnership,
49 corporation, business trust, or other legal entity, other than a
50 sole proprietorship, the application shall state the name of the
51 partnership and its partners; the name of the corporation and
52 its officers and directors and the name of each of its
53 stockholders who is also an officer or director; the name of the
54 business trust and its trustees; or the name of the legal entity
55 and its members. If any fictitious names are stated in the

56 application, the applicant shall furnish evidence of compliance
57 with the fingerprint requirements under subsection (4) for each
58 fictitious name used. If there is a change in any information
59 that is required to be stated on the application, the auction
60 business shall, within 45 days after such change occurs, mail
61 the correct information to the department.

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

69 (d) The applicant auction business shall furnish evidence
70 of financial responsibility, credit, and business reputation of
71 the auction business. The board shall adopt rules defining
72 financial responsibility based upon an auction business' credit
73 history, ability to be bonded, and any history of bankruptcy or
74 other insolvency proceeding or assignment of receivers. Such
75 rules shall specify the financial responsibility grounds on
76 which the board may determine that an auction business is not
77 eligible for licensure.

78 (e) If an auction business or any of its owners, partners,
79 officers, directors, trustees, or members commits any act or
80 offense in this state or any other jurisdiction that would
81 constitute a basis for disciplinary action under s. 468.389, the
82 board may, on that basis alone, deny issuance of a license to
83 that auction business.

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84 (9)~~(8)~~ A license issued by the department to an
85 auctioneer, apprentice, or auction business is not transferable.
86 Section 2. This act shall take effect July 1, 2007.