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LEGISLATIVE ACTION

Senate

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House

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Senator Haridopolos moved the following:

1           **Senate Amendment to Amendment (679288) (with title**  
2 **amendment)**

3           Between lines 1144 and 1145  
4 insert:

5           Section 39. Subsection (1) of section 559.801, Florida  
6 Statutes, is amended to read:

7           559.801 Definitions.—For the purpose of ss. 559.80-559.815,  
8 the term:

9           (1) (a) "Business opportunity" means the sale or lease of  
10 any products, equipment, supplies, or services which are sold or  
11 leased to a purchaser to enable the purchaser to start a  
12 business for which the purchaser is required to pay an initial



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13 fee or sum of money which exceeds \$500 to the seller, and in  
14 which the seller represents:

15 1. That the seller or person or entity affiliated with or  
16 referred by the seller will provide locations or assist the  
17 purchaser in finding locations for the use or operation of  
18 vending machines, racks, display cases, currency or card  
19 operated equipment, or other similar devices or currency-  
20 operated amusement machines or devices on premises neither owned  
21 nor leased by the purchaser or seller;

22 2. That the seller will purchase any or all products made,  
23 produced, fabricated, grown, bred, or modified by the purchaser  
24 using in whole or in part the supplies, services, or chattels  
25 sold to the purchaser;

26 3. That the seller guarantees that the purchaser will  
27 derive income from the business opportunity which exceeds the  
28 price paid or rent charged for the business opportunity or that  
29 the seller will refund all or part of the price paid or rent  
30 charged for the business opportunity, or will repurchase any of  
31 the products, equipment, supplies, or chattels supplied by the  
32 seller, if the purchaser is unsatisfied with the business  
33 opportunity; or

34 4. That the seller will provide a sales program or  
35 marketing program that will enable the purchaser to derive  
36 income from the business opportunity, except that this paragraph  
37 does not apply to the sale of a sales program or marketing  
38 program made in conjunction with the licensing of a trademark or  
39 service mark that is registered under the laws of any state or  
40 of the United States if the seller requires use of the trademark  
41 or service mark in the sales agreement.



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42  
43 For the purpose of subparagraph 1., the term "assist the  
44 purchaser in finding locations" means, but is not limited to,  
45 supplying the purchaser with names of locator companies,  
46 contracting with the purchaser to provide assistance or supply  
47 names, or collecting a fee on behalf of or for a locator  
48 company.

49 (b) "Business opportunity" does not include:

50 1. The sale of ongoing businesses when the owner of those  
51 businesses sells and intends to sell only those business  
52 opportunities so long as those business opportunities to be sold  
53 are no more than five in number; or

54 2. The not-for-profit sale of sales demonstration  
55 equipment, materials, or samples for a price that does not  
56 exceed \$500 or any sales training course offered by the seller  
57 the cost of which does not exceed \$500. ~~or~~

58 ~~3. The sale or lease of laundry and drycleaning equipment.~~

59  
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete line 2689

63 and insert:

64 providing for the issuance of certain stop orders;  
65 amending s. 559.801, F.S.; deleting the sale or lease  
66 of laundry and drycleaning equipment from exclusions  
67 to the definition of the term "business opportunity"  
68 for purposes of the Sale of Business Opportunities  
69 Act;