

By Senator Ring

32-01254-09

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1 A bill to be entitled
2 An act relating to the sale or lease of business
3 opportunities; amending s. 559.801, F.S.; deleting the
4 sale or lease of laundry and drycleaning equipment
5 from exclusions to the definition of the term
6 "business opportunity" for purposes of the Sale of
7 Business Opportunities Act; providing an effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (1) of section 559.801, Florida
13 Statutes, is amended to read:

14 559.801 Definitions.—For the purpose of ss. 559.80-559.815,
15 the term:

16 (1) (a) "Business opportunity" means the sale or lease of
17 any products, equipment, supplies, or services which are sold or
18 leased to a purchaser to enable the purchaser to start a
19 business for which the purchaser is required to pay an initial
20 fee or sum of money which exceeds \$500 to the seller, and in
21 which the seller represents:

22 1. That the seller or person or entity affiliated with or
23 referred by the seller will provide locations or assist the
24 purchaser in finding locations for the use or operation of
25 vending machines, racks, display cases, currency or card
26 operated equipment, or other similar devices or currency-
27 operated amusement machines or devices on premises neither owned
28 nor leased by the purchaser or seller;

29 2. That the seller will purchase any or all products made,

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30 produced, fabricated, grown, bred, or modified by the purchaser
31 using in whole or in part the supplies, services, or chattels
32 sold to the purchaser;

33 3. That the seller guarantees that the purchaser will
34 derive income from the business opportunity which exceeds the
35 price paid or rent charged for the business opportunity or that
36 the seller will refund all or part of the price paid or rent
37 charged for the business opportunity, or will repurchase any of
38 the products, equipment, supplies, or chattels supplied by the
39 seller, if the purchaser is unsatisfied with the business
40 opportunity; or

41 4. That the seller will provide a sales program or
42 marketing program that will enable the purchaser to derive
43 income from the business opportunity, except that this paragraph
44 does not apply to the sale of a sales program or marketing
45 program made in conjunction with the licensing of a trademark or
46 service mark that is registered under the laws of any state or
47 of the United States if the seller requires use of the trademark
48 or service mark in the sales agreement.

49
50 For the purpose of subparagraph 1., the term "assist the
51 purchaser in finding locations" means, but is not limited to,
52 supplying the purchaser with names of locator companies,
53 contracting with the purchaser to provide assistance or supply
54 names, or collecting a fee on behalf of or for a locator
55 company.

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

57 1. The sale of ongoing businesses when the owner of those
58 businesses sells and intends to sell only those business

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59 opportunities so long as those business opportunities to be sold
60 are no more than five in number; or

61 2. The not-for-profit sale of sales demonstration
62 equipment, materials, or samples for a price that does not
63 exceed \$500 or any sales training course offered by the seller
64 the cost of which does not exceed \$500; ~~or~~

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

66 Section 2. This act shall take effect July 1, 2009.