

HB 303

2009

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 from  
5           exclusions to the definition of the term "business  
6           opportunity" for purposes of the "Sale of Business  
7           Opportunities Act"; providing an effective date.  
8

9   Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Subsection (1) of section 559.801, Florida  
12           Statutes, is amended to read:

13           559.801 Definitions.--For the purpose of ss. 559.80-  
14           559.815, the term:

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

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

28           2. That the seller will purchase any or all products made,  
 29 produced, fabricated, grown, bred, or modified by the purchaser  
 30 using in whole or in part the supplies, services, or chattels  
 31 sold to the purchaser;

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

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

48  
 49 For the purpose of subparagraph 1., the term "assist the  
 50 purchaser in finding locations" means, but is not limited to,  
 51 supplying the purchaser with names of locator companies,  
 52 contracting with the purchaser to provide assistance or supply  
 53 names, or collecting a fee on behalf of or for a locator  
 54 company.

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

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56 |           1. The sale of ongoing businesses when the owner of those  
57 | businesses sells and intends to sell only those business  
58 | opportunities so long as those business opportunities to be sold  
59 | are no more than five in number; or

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

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

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