

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 to reapply for licensure or to hold certain positions with
 8 an auction business for a specified time; requiring the
 9 Florida Board of Auctioneers to adopt rules relating to
 10 auction business financial responsibility; authorizing the
 11 board to deny licensure in certain circumstances;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Subsections (4), (7), and (8) of section
 17 468.385, Florida Statutes, are amended to read:

18 468.385 Licenses required; qualifications; examination.--

19 (4) Any person seeking a license as an auctioneer must
 20 pass a written examination approved by the board which tests his
 21 or her general knowledge of the laws of this state relating to
 22 provisions of the Uniform Commercial Code that are relevant to
 23 auctions, the laws of agency, and the provisions of this act.
 24 Each applicant must file a complete set of fingerprints in
 25 electronic format that have been taken by an authorized agency
 26 or vendor pursuant to department rule. The fingerprints shall be
 27 submitted to the Department of Law Enforcement for state
 28 processing, and the Department of Law Enforcement shall forward

29 the fingerprints to the Federal Bureau of Investigation for
30 national processing. The board shall review the background
31 results to determine whether an applicant meets licensure
32 requirements. The cost for fingerprint processing shall be borne
33 by the person subject to the background screening. Such fees
34 shall be collected by the authorized agencies and vendors. The
35 authorized agencies and vendors are responsible for paying the
36 costs of processing to the Department of Law Enforcement.

37 (7)~~(a)~~ Any auction that is subject to the provisions of
38 this part must be conducted by an auctioneer who has an active
39 license or an apprentice who has an active apprentice auctioneer
40 license and who has received prior written sponsor consent.

41 ~~(8)(b)~~ No business shall auction or offer to auction any
42 property in this state unless it is licensed as an auction
43 business by the board or is exempt from licensure under this
44 act. ~~Each application for licensure shall include the names of~~
45 ~~the owner and the business, the business mailing address and~~
46 ~~location, and any other information which the board may require.~~
47 ~~The owner of an auction business shall report to the board~~
48 ~~within 30 days of any change in this required information.~~

49 (a) If the applicant auction business is a sole
50 proprietorship, the application shall state the name of the
51 owner. If the owner uses a fictitious name, he or she shall
52 furnish evidence of compliance with the fingerprint requirements
53 of subsection (4). If there is a change in any information that
54 is required to be stated on the application, the auction
55 business shall, within 45 days after such change occurs, mail
56 the correct information to the department.

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57 (b) If the applicant auction business is a partnership,
58 corporation, business trust, or other legal entity other than a
59 sole proprietorship, the application shall state the name of the
60 partnership and its partners; the name of the corporation and
61 its officers and directors and the name of each of its
62 stockholders who is also an officer or director; the name of the
63 business trust and its trustees; or the name of the legal entity
64 and its members. If any fictitious names are stated in the
65 application, the applicant shall furnish evidence of compliance
66 with the fingerprint requirements of subsection (4) for each
67 fictitious name used. If there is a change in any information
68 that is required to be stated on the application, the auction
69 business shall, within 45 days after such change occurs, mail
70 the correct information to the department.

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

78 (d) The applicant auction business shall furnish evidence
79 of financial responsibility, credit, and business reputation of
80 the auction business. The board shall adopt rules defining
81 financial responsibility based upon an auction business' credit
82 history, ability to be bonded, and any history of bankruptcy or
83 other insolvency proceeding or assignment of receivers. Such
84 rules shall specify the financial responsibility grounds on

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85 which the board may determine that an auction business is not
86 eligible for licensure.

87 (e) If an auction business or any of its owners, partners,
88 officers, directors, trustees, or members commits any act or
89 offense in this state or any other jurisdiction that would
90 constitute a basis for disciplinary action under s. 468.389, the
91 board may, on that basis alone, deny issuance of a license to
92 that auction business.

93 (9)-(8) A license issued by the department to an
94 auctioneer, apprentice, or auction business is not transferable.

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