Session Law 71-61

Florida Senate & House of Representatives

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<table>
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<th>Prime Bill</th>
<th>Sponsor</th>
<th>Comp./Sim. Bills</th>
<th>JLMC Hist. Leg. Cites</th>
<th>Senate Committee Ref.</th>
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<th>Tape Recordings</th>
<th>Other Documentation</th>
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<td>Com LB 1971 &quot;Bills referred to Comm&quot;: HB 428</td>
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<td>about franchises in general, not this legislation</td>
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</table>

The image contains a legislative abstract form with various sections filled out with information about a bill, including its history, committee references, and records. The form is structured to track the bill's status and related documents. The handwriting notes indicate that there were newsclips related to the bill and a comment about franchises.
GENERAL BILL, by SPIGLA
M A K E S C E R T A I N A C T S UNLAWFUL WHEN SELLING OR ESTABLISHING A FRANCHISE OR DISTRIBUTIONSHIP, ETC.,
4/06/71 HOUSE- INTRODUCED, REFERRED TO GENERAL LEGISLATION - HJ 0034
4/23/71 HOUSE- COMP., REPORT FAVORABLE, PLACED ON CALENDAR BY GENERAL LEGISLATION - HJ 0096
4/14/71 HOUSE- REFERRED TO JUDICIARY-CIVIL B - SJ 0110
4/15/71 SENATE- REFERRED TO JUDICIARY-CIVIL B - SJ 0181
5/03/71 SENATE- COMP., REPORT FAVORABLE, PLACED ON CALENDAR BY JUDICIARY-CIVIL B - SJ 0233
5/17/71 SENATE- ANOFTEDA; YEAS 038 NAYS 000 - SJ 0411
5/20/71 HOUSE- SIGNED BY OFFICERS AND FILED WITH SECRETARY OF STATE - HJ 0638

GENERAL BILL, by SPIGLA
C R E A T E S S E C. 317, 202, F.S., TO PROVIDE PENALTIES FOR CARELESS DRIVING WHILE UNDER INFLUENCE OF ALCOHOL OR DRUGS,
4/06/71 HOUSE- INTRODUCED, REFERRED TO CRIMINAL JUSTICE - HJ 0034
6/14/71 HOUSE- DIED IN COMMITTEE

GENERAL BILL, by SPIGLA (COMPANION SB 0327)
C R E A T E S E N V I R O N M E N T A L P R O T E C T I O N A C T TO PROTECT AIR, WATER AND OTHER NATURAL RESOURCES,
4/06/71 HOUSE- INTRODUCED, REFERRED TO ENVIRONMENTAL POLLUTION CONTROL, APPROPRIATIONS - HJ 0034; WITHDRAWN FROM ORIGINALLY REFERRED COMM., ON APPROPRIATIONS - HJ 0071
4/07/71 HOUSE- COMP., REPORT COMP., SUB, PLACED ON CALENDAR BY ENVIRONMENTAL POLLUTION CONTROL - HJ 0079
4/13/71 HOUSE- LAYED ON TABLE UNDER RULE, COMMITTEE SUBSTITUTE SUBMITTED; COMMITTEE SUBSTITUTE COMBINES THIS BILL AND HB 0346J READ SECOND TIME - HJ 0152
4/14/71 HOUSE- COMMITTEE SUBSTITUTE PASSED AS AMENDED; YEAS 102 NAYS 005 - HJ 0381; CHECK COMPANION STATUS
4/15/71 SENATE- RECEIVED, REFERRED TO JUDICIARY-CIVIL B - SJ 0110
4/27/71 SENATE- EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL B - SJ 0181
5/03/71 SENATE- COMP., REPORT FAVORABLE WITH AMEND., PLACED ON CALENDAR BY JUDICIARY-CIVIL B - SJ 0233
5/31/71 SENATE- PASSED AS AMENDED; YEAS 034 NAYS 008 - SJ 0607
6/02/71 HOUSE- CONCURRED; PASSED AS FURTHER AMENDED; YEAS 089 NAYS 003 - HJ 0945
6/14/71 HOUSE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR 06/14/71
5/26/71 APPROVED BY GOVERNOR 06/28/71

GENERAL BILL, by R.J. FURST
4/06/71 HOUSE- INTRODUCED, REFERRED TO INTRODUCTION - HJ 0034
CONTINUED ON NEXT PAGE
twelfth judicial circuit shall be based on population as determined by the latest official census; providing an effective date.

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

Section 1. Subsection (1) of section 26.13, Florida Statutes, is amended to read:

26.13 Twelfth circuit.—
(1) The twelfth circuit is composed of Manatee, Sarasota, and DeSoto counties, and shall have one circuit judge for each 50,000 inhabitants, or major fraction thereof, in said circuit according to the latest official decennial census.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 24, 1971.

Filed in Office Secretary of State May 25, 1971.

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

Section 1. Definitions.—For the purpose of this act:

(1) The term "person" means an individual, partnership, corporation, association, or other entity doing business in the State of Florida.

(2) The term "franchise or distributorship" shall mean a contract or agreement, either expressed or implied, whether oral or written, between two (2) or more persons:

(a) Wherein a commercial relationship of definite duration or continuing indefinite duration is involved;

(b) Wherein one (1) party, hereinafter called the "franchisee", is granted the right to offer, sell, and distribute goods or services manufactured, processed, distributed or (in the case of services) organized and directed by another party;

(c) Wherein the franchisee as an independent business constitutes a component of franchisor's distribution system;

(d) Wherein the operation of the franchisee's business franchise is substantially reliant on franchisors for the basic supply of goods.

(3) The term "goods" means any article or thing without limitation, or any part of such article or thing, including any article or thing used or consumed by a franchisee in rendering a service established, organized, directed, or approved by a franchisor.

Section 2. Declarations.—

(1) It is unlawful, when selling or establishing a franchise or distributorship, for any person:

(a) Intentionally to misrepresent the prospects or chances for success of a proposed or existing franchise or distributorship;

(b) Intentionally to misrepresent, by failure to disclose or otherwise, the known required total investment for such franchise or distributorship;

(c) Intentionally to misrepresent, or fail to disclose, efforts to sell or establish more franchises or distributorships than is reasonable to expect the market or market area for the particular franchise or distributorship to sustain.

(2) The execution or carrying out of a scheme, plan, or corporate organization which violates any of the foregoing provisions, if knowledge or intent be proved, shall be unlawful. Each violation of a provision of this section is a misdemeanor.

Section 2A. Subsection (2) as published in section 2 of this act, is created to read:
CHAPTER 71-62

LAWS OF FLORIDA

Section 2. Declarations.—

(2) The execution or carrying out of a scheme, plan, or corporate organization which violates any of the provisions of this section, if knowledge or intent be proved, shall be a misdemeanor of the second degree, punishable as provided in sections 775.082 and 775.083.

Section 2B. In the event HB 935, introduced in the 1971 regular session of the legislature, is enacted into law, subsection (2) as published in section 2 of this act will stand repealed and be omitted from the Florida Statutes. In the event HB 935 is not enacted into law, section 2A of this act will stand repealed and be omitted from the Florida Statutes.

Section 3. Civil provisions.—Any person, who shows in a civil court of law a violation of this act may receive a judgment for all moneys invested in such franchise or distributorship. Upon such a showing, the court may award any person bringing said action reasonable attorney's fees and shall award such person reasonable costs incurred in bringing the action and execution shall thereupon issue.

Section 4. Injunctions.—The attorney general, or jointly the attorney general and the commissioner of the department of agriculture and consumer services, may sue in behalf of the people of this state for injunctive relief against franchise or distributorship plans or activities in violation of sections 2 (1) (a) and 2 (1) (b) of this act.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor May 24, 1971.

Filed in Office Secretary of State May 25, 1971.

CHAPTER 71-63

AN ACT relating to the Uniform Principal and Income Law; specifying methods of valuing bonds and other obligations for the payment of money comprising any part of the principal and designating the impact of loss or gain realized thereon;
By Representative Spicola

Prefiled February, 1971

A bill to be entitled

AN ACT relating to franchises and distributorships; making certain acts unlawful when selling or establishing a franchise or distributorship, and providing a civil remedy for persons harmed through a violation of this act; authorizing injunctive relief; providing an effective date.

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

Section 1. Definitions.—For the purpose of this act:

(1) The term “person” means an individual, partnership, corporation, association, or other entity doing business in the State of Florida.

(2) The term “franchise or distributorship” shall mean a contract or agreement, either expressed or implied, whether oral or written, between two (2) or more persons:

(a) Wherein a commercial relationship of definite duration or continuing indefinite duration is involved;

(b) Wherein one (1) party, hereinafter called the “franchisee”, is granted the right to offer, sell, and distribute goods or services manufactured, processed, distributed or (in the case of services) organized and directed by another party;

(c) Wherein the franchisee as an independent
1. A business constitutes a component of franchisor’s distribution system;

2. (d) Wherein the operation of the franchisee’s business franchise is substantially reliant on franchisors for the basic supply of goods.

3. (3) The term “goods” means any article or thing without limitation, or any part of such article or thing, including any article or thing used or consumed by a franchisee in rendering a service established, organized, directed, or approved by a franchisor.

Section 2. Declarations.—

1. It is unlawful, when selling or establishing a franchise or distributorship, for any person:

   (a) Intentionally to misrepresent the prospects or chances for success of a proposed or existing franchise or distributorship;

   (b) Intentionally to misrepresent, by failure to disclose or otherwise, the known required total investment for such franchise or distributorship;

   (c) Intentionally to misrepresent, or fail to disclose, efforts to sell or establish more franchises or distributorships than is reasonable to expect the market or market area for the particular franchise or distributorship to sustain.

2. The execution or carrying out of a scheme, plan, or corporate organization which violates any of the foregoing provisions, if knowledge or intent be proved, shall be unlawful. Each violation of a provision of this section is a misdemeanor.
Section 3. Civil provisions.—Any person, who shows in a civil court of law a violation of this act may receive a judgment for all moneys invested in such franchise or distributorship. Upon such a showing, the court may award any person bringing said action reasonable attorney’s fees and shall award such person reasonable costs incurred in bringing the action and execution shall thereupon issue.

Section 4. Injunctions.—The attorney general, or jointly the attorney general and the commissioner of the department of agriculture and consumer services, may sue in behalf of the people of this state for injunctive relief against franchise or distributorship plans or activities in violation of sections 2(1)(a) and 2(1)(b) of this act.

Section 5. This act shall take effect upon becoming law.

LEGISLATIVE SERVICE BUREAU SUMMARY
Defines “franchise or distributorship” as an agreement between two or more persons which involves a commercial relationship of definite duration or continuing indefinite duration wherein the “franchisee” is granted the right to offer, sell and distribute goods or services manufactured, processed, distributed or organized and directed by another party and said franchisee’s business constitutes a component of franchisor’s distribution system and is substantially reliant on franchisor for the basic supply of goods. Declares it unlawful and a misdemeanor when selling or establishing a franchise or distributorship, for any person to intentionally misrepresent (a) the chances for success of a franchise, (b) by failure to disclose the known required total investment for such franchise, (c) or fail to disclose efforts to establish more franchises than the market can reasonably sustain.
Representative s ________ Yancey__________

offered the following amendment:

after

On page 2, line 31, insert the following:

Section 2A. Subsection (2) as published in section 2 of this act, is created to read:

Section 2. Declarations.--

(2) The execution or carrying out of a scheme, plan, or corporate organization which violates any of the provisions of this section, if knowledge or intent be proved, shall be a misdemeanor of the second degree, punishable as provided in sections 775.082 and 775.083.

Section 2B. In the event HB 935, introduced in the 1971 regular session of the legislature, is enacted into law, subsection (2) as published in section 2 of this act will stand repealed and be omitted from the Florida Statutes. In the event HB 935 is not enacted into law, section 2A of this act will stand repealed and be omitted from the Florida Statutes.

Mr. ______________ moved the adoption of the amendment, which was adopted. which failed of adoption.
The Committee on Business Regulation met at 5 p.m. o'clock on April 22, 1971, in Room 331-H and considered HB 428.

On motion to report the bill FAVORABLE

the vote was:

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<th>YEAS</th>
<th>MEMBER</th>
<th>NAY</th>
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<td>X</td>
<td>Clark, John</td>
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<td>Whitson, Jr.</td>
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<td>X</td>
<td>Hartnett (VCHB)</td>
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<td>X</td>
<td>Andrews (CHM.)</td>
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TOTAL YEAS 16 TOTAL NAYS 0

Committee Appearance Record

The following persons (other than legislators) appeared before the committee during consideration of this bill:

<table>
<thead>
<tr>
<th>NAME</th>
<th>REPRESENTING</th>
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<tr>
<td>Donald Conn</td>
<td>Representative Spicola</td>
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