

5J-6.014 Denials.

The purpose of this rule part is to implement Section 501.612(1), F.S. The department shall not issue an initial or renewal license to any person applying for a commercial telephone seller or salesperson license if the department finds that the applicant, or any of its owners, operators, officers, directors, partners, or other individuals engaged in the management activities of the applicant, has:

(1) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any misdemeanor crime within the last three (3) years that involves fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or any other crime involving moral turpitude.

(2) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any violation of Section 832.05(2) or Section 832.05(4), F.S. within the last three (3) years and has not successfully completed or satisfied all the conditions and/or terms of his or her sentencing, including any probation or parole.

(3) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any felony crime within the last five (5) years that involves fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property.

(4) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any felony crime within the last seven (7) years that involves racketeering or any offense involving robbery, carjacking, attempted carjacking, home invasion, or misappropriation of moneys by commissioners to make sales.

(5) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to any capital offense within the last 10 years.

(6) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, any crime that involves racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or involving moral turpitude, and who has not successfully completed or satisfied all the conditions and/or terms of his or her sentencing, including any probation or parole.

(7) Had entered against him or her, or any business for which he or she has been affiliated as an owner, operator, officer, director, partner, or worked in the management activities, an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar document, in any civil or administrative action involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property, or the use of any untrue or misleading representation in an attempt to sell or dispose of real or personal property or the use of any unfair, unlawful, or deceptive trade practice and who has not satisfied all the conditions and/or terms of his or her judgment or order.

Rulemaking Authority 501.626 FS. Law Implemented 501.612 FS. History—New 1-20-03, Amended 1-19-14.