

By Senator Hooper

16-00325-22

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1 A bill to be entitled
2 An act relating to the Yacht and Ship Brokers' Act;
3 amending s. 326.002, F.S.; redefining the term "yacht"
4 to include vessels longer than a specified length
5 which are manufactured or operated primarily for
6 pleasure or are leased, rented, or chartered for
7 pleasure; amending s. 326.004, F.S.; exempting a
8 person who conducts business as a broker or
9 salesperson in another state from licensure for
10 specified transactions; requiring, rather than
11 authorizing, the Division of Florida Condominiums,
12 Timeshares, and Mobile Homes of the Department of
13 Business and Professional Regulation to deny licenses
14 for applicants who fail to meet certain requirements;
15 revising requirements for licensure as a broker;
16 requiring the division to adopt a complaint form for
17 alleged violations of the act; providing requirements
18 for the form; requiring the division to commence an
19 investigation within a specified timeframe after
20 receiving a complaint form; requiring the division to
21 take certain actions if the division determines that a
22 broker or salesperson violated the act; deleting a
23 provision requiring the division to adopt rules
24 relating to temporary licenses; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Subsection (4) of section 326.002, Florida

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30 Statutes, is amended to read:

31 326.002 Definitions.—As used in ss. 326.001-326.006, the
32 term:

33 (4) "Yacht" means any vessel which is propelled by sail or
34 machinery in the water which exceeds 32 feet in length, and is:

35 (a) Manufactured or operated primarily for pleasure; or

36 (b) Leased, rented, or chartered to someone other than the
37 owner for the other person's pleasure ~~which weighs less than 300~~
38 ~~gross tons.~~

39 Section 2. Subsections (6), (8), and (15) of section
40 326.004, Florida Statutes, are amended, and paragraph (f) is
41 added to subsection (3) of that section, to read:

42 326.004 Licensing.—

43 (3) A license is not required for:

44 (f) A person who conducts business as a broker or
45 salesperson in another state as his or her primary profession
46 and engages in the purchase or sale of a yacht under this act if
47 the transaction is executed in its entirety with a broker or
48 salesperson licensed in this state.

49 (6) The division shall ~~may~~ deny a license to any applicant
50 who does not:

51 (a) Furnish proof satisfactory to the division that he or
52 she is of good moral character.

53 (b) Certify that he or she has never been convicted of a
54 felony.

55 (c) Post the bond required by the Yacht and Ship Brokers'
56 Act.

57 (d) Demonstrate that he or she is a resident of this state
58 or that he or she conducts business in this state.

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59 (e) Furnish a full set of fingerprints taken within the 6
60 months immediately preceding the submission of the application.

61 (f) Have a current license and has operated as a broker or
62 salesperson without a license.

63 (8) A person may not be licensed as a broker unless he or
64 she has been licensed as a salesperson for at least 2
65 consecutive years and can demonstrate that he or she has been
66 directly involved in at least four transactions that resulted in
67 the sale of a yacht or can certify that he or she has obtained
68 20 continuing education credits approved by the division,~~and~~
69 ~~may not be licensed as a broker unless he or she has been~~
70 ~~licensed as a salesperson for at least 2 consecutive years.~~

71 (15) The division shall adopt ~~provide~~ by rule a complaint
72 form for alleged violations of this chapter by a licensed broker
73 or salesperson. Any person may submit a complaint form, which
74 must require the person to provide detailed facts of the alleged
75 violation. The division shall commence an investigation within
76 15 days after receiving a complaint form and must suspend or
77 revoke a broker's or salesperson's license, or otherwise
78 discipline the licensee, if the division determines that the
79 broker or salesperson violated this chapter ~~for the issuance of~~
80 ~~a temporary 90-day license to an applicant while the Florida~~
81 ~~Department of Law Enforcement conducts a national criminal~~
82 ~~history analysis of the applicant by means of fingerprint~~
83 ~~identification.~~

84 Section 3. This act shall take effect October 1, 2022.