



686642

LEGISLATIVE ACTION

| Senate     | . | House |
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| Comm: RCS  | . |       |
| 03/29/2023 | . |       |
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The Committee on Regulated Industries (Hooper) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 27 - 2400

and insert:

Section 1. Present subsections (3), (4), and (5) of section 326.002, Florida Statutes, are redesignated as subsections (4), (6), and (3), respectively, a new subsection (5) is added to that section, and present subsection (4) of that section is amended, to read:

326.002 Definitions.—As used in ss. 326.001-326.006, the



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11 term:

12 (5) "Visiting broker" means a person who conducts business  
13 as a broker or salesperson in another state as his or her  
14 primary profession and engages in the purchase or sale of a  
15 yacht under this act if the transaction is executed in its  
16 entirety with a broker or salesperson licensed in this state.

17 (6)-(4) "Yacht" means any vessel which is propelled by sail  
18 or machinery in the water which exceeds 32 feet in length, and  
19 is:

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

21 (b) Leased, rented, or chartered to a person other than the  
22 owner for such person's pleasure which weighs less than 300  
23 gross tons.

24 Section 2. Subsections (6), (8), and (15) of section  
25 326.004, Florida Statutes, are amended, and paragraph (f) is  
26 added to subsection (3) of that section, to read:

27 326.004 Licensing.—

28 (3) A license is not required for:

29 (f) A visiting broker who engages in the purchase or sale  
30 of a yacht under this act if the transaction is executed in its  
31 entirety with a broker or salesperson licensed in this state.

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

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

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

38 (c) Post the bond required by the Yacht and Ship Brokers'  
39 Act.



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

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

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

46 (8) A person may not be licensed as a broker unless he or  
47 she:

48 (a) Has been a salesperson for at least 2 consecutive  
49 years; ~~7~~ and

50 (b)1. Can demonstrate that he or she has been directly  
51 involved in at least four transactions that resulted in the sale  
52 of a yacht during the 2 years preceding the date of the license  
53 application; or

54 2. Can certify that he or she has completed 20 hours of  
55 education, in-person or online, from a provider approved by the  
56 division, as provided under ss. 455.2178 and 455.2179, regarding  
57 the state laws, rules, and ethics relating to the professional  
58 standards of practice, duties, and responsibilities of a  
59 licensee ~~may not be licensed as a broker unless he or she has~~  
60 ~~been licensed as a salesperson for at least 2 consecutive years.~~

61 ~~(15) The division shall provide by rule for the issuance of~~  
62 ~~a temporary 90-day license to an applicant while the Florida~~  
63 ~~Department of Law Enforcement conducts a national criminal~~  
64 ~~history analysis of the applicant by means of fingerprint~~  
65 ~~identification.~~

66  
67 ===== T I T L E A M E N D M E N T =====

68 And the title is amended as follows:



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69           Delete lines 3 - 23  
70 and insert:  
71           326.002, F.S.; defining the term "visiting broker";  
72           revising the definition of the term "yacht"; amending  
73           s. 326.004, F.S.; exempting a visiting broker from  
74           licensure for specified transactions; requiring,  
75           rather than authorizing, the Division of Florida  
76           Condominiums, Timeshares, and Mobile Homes of the  
77           Department of Business and Professional Regulation to  
78           deny licenses for applicants who fail to meet certain  
79           requirements; revising requirements for licensure as a  
80           broker; removing a provision requiring the division to  
81           adopt rules relating to temporary licenses; providing  
82           an effective date.