

By the Committee on Regulated Industries; and Senator Hooper

580-03282-23

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1 A bill to be entitled
2 An act relating to yacht and ship brokers; amending s.
3 326.002, F.S.; defining the term "visiting broker";
4 revising the definition of the term "yacht"; amending
5 s. 326.004, F.S.; exempting a visiting broker from
6 licensure for specified transactions; requiring,
7 rather than authorizing, the Division of Florida
8 Condominiums, Timeshares, and Mobile Homes of the
9 Department of Business and Professional Regulation to
10 deny licenses for applicants who fail to meet certain
11 requirements; revising requirements for licensure as a
12 broker; removing a provision requiring the division to
13 adopt rules relating to temporary licenses; providing
14 an effective date.

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

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18 Section 1. Present subsections (3), (4), and (5) of section
19 326.002, Florida Statutes, are redesignated as subsections (4),
20 (6), and (3), respectively, a new subsection (5) is added to
21 that section, and present subsection (4) of that section is
22 amended, to read:

23 326.002 Definitions.—As used in ss. 326.001-326.006, the
24 term:

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

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30 (6)~~(4)~~ "Yacht" means any vessel which is propelled by sail
31 or machinery in the water which exceeds 32 feet in length~~7~~ and
32 is:

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

34 (b) Leased, rented, or chartered to a person other than the
35 owner for such person's pleasure ~~which weighs less than 300~~
36 ~~gross tons.~~

37 Section 2. Subsections (6), (8), and (15) of section
38 326.004, Florida Statutes, are amended, and paragraph (f) is
39 added to subsection (3) of that section, to read:

40 326.004 Licensing.—

41 (3) A license is not required for:

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

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

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

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

51 (c) Post the bond required by the Yacht and Ship Brokers'
52 Act.

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

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

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

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

61 (a) Has been a salesperson for at least 2 consecutive
62 years;; and

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

67 2. Can certify that he or she has completed 20 hours of
68 education, in-person or online, from a provider approved by the
69 division, as provided under ss. 455.2178 and 455.2179, regarding
70 the state laws, rules, and ethics relating to the professional
71 standards of practice, duties, and responsibilities of a
72 licensee may not be licensed as a broker unless he or she has
73 been licensed as a salesperson for at least 2 consecutive years.

74 ~~(15) The division shall provide by rule for the issuance of~~
75 ~~a temporary 90-day license to an applicant while the Florida~~
76 ~~Department of Law Enforcement conducts a national criminal~~
77 ~~history analysis of the applicant by means of fingerprint~~
78 ~~identification.~~

79 Section 3. This act shall take effect July 1, 2023.