

1 A bill to be entitled
2 An act relating to real estate brokers and appraisers;
3 amending s. 120.574, F.S.; providing that specified
4 administrative procedures for summary hearings apply
5 to disciplinary cases involving certain real estate
6 appraisers; providing exceptions and conditions
7 relating to such procedures; amending s. 475.215,
8 F.S.; providing a qualifying condition for the
9 issuance of additional licenses to a licensed broker;
10 providing grounds for the Florida Real Estate
11 Commission to deny multiple license requests;
12 providing for applicability and effect of certain
13 final orders of discipline on primary and multiple
14 licenses held by a broker; amending s. 475.611, F.S.;
15 revising the definition of the term "supervisory
16 appraiser"; amending s. 475.612, F.S.; conforming a
17 provision to changes made by the act; amending s.
18 475.615, F.S.; revising the dated version of certain
19 requirements adopted by the Appraiser Qualifications
20 Board of the Appraisal Foundation based upon which the
21 Florida Real Estate Appraisal Board is authorized to
22 waive or modify certain education, experience, or
23 examination requirements applicable to certified
24 appraisers and registered trainee appraisers; revising
25 certain exceptions from provisions specifying that
26 certain applicants for certification or registration
27 as an appraiser or trainee appraiser are not deemed to
28 be qualified for such certification or registration;

29 | amending s. 475.6221, F.S.; deleting authority for a
 30 | licensed appraiser to act as the direct supervisor of
 31 | a registered trainee real estate appraiser; providing
 32 | effective dates.

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

36 | Section 1. Subsection (3) is added to section 120.574,
 37 | Florida Statutes, to read:

38 | 120.574 Summary hearing.—

39 | (3) The procedures in subsection (2) apply to disciplinary
 40 | cases involving real estate appraisers licensed in this state.

41 | However:

42 | (a) Final orders in such cases must be rendered within 90
 43 | days after the date the administrative complaint is filed.

44 | (b) The provisions of subparagraph (2)(a)5. do not apply.

45 | (c) Motions for continuance may not be granted absent
 46 | extraordinary circumstances.

47 | (d) The division may assign former administrative law
 48 | judges or, former circuit or county court judges, or may
 49 | designate special masters, to adjudicate the summary hearings
 50 | under this section.

51 | Section 2. Subsection (1) of section 475.215, Florida
 52 | Statutes, is amended to read:

53 | 475.215 Multiple licenses.—

54 | (1) A licensed broker may be issued upon request
 55 | additional licenses as a broker, but not as a sales associate or
 56 | as a broker associate, whenever it is clearly shown that the

57 requested additional licenses are necessary to the conduct of
58 real estate brokerage business and that the additional licenses
59 will not be used in a manner likely to be prejudicial or harmful
60 to any person, including a licensee under this chapter. The
61 commission may also deny a multiple license request pursuant to
62 s. 475.17(1)(a). A final order of discipline rendered against a
63 broker for a violation of this part or s. 455.227(1) applies to
64 the primary license of the broker as well as any multiple
65 licenses held by that broker at the time the final order becomes
66 effective.

67 Section 3. Paragraph (u) of subsection (1) of section
68 475.611, Florida Statutes, is amended to read:

69 475.611 Definitions.—

70 (1) As used in this part, the term:

71 (u) "Supervisory appraiser" means ~~a licensed appraiser,~~ a
72 certified residential appraiser⁷ or a certified general
73 appraiser responsible for the direct supervision of one or more
74 registered trainee appraisers and fully responsible for
75 appraisals and appraisal reports prepared by those registered
76 trainee appraisers. The board, by rule, shall determine the
77 responsibilities of a supervisory appraiser, the geographic
78 proximity required, the minimum qualifications and standards
79 required of a ~~licensed or~~ certified appraiser before she or he
80 may act in the capacity of a supervisory appraiser, and the
81 maximum number of registered trainee appraisers to be supervised
82 by an individual supervisory appraiser.

83 Section 4. Subsection (1) of section 475.612, Florida
84 Statutes, is amended to read:

85 475.612 Certification, licensure, or registration
 86 required.—

87 (1) A person may not use the title "certified real estate
 88 appraiser," "licensed real estate appraiser," or "registered
 89 trainee real estate appraiser," or any abbreviation or words to
 90 that effect, or issue an appraisal report, unless such person is
 91 certified, licensed, or registered by the department under this
 92 part. However, the work upon which an appraisal report is based
 93 may be performed by a person who is not a certified or licensed
 94 appraiser or registered trainee appraiser if the work is
 95 supervised and approved, and the report is signed, by a
 96 certified or licensed appraiser who has full responsibility for
 97 all requirements of the report and valuation service. Only a
 98 certified or licensed appraiser may issue an appraisal report
 99 and receive direct compensation for providing valuation services
 100 for the appraisal report. A registered trainee appraiser may
 101 only receive compensation for appraisal services from her or his
 102 authorized certified ~~or licensed~~ appraiser.

103 Section 5. Effective January 1, 2014, subsections (2) and
 104 (6) of section 475.615, Florida Statutes, are amended to read:

105 475.615 Qualifications for registration or certification.—

106 (2) The board is authorized to waive or modify any
 107 education, experience, or examination requirements established
 108 in this part in order to conform with any such requirements
 109 established by the Appraiser ~~Appraisal~~ Qualifications Board of
 110 the Appraisal Foundation or any successor body recognized by
 111 federal law, including any requirements adopted on December 9,
 112 2011 ~~February 20, 2004~~. The board shall implement this section

113 by rule.

114 (6) All applicants must be competent and qualified to make
115 real estate appraisals with safety to those with whom they may
116 undertake a relationship of trust and confidence and the general
117 public. If any applicant has been denied registration,
118 licensure, or certification, or has been disbarred, or the
119 applicant's registration, license, or certificate to practice or
120 conduct any regulated profession, business, or vocation has been
121 revoked or suspended by this or any other state, any nation, or
122 any possession or district of the United States, or any court or
123 lawful agency thereof, because of any conduct or practices which
124 would have warranted a like result under this part, or if the
125 applicant has been guilty of conduct or practices in this state
126 or elsewhere which would have been grounds for disciplining her
127 or his registration, license, or certification under this part
128 had the applicant then been a registered trainee appraiser or a
129 licensed or certified appraiser, the applicant is ~~shall be~~
130 deemed not to be qualified unless the applicant has met the
131 conditions adopted by the Appraiser Qualifications Board of the
132 Appraisal Foundation on December 9, 2011, as prescribed by rule
133 of the board and, ~~because of lapse of time and subsequent good~~
134 ~~conduct and reputation, or other reason deemed sufficient,~~ it
135 appears to the board that the interest of the public is not
136 likely to be endangered by the granting of registration or
137 certification.

138 Section 6. Subsection (1) of section 475.6221, Florida
139 Statutes, is amended to read:

140 475.6221 Employment of and by registered trainee real

141 estate appraisers.—

142 (1) A registered trainee real estate appraiser must
143 perform appraisal services under the direct supervision of a
144 ~~licensed or~~ certified appraiser who is designated as the primary
145 supervisory appraiser. The primary supervisory appraiser may
146 also designate additional ~~licensed or~~ certified appraisers as
147 secondary supervisory appraisers. A secondary supervisory
148 appraiser must be affiliated with the same firm or business as
149 the primary supervisory appraiser and the primary or secondary
150 supervisory appraiser must have the same business address as the
151 registered trainee real estate appraiser. The primary
152 supervisory appraiser must notify the Division of Real Estate of
153 the name and address of any primary and secondary supervisory
154 appraiser for whom the registered trainee will perform appraisal
155 services, and must also notify the division within 10 days after
156 terminating such relationship. Termination of the relationship
157 with a primary supervisory appraiser automatically terminates
158 the relationship with the secondary supervisory appraiser.

159 Section 7. Except as otherwise expressly provided in this
160 act, this act shall take effect upon becoming a law.