

By the Committee on Business Regulation & Consumer Affairs  
and Representatives Ogles, Brown, Chestnut, Crist, Dockery and  
Lynn

1                                   A bill to be entitled  
2           An act relating to real estate; amending s.  
3           475.15, F.S.; providing registration and  
4           licensing requirements for additional business  
5           entities; eliminating a conflicting provision  
6           relating to automatic cancellation of the  
7           registration of a real estate broker  
8           partnership; amending s. 475.17, F.S.;  
9           providing additional requirements for licensure  
10          as a real estate broker; amending s. 475.183,  
11          F.S.; revising the period after which  
12          involuntarily inactive licenses expire;  
13          revising the time for the required notice to  
14          the licensee; amending s. 475.25, F.S.;  
15          increasing the administrative fine; revising a  
16          ground for disciplinary action to exempt  
17          licensees from the reporting of certain  
18          violators; providing that violations of certain  
19          standards of the Appraisal Foundation are  
20          grounds for the Florida Real Estate Commission  
21          to deny, revoke, or suspend the license of, or  
22          to fine, real estate brokers or salespersons;  
23          reenacting ss. 475.180(2)(b), 475.181(2),  
24          475.22(2), 475.422(2), and 475.482(1), F.S.,  
25          relating to nonresident licenses, licensure,  
26          refusal of a broker to comply with certain  
27          requests or notices, furnishing of copies of  
28          termite and roof inspection reports, and  
29          recovery from the Real Estate Recovery Fund, to  
30          incorporate the amendment to s. 475.25, F.S.,  
31          in references thereto; amending s. 475.272,

1 F.S.; deleting a provision that restricts a  
2 real estate licensee to operating as a single  
3 agent or as a transaction broker; amending s.  
4 475.278, F.S.; revising provisions relating to  
5 disclosure of authorized brokerage  
6 relationships and the corresponding duties of  
7 real estate licensees; amending s. 475.451,  
8 F.S.; revising provisions relating to the  
9 permitting of instructors for proprietary real  
10 estate schools or state institutions; providing  
11 permit renewal requirements; revising  
12 references relating to examinations; amending  
13 s. 475.452, F.S.; providing requirements  
14 applicable to advance expenses, commissions, or  
15 fees for brokers auctioning real property;  
16 amending s. 475.484, F.S.; providing  
17 applicability with respect to a conflict with  
18 federal law in the disciplining of certain  
19 licensees against whom a judgment has been paid  
20 from the Real Estate Recovery Fund; creating s.  
21 475.5016, F.S.; granting the department  
22 authority to inspect and audit brokers and  
23 brokerage offices; amending ss. 475.611 and  
24 475.612, F.S.; redesignating registered  
25 appraisers as registered assistant appraisers;  
26 amending ss. 475.01, 475.011, 475.616, 475.618,  
27 475.619, 475.620, 475.622, 475.623, 475.626,  
28 475.627, 475.628, 475.629, and 475.630, F.S.,  
29 to conform and correct references; creating s.  
30 475.6145, F.S.; providing for a seal for the  
31 Florida Real Estate Appraisal Board to

1           authenticate its proceedings, records, and  
2           acts; creating s. 475.6147, F.S.; providing a  
3           separate section relating to establishment of  
4           fees applicable to the regulation of real  
5           estate appraisers; amending s. 475.615, F.S.;  
6           revising provisions relating to qualifications  
7           for registration, licensure, or certification  
8           of appraisers; providing for a charge for  
9           application for a change in status of appraisal  
10          licensure; amending s. 475.617, F.S.; revising  
11          continuing education and experience  
12          requirements for real estate appraisers;  
13          amending s. 475.624, F.S.; revising a ground  
14          for disciplinary action to exempt licensees  
15          from the reporting of certain violators;  
16          creating s. 475.6295, F.S.; granting the  
17          department authority to inspect appraisers and  
18          appraisal offices; amending s. 553.991, F.S.;  
19          limiting the purpose of the "Florida Building  
20          Energy-Efficiency Rating Act" to providing for  
21          a statewide uniform system for rating the  
22          energy efficiency of buildings; amending s.  
23          553.994, F.S.; deleting the schedule for  
24          phasing in the rating system; amending s.  
25          553.996, F.S.; requiring provision of an  
26          information brochure to prospective purchasers  
27          of certain real property; deleting a provision  
28          authorizing such prospective purchasers to  
29          receive a rating on the property upon request;  
30          providing an effective date.  
31

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

2

3 Section 1. Paragraph (a) of subsection (1) of section  
4 475.01, Florida Statutes, is amended to read:

5 475.01 Definitions.--

6 (1) As used in this part:

7 (a) "Broker" means a person who, for another, and for  
8 a compensation or valuable consideration directly or  
9 indirectly paid or promised, expressly or impliedly, or with  
10 an intent to collect or receive a compensation or valuable  
11 consideration therefor, appraises, auctions, sells, exchanges,  
12 buys, rents, or offers, attempts or agrees to appraise,  
13 auction, or negotiate the sale, exchange, purchase, or rental  
14 of business enterprises or business opportunities or any real  
15 property or any interest in or concerning the same, including  
16 mineral rights or leases, or who advertises or holds out to  
17 the public by any oral or printed solicitation or  
18 representation that she or he is engaged in the business of  
19 appraising, auctioning, buying, selling, exchanging, leasing,  
20 or renting business enterprises or business opportunities or  
21 real property of others or interests therein, including  
22 mineral rights, or who takes any part in the procuring of  
23 sellers, purchasers, lessors, or lessees of business  
24 enterprises or business opportunities or the real property of  
25 another, or leases, or interest therein, including mineral  
26 rights, or who directs or assists in the procuring of  
27 prospects or in the negotiation or closing of any transaction  
28 which does, or is calculated to, result in a sale, exchange,  
29 or leasing thereof, and who receives, expects, or is promised  
30 any compensation or valuable consideration, directly or  
31 indirectly therefor; and all persons who advertise rental

1 property information or lists. A broker renders a  
2 professional service and is a professional within the meaning  
3 of s. 95.11(4)(a). Where the term "appraise" or "appraising"  
4 appears in the definition of the term "broker," it  
5 specifically excludes those appraisal services which must be  
6 performed only by a state-licensed or state-certified  
7 appraiser, and those appraisal services which may be performed  
8 by a registered assistant appraiser as defined in part II.  
9 The term "broker" also includes any person who is a general  
10 partner, officer, or director of a partnership or corporation  
11 which acts as a broker. The term "broker" also includes any  
12 person or entity who undertakes to list or sell one or more  
13 timeshare periods per year in one or more timeshare plans on  
14 behalf of any number of persons, except as provided in ss.  
15 475.011 and 721.20.

16 Section 2. Subsection (9) of section 475.011, Florida  
17 Statutes, is amended to read:

18 475.011 Exemptions.--This part does not apply to:

19 (9) Any person registered, licensed, or certified by  
20 the department under part II as an appraiser or assistant  
21 appraiser performing appraisals in accordance with that part.

22 Section 3. Section 475.15, Florida Statutes, is  
23 amended to read:

24 475.15 Registration and licensing of general partners,  
25 members, officers, and directors of a firm.--Each partnership,  
26 limited liability partnership, limited liability company, or  
27 corporation which acts as a broker shall register with the  
28 commission and shall renew the licenses or registrations of  
29 its members, officers, and directors for each license period.  
30 ~~The registration of a partnership is canceled automatically~~  
31 ~~during any period of time that the license or registration of~~

1 ~~any one or more of its partners is not in force.~~However, if  
2 the partnership is a limited partnership, only the general  
3 partners must be licensed brokers or brokerage corporations  
4 registered pursuant to this part. If the license or  
5 registration of at least one active broker member is not in  
6 force, the registration of a corporation, limited liability  
7 company, limited liability partnership, or partnership is  
8 canceled automatically during that period of time.

9 Section 4. Subsection (2) of section 475.17, Florida  
10 Statutes, is amended to read:

11 475.17 Qualifications for practice.--

12 (2)(a) In addition to other requirements under this  
13 part, the commission may require the satisfactory completion  
14 of one or more of the educational courses or equivalent  
15 courses conducted, offered, sponsored, prescribed, or approved  
16 pursuant to s. 475.04, taken at an accredited college,  
17 university, or community college, at an area technical center,  
18 or at a registered real estate school, as a condition  
19 precedent for any person to become licensed or to renew her or  
20 his license as a broker, broker-salesperson, or salesperson.  
21 The course or courses required for one to become initially  
22 licensed shall not exceed a total of 63 classroom hours of 50  
23 minutes each, inclusive of examination, for a salesperson and  
24 72 classroom hours of 50 minutes each, inclusive of  
25 examination, for a broker. The satisfactory completion of an  
26 examination administered by the accredited college,  
27 university, or community college, by the area technical  
28 center, or by the registered real estate school shall be the  
29 basis for determining satisfactory completion of the course.  
30 However, notice of satisfactory completion shall not be issued  
31 if the student has absences in excess of 8 classroom hours.

1 Such required course or courses must be made available by  
2 correspondence or other suitable means to any person who, by  
3 reason of hardship, as defined by rule, cannot attend the  
4 place or places where the course is regularly conducted.

5 (b) A person may not be licensed as a real estate  
6 broker unless, in addition to the other requirements of law,  
7 the person has held:

8 1. An active real estate salesperson's license for at  
9 least 12 months during the preceding 5 years in the office of  
10 one or more real estate brokers licensed in this state or any  
11 other state, territory, or jurisdiction of the United States  
12 or in any foreign national jurisdiction;

13 2. A current and valid real estate salesperson's  
14 license for at least 12 months during the preceding 5 years in  
15 the employ of a governmental agency for a salary and  
16 performing the duties authorized in this part for real estate  
17 licensees; or

18 3. A current and valid real estate broker's license  
19 for at least 12 months during the preceding 5 years in any  
20 other state, territory, or jurisdiction of the United States  
21 or in any foreign national jurisdiction.

22

23 This paragraph does not apply to a person employed as a real  
24 estate investigator by the Division of Real Estate, provided  
25 the person has been employed as a real estate investigator for  
26 at least 24 months. The person must be currently employed as a  
27 real estate investigator to sit for the real estate broker's  
28 examination and have held a valid and current salesperson's  
29 license for at least 12 months.

30 (c) A person who has been licensed as a real estate  
31 salesperson in Florida during the preceding 5 years may not be

1 licensed as a real estate broker unless, in addition to the  
2 other requirements of law, she or he has completed the  
3 salesperson postlicensure educational requirements, if these  
4 requirements have been prescribed by the commission pursuant  
5 to paragraph (3)(a).

6 Section 5. Subsection (2) of section 475.183, Florida  
7 Statutes, is amended to read:

8 475.183 Inactive status.--

9 (2) Any license which has been involuntarily inactive  
10 for more than 2 ~~4~~ years shall automatically expire. Once a  
11 license expires, it becomes null and void without any further  
12 action by the commission or department. Ninety days ~~Two years~~  
13 prior to expiration of the license, the department shall give  
14 notice to the licensee. The commission shall prescribe by  
15 rule a fee not to exceed \$100 for the late renewal of an  
16 involuntarily inactive license. The department shall collect  
17 the current renewal fee for each renewal period in which the  
18 license was involuntarily inactive in addition to any  
19 applicable late renewal fee.

20 Section 6. Subsection (1) of section 475.25, Florida  
21 Statutes, is amended to read:

22 475.25 Discipline.--

23 (1) The commission may deny an application for  
24 licensure, registration, or permit, or renewal thereof; may  
25 place a licensee, registrant, or permittee on probation; may  
26 suspend a license, registration, or permit for a period not  
27 exceeding 10 years; may revoke a license, registration, or  
28 permit; may impose an administrative fine not to exceed \$5,000  
29 ~~\$1,000~~ for each count or separate offense; and may issue a  
30 reprimand, and any or all of the foregoing, if it finds that  
31 the licensee, registrant, permittee, or applicant:



1           (a) Has violated any provision of s. 455.227(1) or ~~of~~  
2 s. 475.42. However, licensees under this part are exempt from  
3 the provisions of s. 455.227(1)(i).

4           (b) Has been guilty of fraud, misrepresentation,  
5 concealment, false promises, false pretenses, dishonest  
6 dealing by trick, scheme, or device, culpable negligence, or  
7 breach of trust in any business transaction in this state or  
8 any other state, nation, or territory; has violated a duty  
9 imposed upon her or him by law or by the terms of a listing  
10 contract, written, oral, express, or implied, in a real estate  
11 transaction; has aided, assisted, or conspired with any other  
12 person engaged in any such misconduct and in furtherance  
13 thereof; or has formed an intent, design, or scheme to engage  
14 in any such misconduct and committed an overt act in  
15 furtherance of such intent, design, or scheme. It is  
16 immaterial to the guilt of the licensee that the victim or  
17 intended victim of the misconduct has sustained no damage or  
18 loss; that the damage or loss has been settled and paid after  
19 discovery of the misconduct; or that such victim or intended  
20 victim was a customer or a person in confidential relation  
21 with the licensee or was an identified member of the general  
22 public.

23           (c) Has advertised property or services in a manner  
24 which is fraudulent, false, deceptive, or misleading in form  
25 or content.

26           (d)1. Has failed to account or deliver to any person,  
27 including a licensee under this chapter, at the time which has  
28 been agreed upon or is required by law or, in the absence of a  
29 fixed time, upon demand of the person entitled to such  
30 accounting and delivery, any personal property such as money,  
31 fund, deposit, check, draft, abstract of title, mortgage,

1 conveyance, lease, or other document or thing of value,  
2 including a share of a real estate commission if a civil  
3 judgment relating to the practice of the licensee's profession  
4 has been obtained against the licensee and said judgment has  
5 not been satisfied in accordance with the terms of the  
6 judgment within a reasonable time, or any secret or illegal  
7 profit, or any divisible share or portion thereof, which has  
8 come into the licensee's hands and which is not the licensee's  
9 property or which the licensee is not in law or equity  
10 entitled to retain under the circumstances. However, if the  
11 licensee, in good faith, entertains doubt as to what person is  
12 entitled to the accounting and delivery of the escrowed  
13 property, or if conflicting demands have been made upon the  
14 licensee for the escrowed property, which property she or he  
15 still maintains in her or his escrow or trust account, the  
16 licensee shall promptly notify the commission of such doubts  
17 or conflicting demands and shall promptly:

18         a. Request that the commission issue an escrow  
19 disbursement order determining who is entitled to the escrowed  
20 property;

21         b. With the consent of all parties, submit the matter  
22 to arbitration;

23         c. By interpleader or otherwise, seek adjudication of  
24 the matter by a court; or

25         d. With the written consent of all parties, submit the  
26 matter to mediation. The department may conduct mediation or  
27 may contract with public or private entities for mediation  
28 services. However, the mediation process must be successfully  
29 completed within 90 days following the last demand or the  
30 licensee shall promptly employ one of the other escape  
31 procedures contained in this section. Payment for mediation

1 will be as agreed to in writing by the parties. The  
2 department may adopt rules to implement this section.

3  
4 If the licensee promptly employs one of the escape procedures  
5 contained herein, and if she or he abides by the order or  
6 judgment resulting therefrom, no administrative complaint may  
7 be filed against the licensee for failure to account for,  
8 deliver, or maintain the escrowed property.

9           2. Has failed to deposit money in an escrow account  
10 when the licensee is the purchaser of real estate under a  
11 contract where the contract requires the purchaser to place  
12 deposit money in an escrow account to be applied to the  
13 purchase price if the sale is consummated.

14           (e) Has violated any of the provisions of this chapter  
15 or any lawful order or rule made or issued under the  
16 provisions of this chapter or chapter 455.

17           (f) Has been convicted or found guilty of, or entered  
18 a plea of nolo contendere to, regardless of adjudication, a  
19 crime in any jurisdiction which directly relates to the  
20 activities of a licensed broker or salesperson, or involves  
21 moral turpitude or fraudulent or dishonest dealing. The record  
22 of a conviction certified or authenticated in such form as to  
23 be admissible in evidence under the laws of the state shall be  
24 admissible as prima facie evidence of such guilt.

25           (g) Has had a broker's or salesperson's license  
26 revoked, suspended, or otherwise acted against, or has had an  
27 application for such licensure denied, by the real estate  
28 licensing agency of another state, territory, or country.

29           (h) Has shared a commission with, or paid a fee or  
30 other compensation to, a person not properly licensed as a  
31 broker, broker-salesperson, or salesperson under the laws of

1 this state, for the referral of real estate business, clients,  
2 prospects, or customers, or for any one or more of the  
3 services set forth in s. 475.01(1)(a). For the purposes of  
4 this section, it is immaterial that the person to whom such  
5 payment or compensation is given made the referral or  
6 performed the service from within this state or elsewhere;  
7 however, a licensed broker of this state may pay a referral  
8 fee or share a real estate brokerage commission with a broker  
9 licensed or registered under the laws of a foreign state so  
10 long as the foreign broker does not violate any law of this  
11 state.

12 (i) Has become temporarily incapacitated from acting  
13 as a broker or salesperson with safety to investors or those  
14 in a fiduciary relation with her or him because of  
15 drunkenness, use of drugs, or temporary mental derangement;  
16 but suspension of a license in such a case shall be only for  
17 the period of such incapacity.

18 (j) Has rendered an opinion that the title to any  
19 property sold is good or merchantable, except when correctly  
20 based upon a current opinion of a licensed attorney at law, or  
21 has failed to advise a prospective purchaser to consult her or  
22 his attorney on the merchantability of the title or to obtain  
23 title insurance.

24 (k) Has failed, if a broker, to immediately place,  
25 upon receipt, any money, fund, deposit, check, or draft  
26 entrusted to her or him by any person dealing with her or him  
27 as a broker in escrow with a title company, banking  
28 institution, credit union, or savings and loan association  
29 located and doing business in this state, or to deposit such  
30 funds in a trust or escrow account maintained by her or him  
31 with some bank, credit union, or savings and loan association

1 located and doing business in this state, wherein the funds  
2 shall be kept until disbursement thereof is properly  
3 authorized; or has failed, if a salesperson, to immediately  
4 place with her or his registered employer any money, fund,  
5 deposit, check, or draft entrusted to her or him by any person  
6 dealing with her or him as agent of the registered employer.  
7 The commission shall establish rules to provide for records to  
8 be maintained by the broker and the manner in which such  
9 deposits shall be made.

10 (l) Has made or filed a report or record which the  
11 licensee knows to be false, has willfully failed to file a  
12 report or record required by state or federal law, has  
13 willfully impeded or obstructed such filing, or has induced  
14 another person to impede or obstruct such filing; but such  
15 reports or records shall include only those which are signed  
16 in the capacity of a licensed broker or salesperson.

17 (m) Has obtained a license by means of fraud,  
18 misrepresentation, or concealment.

19 (n) Is confined in any county jail, postadjudication;  
20 is confined in any state or federal prison or mental  
21 institution; is under home confinement ordered in lieu of  
22 institutional confinement; or, through mental disease or  
23 deterioration, can no longer safely be entrusted to  
24 competently deal with the public.

25 (o) Has been found guilty, for a second time, of any  
26 misconduct that warrants her or his suspension or has been  
27 found guilty of a course of conduct or practices which show  
28 that she or he is so incompetent, negligent, dishonest, or  
29 untruthful that the money, property, transactions, and rights  
30 of investors, or those with whom she or he may sustain a  
31

1 confidential relation, may not safely be entrusted to her or  
2 him.

3 (p) Has failed to inform the commission in writing  
4 within 30 days after pleading guilty or nolo contendere to, or  
5 being convicted or found guilty of, any felony.

6 (q) Has violated any provision of s. 475.276 or s.  
7 475.278, including the duties owed under those sections.

8 (r) Has failed in any written listing agreement to  
9 include a definite expiration date, description of the  
10 property, price and terms, fee or commission, and a proper  
11 signature of the principal(s); and has failed to give the  
12 principal(s) a legible, signed, true and correct copy of the  
13 listing agreement within 24 hours of obtaining the written  
14 listing agreement. The written listing agreement shall  
15 contain no provision requiring the person signing the listing  
16 to notify the broker of the intention to cancel the listing  
17 after such definite expiration date.

18 (s) Has had a registration suspended, revoked, or  
19 otherwise acted against in any jurisdiction. The record of the  
20 disciplinary action certified or authenticated in such form as  
21 to be admissible in evidence under the laws of the state shall  
22 be admissible as prima facie evidence of such disciplinary  
23 action.

24 (t) Has violated any standard for the development or  
25 communication of a real estate appraisal or other provision of  
26 the Uniform Standards of Professional Appraisal Practice, as  
27 defined in s. 475.611, as approved and adopted by the  
28 Appraisal Standards Board of the Appraisal Foundation, as  
29 defined in s. 475.611. This paragraph does not apply to a real  
30 estate broker or salesperson who, in the ordinary course of  
31 business, performs a comparative market analysis. However, in

1 no event may this comparative market analysis be referred to  
2 as an appraisal, as defined in s. 475.611.

3 Section 7. For the purpose of incorporating the  
4 amendment to section 475.25, Florida Statutes, in references  
5 thereto, the sections or subdivisions of Florida Statutes set  
6 forth below are reenacted to read:

7 475.180 Nonresident licenses.--

8 (2)

9 (b) Any resident licensee who becomes a nonresident  
10 shall, within 60 days, notify the commission of the change in  
11 residency and comply with nonresident requirements. Failure to  
12 notify and comply is a violation of the license law, subject  
13 to the penalties in s. 475.25.

14 475.181 Licensure.--

15 (2) The commission shall certify for licensure any  
16 applicant who satisfies the requirements of ss. 475.17,  
17 475.175, and 475.180. The commission may refuse to certify any  
18 applicant who has violated any of the provisions of s. 475.42  
19 or who is subject to discipline under s. 475.25. The  
20 application shall expire 1 year from the date received if the  
21 applicant fails to take the appropriate examination.

22 475.22 Broker to maintain office and sign at entrance  
23 of office; registered office outside state; broker required to  
24 cooperate in investigation.--

25 (2) If a broker's registered office is located outside  
26 the State of Florida, prior to registering such office or  
27 branch office, the broker shall agree in writing to cooperate  
28 and shall cooperate with any investigation initiated in  
29 accordance with this chapter or commission rules including,  
30 but not limited to, the broker promptly supplying any  
31 documents requested by any authorized representative of the

1 department and by personally appearing at any designated  
2 office of the department or other location in the state or  
3 elsewhere as reasonably requested by the department. If the  
4 department sends, by certified mail to the broker at the  
5 broker's last known business address as registered with the  
6 department, a notice or request to produce any documents or to  
7 appear for an interview with an authorized representative of  
8 the department and the broker fails to substantially comply  
9 with that request or notice, then such failure by the broker  
10 is a violation of the license law, subject to the penalties of  
11 s. 475.25.

12 475.422 Disclosure.--

13 (2) Failure to comply with this section may subject  
14 the licensee to disciplinary action pursuant to s. 475.25.

15 475.482 Real Estate Recovery Fund.--There is created  
16 the Florida Real Estate Recovery Fund as a separate account in  
17 the Professional Regulation Trust Fund.

18 (1) The Florida Real Estate Recovery Fund shall be  
19 disbursed as provided in s. 475.484, on order of the  
20 commission, as reimbursement to any person, partnership, or  
21 corporation adjudged by a court of competent civil  
22 jurisdiction in this state to have suffered monetary damages  
23 by reason of any act committed, as a part of any real estate  
24 brokerage transaction involving real property in this state,  
25 by any broker or salesperson who:

26 (a) Was, at the time the alleged act was committed,  
27 the holder of a current, valid, active real estate license  
28 issued under this part;

29 (b) Was neither the seller, buyer, landlord, or tenant  
30 in the transaction nor an officer or a director of a  
31



1 corporation or a member of a partnership which was the seller,  
2 buyer, landlord, or tenant in the transaction; and

3 (c) Was acting solely in the capacity of a real estate  
4 licensee in the transaction;

5

6 provided the act was a violation proscribed in s. 475.25 or s.  
7 475.42.

8 Section 8. Section 475.272, Florida Statutes, is  
9 amended to read:

10 475.272 Purpose.--In order to eliminate confusion and  
11 provide for a better understanding on the part of customers in  
12 real estate transactions, the Legislature finds that the  
13 intent of the Brokerage Relationship Disclosure Act is to  
14 provide that:

15 (1) Disclosed dual agency as an authorized form of  
16 representation by a real estate licensee in this state is  
17 expressly revoked;

18 (2) Real estate licensees be required to disclose to  
19 customers upon first contact in residential real estate  
20 transactions that they are not and will not be represented by  
21 a licensee in a real estate transaction unless they engage a  
22 real estate licensee in an authorized form of representation,  
23 either as a single agent or as a transaction broker;

24 (3) Disclosure requirements for real estate licensees  
25 relating to nonrepresentation and authorized forms of  
26 brokerage representation are established;

27 ~~(4) Florida law provides that real estate licensees~~  
28 ~~will operate as single agents or in a limited representative~~  
29 ~~capacity known as transaction brokers;~~

30 (4)(5) Single agents may represent either a buyer or a  
31 seller, but not both, in a real estate transaction; and

1           (5)~~(6)~~ Transaction brokers provide a limited form of  
2 nonfiduciary representation to a buyer, a seller, or both in a  
3 real estate transaction.

4           Section 9. Section 475.278, Florida Statutes, is  
5 amended to read:

6           475.278 Authorized brokerage relationships; required  
7 disclosures.--

8           (1) AUTHORIZED BROKERAGE RELATIONSHIPS.--A real estate  
9 licensee in this state may enter into a brokerage relationship  
10 as either a single agent or as a transaction broker with  
11 potential buyers and sellers. A real estate licensee may not  
12 operate as a disclosed or nondisclosed dual agent. As used in  
13 this section, the term "dual agent" means a broker who  
14 represents as a fiduciary both the prospective buyer and the  
15 prospective seller in a real estate transaction. Once a  
16 brokerage relationship is established, this part does not  
17 prevent a licensee from changing from one brokerage  
18 relationship to the other as long as the buyer or the seller,  
19 or both, gives consent as required by subparagraph (3)(c)2.  
20 before the change and the appropriate disclosure of duties as  
21 provided in this part is made to the buyer or seller. This  
22 part does not require a customer to enter into a brokerage  
23 relationship with any real estate licensee.

24           (2) TRANSACTION BROKER RELATIONSHIP.--

25           (a) Transaction broker - duties of limited  
26 representation.--A transaction broker provides a limited form  
27 of representation to a buyer, a seller, or both in a real  
28 estate transaction but does not represent either in a  
29 fiduciary capacity or as a single agent. The duties of the  
30 real estate licensee in this limited form of representation  
31 include the following:

- 1           1. Dealing honestly and fairly;
- 2           2. Accounting for all funds;
- 3           3. Using skill, care, and diligence in the
- 4 transaction;
- 5           4. Disclosing all known facts that materially affect
- 6 the value of residential real property and are not readily
- 7 observable to the buyer;
- 8           5. Presenting all offers and counteroffers in a timely
- 9 manner, unless a party has previously directed the licensee
- 10 otherwise in writing;
- 11           6. Limited confidentiality, unless waived in writing
- 12 by a party. This limited confidentiality will prevent
- 13 disclosure that the seller will accept a price less than the
- 14 asking or listed price, that the buyer will pay a price
- 15 greater than the price submitted in a written offer, of the
- 16 motivation of any party for selling or buying property, that a
- 17 seller or buyer will agree to financing terms other than those
- 18 offered, or of any other information requested by a party to
- 19 remain confidential; and
- 20           7. Any additional duties that are mutually agreed to
- 21 with a party.
- 22           (b) Disclosure requirements.--Duties of a transaction
- 23 broker must be fully described and disclosed in writing to a
- 24 buyer or seller either as a separate and distinct disclosure
- 25 document or included as part of another document such as a
- 26 listing agreement or agreement for representation. The
- 27 disclosure must be made before, or at the time of, entering
- 28 into a listing agreement or an agreement for representation.
- 29 When incorporated into other documents, the required notice
- 30 must be of the same size type, or larger, as other provisions
- 31 of the document and must be conspicuous in its placement so as

1 to advise customers of the duties of limited representation,  
2 except that the first sentence of the information identified  
3 in paragraph (c) must be printed in uppercase and bold type.  
4 (c) Contents of disclosure.--The required notice given  
5 under paragraph (b) must include the following information in  
6 the following form:

7  
8 TRANSACTION BROKER NOTICE

9  
10 FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES OPERATING AS  
11 TRANSACTION BROKERS DISCLOSE TO BUYERS AND SELLERS THEIR ROLE  
12 AND DUTIES IN PROVIDING A LIMITED FORM OF REPRESENTATION.

13  
14 As a transaction broker, ..... (insert name of Real  
15 Estate Firm and its Associates), provides to you a limited  
16 form of representation that includes the following duties:

- 17 1. Dealing honestly and fairly;
- 18 2. Accounting for all funds;
- 19 3. Using skill, care, and diligence in the  
20 transaction;
- 21 4. Disclosing all known facts that materially affect  
22 the value of residential real property and are not readily  
23 observable to the buyer;
- 24 5. Presenting all offers and counteroffers in a timely  
25 manner, unless a party has previously directed the licensee  
26 otherwise in writing;
- 27 6. Limited confidentiality, unless waived in writing  
28 by a party. This limited confidentiality will prevent  
29 disclosure that the seller will accept a price less than the  
30 asking or listed price, that the buyer will pay a price  
31 greater than the price submitted in a written offer, of the

1 motivation of any party for selling or buying property, that a  
2 seller or buyer will agree to financing terms other than those  
3 offered, or of any other information requested by a party to  
4 remain confidential; and

5           7. Any additional duties that are entered into by this  
6 or by separate written agreement.

7  
8 Limited representation means that a buyer or seller is not  
9 responsible for the acts of the licensee. Additionally,  
10 parties are giving up their rights to the undivided loyalty of  
11 the licensee. This aspect of limited representation allows a  
12 licensee to facilitate a real estate transaction by assisting  
13 both the buyer and the seller, but a licensee will not work to  
14 represent one party to the detriment of the other party when  
15 acting as a transaction broker to both parties.

16

17

18 .....

19 Date

.....

Signature

20

21

.....

22

Signature

23

(3) SINGLE AGENT RELATIONSHIP.--

24

(a) Single agent - duties.--The duties of a real  
25 estate licensee owed to a buyer or seller who engages the real  
26 estate licensee as a single agent include the following:

27

1. Dealing honestly and fairly;

28

2. Loyalty;

29

3. Confidentiality;

30

4. Obedience;

31

5. Full disclosure;

- 1           6. Accounting for all funds;  
2           7. Skill, care, and diligence in the transaction; ~~and~~  
3           8. Presenting all offers and counteroffers in a timely  
4 manner, unless a party has previously directed the licensee  
5 otherwise in writing; and-  
6           9. Disclosing all known facts that materially affect  
7 the value of residential real property and are not readily  
8 observable.

9           (b) Disclosure requirements.--

10           1. Single agent disclosure.--Duties of a single agent  
11 must be fully described and disclosed in writing to a buyer or  
12 seller either as a separate and distinct disclosure document  
13 or included as part of another document such as a listing  
14 agreement or other agreement for representation. The  
15 disclosure must be made before, or at the time of, entering  
16 into a listing agreement or an agreement for representation.  
17 When incorporated into other documents, the required notice  
18 must be of the same size type, or larger, as other provisions  
19 of the document and must be conspicuous in its placement so as  
20 to advise customers of the duties of a single agent, except  
21 that the first sentence of the information identified in  
22 paragraph (c) must be printed in uppercase and bold type.

23           2. Transition to transaction broker disclosure.--A  
24 single agent relationship may be changed to a transaction  
25 broker relationship at any time during the relationship  
26 between an agent and principal, provided the agent gives the  
27 disclosure required under paragraph (2)(b) and the principal  
28 gives to the agent consent as required under subparagraph  
29 (c)2. before a change in relationship. This disclosure must be  
30 in writing to the principal either as a separate and distinct  
31 document or included as part of other documents such as a

1 listing agreement or other agreements for representation. When  
2 incorporated into other documents, the required notice must be  
3 of the same size type, or larger, as other provisions of the  
4 document and must be conspicuous in its placement so as to  
5 advise customers of the duties of limited representation,  
6 except that the first sentence of the information identified  
7 in subparagraph (c)2. must be printed in uppercase and bold  
8 type.

9 (c) Contents of disclosure.--

10 1. Single agent duties disclosure.--The notice  
11 required under subparagraph (b)1. must include the following  
12 information in the following form:

13

14 SINGLE AGENT NOTICE

15

16 FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES OPERATING AS  
17 SINGLE AGENTS DISCLOSE TO BUYERS AND SELLERS THEIR DUTIES.

18

19 As a single agent, ..... (insert name of  
20 Real Estate Entity and its Associates) owe to you the  
21 following duties:

22

1. Dealing honestly and fairly;

23

2. Loyalty;

24

3. Confidentiality;

25

4. Obedience;

26

5. Full disclosure;

27

6. Accounting for all funds;

28

7. Skill, care, and diligence in the transaction; ~~and~~

29

8. Presenting all offers and counteroffers in a timely

30

manner, unless a party has previously directed the licensee

31

otherwise in writing; ~~and~~





1           (b) Disclosing all known facts that materially affect  
2 the value of the residential real property which are not  
3 readily observable to the buyer; and

4           (c) Accounting for all funds entrusted to the  
5 licensee.

6           Section 10. Section 475.451, Florida Statutes, is  
7 amended to read:

8           475.451 Schools teaching real estate practice.--

9           (1) Each person, school, or institution, except  
10 approved and accredited colleges, universities, community  
11 colleges, and area technical centers in this state, which  
12 offers or conducts any course of study in real estate  
13 practice, teaches any course prescribed by the commission as a  
14 condition precedent to licensure or renewal of licensure as a  
15 broker or salesperson, or teaches any course designed or  
16 represented to enable or assist applicants for licensure as  
17 brokers or salespersons to pass examinations for such  
18 licensure ~~conducted by the department~~ shall, before commencing  
19 or continuing further to offer or conduct such course or  
20 courses, obtain a permit from the department and abide by the  
21 regulations imposed upon such person, school, or institution  
22 by this chapter and rules of the commission adopted pursuant  
23 to this chapter. The exemption for colleges, universities,  
24 community colleges, and area technical centers is limited to  
25 transferable college credit courses offered by such  
26 institutions.

27           (2) An applicant for a permit to operate a proprietary  
28 real estate school, to be a chief administrator of a  
29 proprietary real estate school or a state institution, or to  
30 be an instructor for a proprietary real estate school or a  
31 state institution must meet the qualifications for practice

1 set forth in s. 475.17(1) and the following minimal  
2 requirements:

3 (a) "School permitholder" means the ~~is defined as that~~  
4 individual who is responsible for directing the overall  
5 operation of a proprietary real estate school. A school  
6 permitholder ~~she or he~~ must be the holder of a license as a  
7 broker, either active or voluntarily inactive, or must have  
8 passed an instructor's examination approved by the commission  
9 ~~administered by the department~~. A school permitholder must  
10 also meet the requirements of a school instructor if ~~she or he~~  
11 ~~is~~ actively engaged in teaching.

12 (b) "Chief administrative person" means the ~~is defined~~  
13 ~~as that~~ individual who is responsible for the administration  
14 of the overall policies and practices of the institution or  
15 proprietary real estate school. A chief administrative person  
16 ~~she or he~~ must also meet the requirements of a school  
17 instructor if ~~she or he is~~ actively engaged in teaching.

18 (c) "School instructor" means an ~~is defined as that~~  
19 individual who actively instructs persons in the classroom in  
20 noncredit college courses in a college, university, or  
21 community college or courses in an area technical center or  
22 proprietary real estate school.

23 1. Before commencing to provide such instruction, the  
24 applicant ~~instruct noncredit college courses in a college,~~  
25 ~~university, or community college, or courses in an area~~  
26 ~~technical center or proprietary real estate school, she or he~~  
27 must certify the applicant's ~~her or his~~ competency and obtain  
28 an instructor permit by meeting one of the following  
29 requirements:

30 a. Hold a bachelor's degree in a business-related  
31 subject, such as real estate, finance, accounting, business

1 administration, or its equivalent and hold a valid broker's  
2 license in this state.

3 b. Hold a bachelor's degree, have extensive real  
4 estate experience, as defined by rule, and hold a valid  
5 broker's license in this state.

6 c. Pass an instructor's examination approved by the  
7 commission ~~administered by the Division of Real Estate.~~

8 2. Any requirement by the commission for a teaching  
9 demonstration or practical examination must apply to all  
10 school instructor applicants.

11 3. The department shall renew an instructor permit  
12 upon receipt of a renewal application and fee. The renewal  
13 application shall include proof that the permitholder has,  
14 since the issuance or renewal of the current permit, ~~Every~~  
15 ~~second year, each instructor must recertify her or his~~  
16 ~~competency by presenting to the commission evidence of her or~~  
17 ~~his having~~ successfully completed a minimum of 15 classroom  
18 hours of instruction in real estate subjects or instructional  
19 techniques, as prescribed by the commission. The commission  
20 shall adopt rules providing for the renewal of instructor  
21 permits at least every 2 years. Any permit which is not  
22 renewed at the end of the permit period established by the  
23 department shall automatically revert to involuntarily  
24 inactive status.

25  
26 The department may require an applicant to submit names of  
27 persons having knowledge concerning the applicant and the  
28 enterprise; may propound interrogatories to such persons and  
29 to the applicant concerning the character of the applicant,  
30 including the taking of fingerprints for processing through  
31 the Federal Bureau of Investigation; and shall make such

1 investigation of the applicant or the school or institution as  
2 it may deem necessary to the granting of the permit. If an  
3 objection is filed, it shall be considered in the same manner  
4 as objections or administrative complaints against other  
5 applicants for licensure by the department.

6 (3) It is unlawful for any person, school, or  
7 institution to offer the courses described in subsection (1)  
8 or to conduct classes in such courses, regardless of the  
9 number of pupils, whether by correspondence or otherwise,  
10 without first procuring a permit, or to guarantee that its  
11 pupils will pass any examinations required for licensure ~~given~~  
12 ~~by the department~~, or to represent that the issuance of a  
13 permit is any recommendation or endorsement of the person,  
14 school, or institution to which it is issued or of any course  
15 of instruction given thereunder.

16 (4) Any person who violates this section commits ~~is~~  
17 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
18 provided in s. 775.082 or s. 775.083.

19 (5) The location of classes and frequency of class  
20 meetings shall be in the discretion of the school offering  
21 real estate courses, so long as such courses conform to s.  
22 475.17(2).

23 (6) Any course prescribed by the commission as a  
24 condition precedent to any person's becoming initially  
25 licensed as a salesperson may be taught in any real estate  
26 school through the use of a video tape of instruction by a  
27 currently permitted ~~licensed~~ instructor from any such school.  
28 The commission may require that any such video tape course  
29 have a single session of live instruction by a currently  
30 permitted ~~licensed~~ instructor from any such school; however,  
31 this requirement shall not exceed 3 classroom hours. All

1 other prescribed courses, except the continuing education  
2 course required by s. 475.182, shall be taught by a currently  
3 permitted ~~licensed~~ school instructor personally in attendance  
4 at such course. The continuing education course required by  
5 s. 475.182 may be taught by an equivalent correspondence  
6 course; however, any such course of correspondence shall be  
7 required to have a final examination, prepared and  
8 administered by the school issuing the correspondence course.  
9 The continuing education requirements provided in this section  
10 or provided in any other section in this chapter do not apply  
11 with respect to any attorney who is otherwise qualified under  
12 the provisions of this chapter.

13 (7) Any person holding a school instructor permit on  
14 October 1, 1983, is exempt from the instructor examination  
15 requirements of paragraph (2)(c) as long as the person  
16 continuously holds such a permit and complies with all other  
17 requirements of this chapter.

18 (8) A permitholder under ~~pursuant to~~ this section may  
19 be issued additional permits whenever it is clearly shown that  
20 the requested additional permits are necessary to the conduct  
21 of the business of a real estate school and that the  
22 additional permits will not be used in a manner likely to be  
23 prejudicial to any person, including a licensee or a  
24 permitholder under this chapter.

25 Section 11. Subsection (6) is added to section  
26 475.452, Florida Statutes, to read:

27 475.452 Advance fees; deposit; accounting; penalty;  
28 damages.--

29 (6) This section does not apply to a real estate  
30 broker auctioning real property if in advance of the auction  
31 the broker and seller have entered into a written agreement

1 specifically providing for anticipated expenses to be incurred  
2 and paid. However, any trust funds received by the broker in  
3 advance of the auction may not be disbursed or otherwise used  
4 as an advance commission or fee for services without first  
5 having complied with the provisions of this subsection.

6 Section 12. Subsection (7) of section 475.484, Florida  
7 Statutes, is amended to read:

8 475.484 Payment from the fund.--

9 (7) Upon the payment of any amount from the Real  
10 Estate Recovery Fund in settlement of a claim in satisfaction  
11 of a judgment against a broker or salesperson as described in  
12 s. 475.482(1), the license of such broker or salesperson shall  
13 be automatically suspended upon the date of payment from the  
14 fund. The license of such broker or salesperson may not be  
15 reinstated until the licensee has repaid in full, plus  
16 interest, the amount paid from the fund. No further  
17 administrative action is necessary. A discharge of bankruptcy  
18 does not relieve a licensee from the penalties and  
19 disabilities provided in this section, except to the extent  
20 that this subsection conflicts with 11 U.S.C. s. 525, in which  
21 case the commission may order the license not to be suspended  
22 or otherwise discriminated against.

23 Section 13. Section 475.5016, Florida Statutes, is  
24 created to read:

25 475.5016 Authority to inspect and audit.--Duly  
26 authorized agents and employees of the department shall have  
27 the power to inspect and audit in a lawful manner at all  
28 reasonable hours any broker or brokerage office licensed under  
29 this chapter, for the purpose of determining if any of the  
30 provisions of this chapter, chapter 455, or any rule

31

1 promulgated under authority of either chapter is being  
2 violated.

3 Section 14. Paragraphs (a), (e), and (l) of subsection  
4 (1) and subsection (2) of section 475.611, Florida Statutes,  
5 are amended to read:

6 475.611 Definitions.--

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

8 (a) "Appraisal" or "appraisal services" means the  
9 services provided by certified or licensed appraisers, or  
10 registered assistant appraisers, and includes:

11 1. "Appraisal assignment" denotes an engagement for  
12 which a person is employed or retained to act, or could be  
13 perceived by third parties or the public as acting, as an  
14 agent or a disinterested third party in rendering an unbiased  
15 analysis, opinion, review, or conclusion relating to the  
16 nature, quality, value, or utility of specified interests in,  
17 or aspects of, identified real property.

18 2. "Analysis assignment" denotes appraisal services  
19 that relate to the employer's or client's individual needs or  
20 investment objectives and includes specialized marketing,  
21 financing, and feasibility studies as well as analyses,  
22 opinions, and conclusions given in connection with activities  
23 such as real estate brokerage, mortgage banking, or real  
24 estate counseling.

25 (e) "Appraiser" means any person who is a registered  
26 assistant real estate appraiser, licensed real estate  
27 appraiser, or a certified real estate appraiser. An appraiser  
28 renders a professional service and is a professional within  
29 the meaning of s. 95.11(4)(a).

30 (l) "Registered assistant appraiser" means a person  
31 who is registered with the department as qualified to perform

1 appraisal services under the supervision of a licensed or  
2 certified appraiser.

3 (2) Wherever the word "operate" or "operating" appears  
4 in this part with respect to a registered assistant appraiser,  
5 licensed appraiser, or certified appraiser; in any order,  
6 rule, or regulation of the board; in any pleading, indictment,  
7 or information under this part ~~section~~; in any court action or  
8 proceeding; or in any order or judgment of a court, it shall  
9 be deemed to mean the commission of one or more acts described  
10 in this part ~~section~~ as constituting or defining a registered  
11 assistant appraiser, licensed appraiser, or certified  
12 appraiser, not including, however, any of the exceptions  
13 stated therein. A single act is sufficient to bring a person  
14 within the meaning of this subsection ~~section~~, and each act,  
15 if prohibited herein, constitutes a separate offense.

16 Section 15. Section 475.612, Florida Statutes, is  
17 amended to read:

18 475.612 Certification, ~~or licensure,~~ or registration  
19 required.--

20 (1) A person may not use the title "certified real  
21 estate appraiser," "licensed real estate appraiser," or  
22 "registered assistant real estate appraiser," or any  
23 abbreviation or words to that effect, or issue an appraisal  
24 report in connection with any federally related transaction,  
25 unless such person is certified, licensed, or registered by  
26 the department under ~~pursuant to~~ this part ~~section~~. However,  
27 the work upon which an appraisal report is based may be  
28 performed by a person who is not a certified or licensed  
29 appraiser ~~or~~ registered assistant appraiser if the report is  
30 approved and signed by a certified or licensed appraiser.

31



1           (2) This section does not preclude a broker,  
2 salesperson, or broker-salesperson who is not a certified or  
3 licensed real estate appraiser, ~~or~~ registered assistant real  
4 estate appraiser from appraising real estate for compensation.  
5 Such persons may continue to provide appraisals and appraisal  
6 services for compensation so long as they do not represent  
7 themselves as certified, ~~or~~ licensed, or registered under this  
8 part section.

9           (3) This section does ~~shall~~ not apply to a real estate  
10 broker or salesperson who, in the ordinary course of business,  
11 performs a comparative market analysis and/or gives an opinion  
12 of the value of real estate. However, in no event may this  
13 opinion be referred to or construed as an appraisal.

14           (4) This section does ~~shall~~ not prevent any state  
15 court or administrative law judge from certifying as an expert  
16 witness in any legal or administrative proceeding an appraiser  
17 who is not certified, licensed, or registered; nor does ~~shall~~  
18 it prevent any appraiser from testifying, with respect to the  
19 results of an appraisal.

20           (5) This section does ~~shall~~ not apply to any full-time  
21 graduate student who is enrolled in a degree program in  
22 appraising at a college or university in this state, if the  
23 student is acting under the direct supervision of a certified  
24 or licensed appraiser or licensed broker and is engaged only  
25 in appraisal activities related to the approved degree  
26 program. Any appraisal report by the student must be issued in  
27 the name of the supervising individual.

28           (6) This section does ~~shall~~ not apply to any employee  
29 of a local, state, or federal agency who performs appraisal  
30 services within the scope of her or his employment. However,  
31 this exemption does ~~shall~~ not apply where any local, state, or

1 federal agency requires an employee to be registered,  
2 licensed, or certified to perform appraisal services.

3 Section 16. Section 475.6145, Florida Statutes, is  
4 created to read:

5 475.6145 Seal.--The board shall adopt a seal by which  
6 it shall authenticate its proceedings, records, and acts.  
7 Copies of the proceedings, records, and acts of the board, and  
8 certificates purporting to relate the facts concerning such  
9 proceedings, records, and acts, which are signed by the board  
10 chair, the custodian of such records, or any other person  
11 authorized to make such certification and which are  
12 authenticated by such seal, shall be prima facie evidence of  
13 such proceedings, records, and acts in all courts of this  
14 state.

15 Section 17. Section 475.6147, Florida Statutes, is  
16 created to read:

17 475.6147 Fees.--

18 (1) The board by rule may establish fees to be paid  
19 for application, licensing and renewal, certification and  
20 recertification, reinstatement, and recordmaking and  
21 recordkeeping. The fee for initial application may not exceed  
22 \$150, and the combined cost of the application and examination  
23 may not exceed \$300. The initial license fee and the license  
24 renewal fee may not exceed \$150 for each year of the duration  
25 of the license. The board may also establish by rule a late  
26 renewal penalty. The board shall establish fees which are  
27 adequate to ensure its continued operation. Fees shall be  
28 based on estimates made by the department of the revenue  
29 required to implement this part and other provisions of law  
30 relating to the regulation of real estate appraisers.

31

1           (2) Application and license fees shall be refunded  
2 upon a determination by the board that the state is not  
3 entitled to the fees or that only a portion of the resources  
4 have been expended in the processing of the application or  
5 shall be refunded if for any other reason the application is  
6 not completely processed. The board shall implement this  
7 subsection by rule.

8           Section 18. Section 475.615, Florida Statutes, is  
9 amended to read:

10           475.615 Qualifications for registration, licensure, or  
11 certification.--

12           (1) Any person desiring to act as a registered  
13 assistant appraiser or as a~~licensed~~or certified appraiser  
14 must make application in writing to the department in such  
15 form and detail as the board shall prescribe. Each applicant  
16 must be at least 18 years of age and hold a high school  
17 diploma or its equivalent. At the time of application, a  
18 person must furnish evidence of successful completion of  
19 required education and evidence of required experience, if  
20 any.

21           (2) The board is authorized to waive or modify any  
22 education, experience, or examination requirements established  
23 in this section in order to conform with any such requirements  
24 established by the Appraisal Qualifications Board of the  
25 Appraisal Foundation and recognized by the Appraisal  
26 Subcommittee or any successor body recognized by federal law.

27           (3) Appropriate fees, as set forth in the rules of the  
28 board pursuant to s. 475.6147, and fingerprints for processing  
29 through appropriate law enforcement agencies must accompany  
30 all applications for registration, licensure, and  
31 certification.

1       (4) In the event that the applicant is currently a  
2 registered assistant appraiser or a licensed or certified  
3 appraiser and is making application to obtain a different  
4 status of appraisal licensure, should such application be  
5 received by the department within 180 days prior to through  
6 180 days after the applicant's scheduled renewal, the charge  
7 for the application shall be established by the rules of the  
8 board pursuant to s. 475.6147.

9       ~~(5)~~(4) At the time of filing a notarized application  
10 for registration, licensure, or certification, the applicant  
11 must sign a pledge to comply with the Uniform Standards of  
12 Professional Appraisal Practice upon registration, licensure,  
13 or certification, and must indicate in writing that she or he  
14 understands the types of misconduct for which disciplinary  
15 proceedings may be initiated. The application shall expire 1  
16 year from the date received, if the applicant for  
17 registration, licensure, or certification fails to take the  
18 appropriate examination.

19       ~~(6)~~(5) All applicants must be competent and qualified  
20 to make real estate appraisals with safety to those with whom  
21 they may undertake a relationship of trust and confidence and  
22 the general public. If any applicant has been denied  
23 registration, licensure, or certification, or has been  
24 disbarred, or the applicant's registration, license, or  
25 certificate to practice or conduct any regulated profession,  
26 business, or vocation has been revoked or suspended by this or  
27 any other state, any nation, or any possession or district of  
28 the United States, or any court or lawful agency thereof,  
29 because of any conduct or practices which would have warranted  
30 a like result under this part ~~section~~, or if the applicant has  
31 been guilty of conduct or practices in this state or elsewhere

1 which would have been grounds for disciplining her or his  
2 registration, license, or certification under this part  
3 ~~section~~ had the applicant then been a registered assistant  
4 appraiser or a licensed, or certified appraiser, the  
5 applicant shall be deemed not to be qualified unless, because  
6 of lapse of time and subsequent good conduct and reputation,  
7 or other reason deemed sufficient, it appears to the board  
8 that the interest of the public is not likely to be endangered  
9 by the granting of registration, licensure, or certification.

10 ~~(7)(6)~~ No applicant seeking to become registered,  
11 licensed, or certified under this part section may be rejected  
12 solely by virtue of membership or lack of membership in any  
13 particular appraisal organization.

14 Section 19. Subsections (3) and (4) of section  
15 475.616, Florida Statutes, are amended to read:

16 475.616 Examination requirements.--To be licensed or  
17 certified as an appraiser, the applicant must demonstrate, by  
18 passing a written examination, that she or he possesses:

19 (3) An understanding of the standards for the  
20 development and communication of real estate appraisals as  
21 provided in this part section.

22 (4) An understanding of the types of misconduct for  
23 which disciplinary proceedings may be initiated against a  
24 licensed or certified appraiser, as set forth in this part  
25 section.

26 Section 20. Section 475.617, Florida Statutes, is  
27 amended to read:

28 475.617 Education and experience requirements.--

29 (1) To be registered as an assistant appraiser, an  
30 applicant must present evidence satisfactory to the board that  
31 she or he has successfully completed at least ~~up to~~ 75 hours

1 of approved academic courses in subjects related to real  
2 estate appraisal, which shall include coverage of the Uniform  
3 Standards of Professional Appraisal Practice from a nationally  
4 recognized or state-recognized appraisal organization, area  
5 technical center, accredited community college, college, or  
6 university, state or federal agency or commission, or  
7 proprietary real estate school that holds a permit pursuant to  
8 s. 475.451. A classroom hour is defined as 50 minutes out of  
9 each 60-minute segment. Past courses may be approved on an  
10 hour-for-hour basis.

11 (2) To be licensed as an appraiser, an applicant must  
12 present evidence satisfactory to the board that she or he:

13 (a) Has at least 2 years of experience in real  
14 property appraisal as defined by rule.

15 (b) Has successfully completed at least 75 classroom  
16 hours, inclusive of examination, of approved academic courses  
17 in subjects related to real estate appraisal, which shall  
18 include coverage of the Uniform Standards of Professional  
19 Appraisal Practice from a nationally recognized or  
20 state-recognized appraisal organization, area technical  
21 center, accredited community college, college, or university,  
22 state or federal agency or commission, or proprietary real  
23 estate school that holds a permit pursuant to s. 475.451. A  
24 classroom hour is defined as 50 minutes out of each 60-minute  
25 segment. Past courses may be approved by the board and  
26 substituted on an hour-for-hour basis.

27 (3) To be certified as a residential appraiser, an  
28 applicant must present satisfactory evidence to the board that  
29 she or he:

30 (a) Has at least 2 years of experience in real  
31 property appraisal as defined by rule.

1           (b) Has successfully completed at least 120 ~~up to 165~~  
2 classroom hours, inclusive of examination, of approved  
3 academic courses in subjects related to real estate appraisal,  
4 which shall include coverage of the Uniform Standards of  
5 Professional Appraisal Practice from a nationally recognized  
6 or state-recognized appraisal organization, area technical  
7 center, accredited community college, college, or university,  
8 state or federal agency or commission, or proprietary real  
9 estate school that holds a permit pursuant to s. 475.451. A  
10 classroom hour is defined as 50 minutes out of each 60-minute  
11 segment. Past courses may be approved by the board and  
12 substituted on an hour-for-hour basis.

13           (4) To be certified as a general appraiser, an  
14 applicant must present evidence satisfactory to the board that  
15 she or he:

16           (a) Has at least 2 years of experience in real  
17 property appraisal as defined by rule.

18           (b) Has successfully completed at least 165 classroom  
19 hours, inclusive of examination, of approved academic courses  
20 in subjects related to real estate appraisal, which shall  
21 include coverage of the Uniform Standards of Professional  
22 Appraisal Practice from a nationally recognized or  
23 state-recognized appraisal organization, area technical  
24 center, accredited community college, college, or university,  
25 state or federal agency or commission, or proprietary real  
26 estate school that holds a permit pursuant to s. 475.451. A  
27 classroom hour is defined as 50 minutes out of each 60-minute  
28 segment. Past courses may be approved by the board and  
29 substituted on an hour-for-hour basis.

30           (5) Each applicant must furnish, under oath, a  
31 detailed statement of the experience for each year of

1 experience she or he claims. Upon request, the applicant  
2 shall furnish to the board, for its examination, copies of  
3 appraisal reports or file memoranda to support the claim for  
4 experience.

5 Section 21. Subsection (4) of section 475.618, Florida  
6 Statutes, is amended to read:

7 475.618 Renewal of registration, license,  
8 certification, or instructor permit; continuing education.--

9 (4) At least 60 days prior to the end of the  
10 registration, license, certification, or instructor permit  
11 period, the department shall cause to be mailed a notice of  
12 renewal and possible reversion to the last known address of  
13 the registered assistant ~~registrant~~, licensee,  
14 certificateholder, or permitholder.

15 Section 22. Subsection (2) of section 475.619, Florida  
16 Statutes, is amended to read:

17 475.619 Inactive status.--

18 (2) Any registration, license, or certification which  
19 has been inactive for more than 4 years shall automatically  
20 expire. Once a registration, license, or certification  
21 expires, it becomes null and void without any further action  
22 by the board or department. Two years prior to the expiration  
23 of the registration, license, or certification, the department  
24 shall give notice by mail to the registered assistant  
25 ~~registrant~~, licensee, or certificateholder at her or his last  
26 known address. The board shall prescribe by rule a fee not to  
27 exceed \$100 for the late renewal of an inactive registration,  
28 license, or certification. The department shall collect the  
29 current renewal fee for each renewal period in which the  
30 registration, license, or certification was inactive, in  
31 addition to any applicable late renewal fee.



1           Section 23. Section 475.620, Florida Statutes, is  
2 amended to read:

3           475.620 Corporations and partnerships ineligible for  
4 licensure or certification.--

5           (1) A license or certification may not be issued under  
6 this part ~~section~~ to a corporation, partnership, firm, or  
7 group. However, an appraiser licensed or certified under this  
8 part ~~section~~ may provide an appraisal report for or on behalf  
9 of a corporation, partnership, firm, or group, if the report  
10 is prepared by, or under the personal direction of, such  
11 appraiser and is reviewed and signed by her or him.

12           (2) The term "state-registered assistant appraiser,"  
13 "state-licensed appraiser," or "state-certified appraiser" may  
14 only be used to refer to an individual who is registered,  
15 licensed, or certified under this part ~~section~~ and may not be  
16 used following or immediately in connection with the name or  
17 signature of a corporation, partnership, firm, or group, or in  
18 such manner that it could be interpreted as implying  
19 registration, licensure, or certification under this part  
20 ~~section~~ of a corporation, partnership, firm, or group, or  
21 anyone other than an individual appraiser. Corporations,  
22 partnerships, firms, or groups which employ certified or,  
23 licensed appraisers, or registered assistant appraisers who  
24 provide appraisal reports, as defined by this part ~~section~~,  
25 may represent to the public and advertise that they offer  
26 appraisals performed by registered, licensed, or certified  
27 appraisers.

28           Section 24. Section 475.622, Florida Statutes, is  
29 amended to read:

30           475.622 Display and disclosure of licensure, or  
31 certification, or registration.--

1           (1) Each appraiser registered, licensed, or certified  
2 under this part ~~section~~ shall place her or his registration,  
3 license, or certification number adjacent to or immediately  
4 beneath the designation "state-registered assistant real  
5 estate appraiser," "state-licensed real estate appraiser,"  
6 "state-certified residential real estate appraiser," or  
7 "state-certified general real estate appraiser," or their  
8 appropriate abbreviations as defined by rule, as applicable,  
9 when such term is used in an appraisal report or in a contract  
10 or other instrument used by the appraiser in conducting real  
11 property appraisal activities. The applicable designation  
12 shall be included in any newspaper, telephone directory, or  
13 other advertising medium, as defined by rule, used by the  
14 appraiser.

15           (2) A registered assistant appraiser ~~or, licensed, or~~  
16 certified appraiser may not sign any appraisal report or  
17 communicate same without disclosing in writing that she or he  
18 is a state-registered assistant appraiser ~~or, state-licensed,~~  
19 state-certified residential, or state-certified general  
20 appraiser, as applicable, even if the appraisal performed is  
21 outside of the scope of the appraiser's registration,  
22 licensure, or certification as an appraiser.

23           Section 25. Section 475.623, Florida Statutes, is  
24 amended to read:

25           475.623 Registration of office location.--Each  
26 appraiser registered, licensed, or certified under this part  
27 ~~section~~ shall furnish in writing to the department each  
28 business address from which she or he operates in the  
29 performance of appraisal services. Each appraiser must notify  
30 the department of any change of address within 10 days on a  
31 form provided by the department.

1           Section 26. Section 475.624, Florida Statutes, is  
2 amended to read:  
3           475.624 Discipline.--The board may deny an application  
4 for registration, licensure, or certification; may investigate  
5 the actions of any appraiser registered, licensed, or  
6 certified under this part section; ~~and~~ may reprimand or impose  
7 an administrative fine not to exceed \$5,000 for each count or  
8 separate offense against any such appraiser; and may ~~revoke,~~  
9 or suspend, for a period not to exceed 10 years, the  
10 registration, license, or certification of any such appraiser,  
11 or place any such appraiser on probation, if it finds that the  
12 registered assistant registrant, licensee, or  
13 certificateholder:

14           (1) Has violated any provisions of this part or ~~of~~ s.  
15 455.227(1); however, licensees under this part are exempt from  
16 the provisions of s. 455.227(1)(i).

17           (2) Has been guilty of fraud, misrepresentation,  
18 concealment, false promises, false pretenses, dishonest  
19 conduct, culpable negligence, or breach of trust in any  
20 business transaction in this state or any other state, nation,  
21 or territory; has violated a duty imposed upon her or him by  
22 law or by the terms of a contract, whether written, oral,  
23 express, or implied, in an appraisal assignment; has aided,  
24 assisted, or conspired with any other person engaged in any  
25 such misconduct and in furtherance thereof; or has formed an  
26 intent, design, or scheme to engage in such misconduct and  
27 committed an overt act in furtherance of such intent, design,  
28 or scheme. It is immaterial to the guilt of the registered  
29 assistant registrant, licensee, or certificateholder that the  
30 victim or intended victim of the misconduct has sustained no  
31 damage or loss; that the damage or loss has been settled and

1 paid after discovery of the misconduct; or that such victim or  
2 intended victim was a customer or a person in confidential  
3 relation with the registered assistant ~~registrant~~, licensee,  
4 or certificateholder, or was an identified member of the  
5 general public.

6 (3) Has advertised services in a manner which is  
7 fraudulent, false, deceptive, or misleading in form or  
8 content.

9 (4) Has violated any of the provisions of this section  
10 or any lawful order or rule issued under the provisions of  
11 this section or chapter 455.

12 (5) Has been convicted or found guilty of, or entered  
13 a plea of nolo contendere to, regardless of adjudication, a  
14 crime in any jurisdiction which directly relates to the  
15 activities of a registered assistant appraiser ~~or licensed,~~  
16 or certified appraiser, or which involves moral turpitude or  
17 fraudulent or dishonest conduct. The record of a conviction  
18 certified or authenticated in such form as admissible in  
19 evidence under the laws of the state shall be admissible as  
20 prima facie evidence of such guilt.

21 (6) Has had a registration, license, or certification  
22 as an appraiser revoked, suspended, or otherwise acted  
23 against, or has been disbarred, or has had her or his  
24 registration, license, or certificate to practice or conduct  
25 any regulated profession, business, or vocation revoked or  
26 suspended by this or any other state, any nation, or any  
27 possession or district of the United States, or has had an  
28 application for such registration, licensure, or certification  
29 to practice or conduct any regulated profession, business, or  
30 vocation denied by this or any other state, any nation, or any  
31 possession or district of the United States.

1           (7) Has become temporarily incapacitated from acting  
2 as an appraiser with safety to those in a fiduciary  
3 relationship with her or him because of drunkenness, use of  
4 drugs, or temporary mental derangement; however, suspension of  
5 a license,~~or~~ certification, or registration in such cases  
6 shall only be for the period of such incapacity.

7           (8) Is confined in any county jail, postadjudication;  
8 is confined in any state or federal prison or mental  
9 institution; or, through mental disease or deterioration, can  
10 no longer safely be entrusted to deal with the public or in a  
11 confidential capacity.

12           (9) Has failed to inform the board in writing within  
13 30 days after pleading guilty or nolo contendere to, or being  
14 convicted or found guilty of, any felony.

15           (10) Has been found guilty, for a second time, of any  
16 misconduct that warrants disciplinary action, or has been  
17 found guilty of a course of conduct or practice which shows  
18 that she or he is incompetent, negligent, dishonest, or  
19 untruthful to an extent that those with whom she or he may  
20 sustain a confidential relationship may not safely do so.

21           (11) Has made or filed a report or record, either  
22 written or oral, which the registered assistant, licensee, or  
23 certificateholder knows to be false; has willfully failed to  
24 file a report or record required by state or federal law; has  
25 willfully impeded or obstructed such filing, or has induced  
26 another person to impede or obstruct such filing. However,  
27 such reports or records shall include only those which are  
28 signed or presented in the capacity of a registered assistant  
29 appraiser or licensed or certified appraiser.

30           (12) Has obtained or attempted to obtain a  
31 registration, license, or certification by means of knowingly

1 making a false statement, submitting false information,  
2 refusing to provide complete information in response to an  
3 application question, or engaging in fraud, misrepresentation,  
4 or concealment.

5 (13) Has paid money or other valuable consideration,  
6 except as required by this section, to any member or employee  
7 of the board to obtain a registration, license, or  
8 certification under this section.

9 (14) Has violated any standard for the development or  
10 communication of a real estate appraisal or other provision of  
11 the Uniform Standards of Professional Appraisal Practice.

12 (15) Has failed or refused to exercise reasonable  
13 diligence in developing an appraisal or preparing an appraisal  
14 report.

15 (16) Has failed to communicate an appraisal without  
16 good cause.

17 (17) Has accepted an appraisal assignment if the  
18 employment itself is contingent upon the appraiser reporting a  
19 predetermined result, analysis, or opinion, or if the fee to  
20 be paid for the performance of the appraisal assignment is  
21 contingent upon the opinion, conclusion, or valuation reached  
22 upon the consequences resulting from the appraisal assignment.

23 (18) Has failed to timely notify the department of any  
24 change in business location, or has failed to fully disclose  
25 all business locations from which she or he operates as a  
26 registered assistant real estate appraiser or licensed or  
27 certified real estate appraiser.

28 Section 27. Paragraph (a) of subsection (1) of section  
29 475.626, Florida Statutes, is amended to read:

30 475.626 Violations and penalties.--

31 (1) VIOLATIONS.--

1 (a) No person shall operate or attempt to operate as a  
2 registered assistant appraiser or ~~licensed~~ or certified  
3 appraiser without being the holder of a valid and current  
4 registration, license, or certification.

5 Section 28. Subsections (1) and (2) of section  
6 475.627, Florida Statutes, are amended to read:

7 475.627 Appraisal course instructors.--

8 (1) Where the course or courses to be taught are  
9 prescribed by the board or approved precedent to registration,  
10 licensure, certification, or renewal as a registered assistant  
11 appraiser, licensed appraiser, or certified residential  
12 appraiser, before commencing to instruct noncredit college  
13 courses in a college, university, or community college, or  
14 courses in an area technical center or proprietary real estate  
15 school, a person must certify her or his competency by meeting  
16 one of the following requirements:

17 (a) Hold a valid certification as a residential real  
18 estate appraiser in this or any other state.

19 (b) Pass an appraiser instructor's examination which  
20 shall test knowledge of residential appraisal topics.

21 (2) Where the course or courses to be taught are  
22 prescribed by the board or approved precedent to registration,  
23 licensure, certification, or renewal as a registered assistant  
24 appraiser, licensed appraiser, or certified appraiser, before  
25 commencing to instruct noncredit college courses in a college,  
26 university, or community college, or courses in an area  
27 technical center or proprietary real estate school, a person  
28 must certify her or his competency by meeting one of the  
29 following requirements:

30 (a) Hold a valid certification as a general real  
31 estate appraiser in this or any other state.

1 (b) Pass an appraiser instructor's examination which  
2 shall test knowledge of residential and nonresidential  
3 appraisal topics.

4 Section 29. Section 475.628, Florida Statutes, is  
5 amended to read:

6 475.628 Professional standards for ~~licensed and~~  
7 ~~certified~~ appraisers registered, licensed, or certified under  
8 this part.--Each appraiser registered, licensed, or certified  
9 under this part ~~section~~ shall comply with the Uniform  
10 Standards of Professional Appraisal Practice. Statements on  
11 appraisal standards which may be issued for the purpose of  
12 clarification, interpretation, explanation, or elaboration  
13 through the Appraisal Foundation shall also be binding on any  
14 appraiser registered, licensed, or certified under this part  
15 ~~section~~.

16 Section 30. Section 475.629, Florida Statutes, is  
17 amended to read:

18 475.629 Retention of records.--An appraiser  
19 registered, licensed, or certified under this part ~~section~~  
20 shall retain, for at least 5 years, original or true copies of  
21 any contracts engaging the appraiser's services, appraisal  
22 reports, and supporting data assembled and formulated by the  
23 appraiser in preparing appraisal reports. The period for  
24 retention of the records applicable to each engagement of the  
25 services of the appraiser runs from the date of the submission  
26 of the appraisal report to the client. These records must be  
27 made available by the appraiser for inspection and copying by  
28 the department on reasonable notice to the appraiser. If an  
29 appraisal has been the subject of or has served as evidence  
30 for litigation, reports and records must be retained for at  
31 least 2 years after the trial.



1           Section 31. Section 475.6295, Florida Statutes, is  
2 created to read:

3           475.6295 Authority to inspect.--Duly authorized agents  
4 and employees of the department shall have the power to  
5 inspect in a lawful manner at all reasonable hours any  
6 appraiser or appraisal office licensed under this chapter, for  
7 the purpose of determining if any of the provisions of this  
8 chapter, chapter 455, or any rule promulgated under authority  
9 of either chapter is being violated.

10           Section 32. Paragraph (c) of subsection (2) of section  
11 475.630, Florida Statutes, is amended to read:

12           475.630 Temporary practice.--

13           (2) In order to register with the board, the appraiser  
14 must:

15           (c) Agree in writing to cooperate with any  
16 investigation initiated under this part ~~section~~ by promptly  
17 supplying such documents that any authorized representative of  
18 the department may request. If the department sends a notice  
19 by certified mail to the last known address of a nonresident  
20 appraiser to produce documents or to appear in conjunction  
21 with an investigation and the nonresident appraiser fails to  
22 comply with that request, the board may impose on that  
23 nonresident appraiser any disciplinary action or penalty  
24 authorized under this part ~~section~~.

25           Section 33. Section 553.991, Florida Statutes, is  
26 amended to read:

27           553.991 Purpose.--The purpose of this part is to  
28 provide for a statewide uniform system for rating the energy  
29 efficiency of buildings ~~and to ensure that those ratings are~~  
30 ~~disclosed to prospective purchasers at their request.~~ It is  
31 in the interest of the state to encourage the consideration of

1 the energy-efficiency rating system in the market so as to  
2 provide market rewards for energy-efficient buildings and to  
3 those persons or companies designing, building, or selling  
4 energy-efficient buildings.

5 Section 34. Section 553.994, Florida Statutes, is  
6 amended to read:

7 553.994 Applicability.--The rating system shall apply  
8 to all public, commercial, and ~~existing~~ residential buildings  
9 in the state, ~~and may be applied to new residential buildings,~~  
10 ~~except as identified by the department by rule in accordance~~  
11 ~~with the procedures of chapter 120, according to the following~~  
12 ~~schedule:~~

13 ~~(1) For new residential buildings, by January 1, 1994.~~

14 ~~(2) For existing residential buildings, by January 1,~~  
15 ~~1995.~~

16 ~~(3) For new public buildings, by January 1, 1994.~~

17 ~~(4) For existing public buildings, by July 1, 1994.~~

18 ~~(5) For new commercial buildings, by January 1, 1995.~~

19 ~~(6) For existing commercial buildings, by January 1,~~  
20 ~~1996.~~

21 Section 35. Section 553.996, Florida Statutes, is  
22 amended to read:

23 553.996 Energy-efficiency ~~rating disclosure~~  
24 information brochure.--

25 ~~(1)(a) In accordance with the schedules in s. 553.994,~~  
26 ~~the prospective purchaser of real property with a building for~~  
27 ~~occupancy located thereon shall be provided written~~  
28 ~~notification that the purchaser may have the building's~~  
29 ~~energy-efficiency rating determined. Such notice shall be~~  
30 ~~provided at the time of, or prior to, the purchaser's~~  
31 ~~execution of the contract for sale and purchase.~~

1           ~~(b) The energy-efficiency rating of a residential or~~  
2 ~~commercial building shall be provided upon request of the~~  
3 ~~prospective purchaser, in writing, at the time of, or prior~~  
4 ~~to, the purchaser's execution of the contract for sale and~~  
5 ~~purchase.~~

6           (2) A prospective purchaser of real property with a  
7 building for occupancy located thereon ~~Concurrent with the~~  
8 ~~provisions of subsection (1), the prospective purchaser shall~~  
9 ~~be provided with a copy of an information brochure, at the~~  
10 time of or prior to the purchaser's execution of the contract  
11 for sale and purchase, notifying the purchaser of the option  
12 for an energy-efficiency rating on the building. Such brochure  
13 shall be prepared, made available for distribution, and  
14 ~~provided at no cost by the department. Such brochure shall~~  
15 ~~contain information relevant to that class of building,~~  
16 ~~including, but not limited to:~~

17           (1)(a) How to analyze the building's energy-efficiency  
18 rating.

19           (2)(b) Comparisons to statewide averages for new and  
20 existing construction of that class.

21           (3)(c) Information concerning methods to improve the  
22 building's energy-efficiency rating.

23           (4)(d) A notice to residential purchasers that the  
24 energy-efficiency rating may qualify the purchaser for an  
25 energy-efficient mortgage from lending institutions.

26           Section 36. This act shall take effect July 1 of the  
27 year in which enacted.

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HOUSE SUMMARY

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4 Amends and creates various provisions of law relating to  
5 real estate transactions. Provides registration and  
6 licensing requirements for additional business entities  
7 and eliminates a conflicting provision relating to  
8 automatic cancellation of the registration of a real  
9 estate broker partnership. Provides additional  
10 requirements for licensure as a real estate broker.  
11 Revises the period after which involuntarily inactive  
12 licenses expire, and revises the time for the required  
13 notice to the licensee. Increases the administrative fine  
14 and revises a ground for disciplinary action to exempt  
15 licensees from the reporting of certain violators.  
16 Provides that violations of certain standards of the  
17 Appraisal Foundation are grounds for the Florida Real  
18 Estate Commission to deny, revoke, or suspend the license  
19 of, or to fine, real estate brokers or salespersons.  
20 Deletes a provision that restricts a real estate licensee  
21 to operating as a single agent or as a transaction  
22 broker. Revises provisions relating to disclosure of  
23 authorized brokerage relationships and the corresponding  
24 duties of real estate licensees. Revises provisions  
25 relating to the permitting of instructors for proprietary  
26 real estate schools or state institutions, provides  
27 permit renewal requirements, and revises references  
28 relating to examinations. Provides requirements  
29 applicable to advance expenses, commissions, or fees for  
30 brokers auctioning real property. Provides applicability  
31 with respect to a conflict with federal law in the  
disciplining of certain licensees against whom a judgment  
has been paid from the Real Estate Recovery Fund. Grants  
the department authority to inspect and audit brokers and  
brokerage offices.

Redesignates registered appraisers as registered  
assistant appraisers. Provides for a seal for the Florida  
Real Estate Appraisal Board to authenticate its  
proceedings, records, and acts. Provides a separate  
section relating to establishment of fees applicable to  
the regulation of real estate appraisers. Revises  
provisions relating to qualifications for registration,  
licensure, or certification of appraisers. Provides for a  
charge for application for a change in status of  
appraisal licensure. Revises continuing education and  
experience requirements for real estate appraisers.  
Revises a ground for disciplinary action to exempt  
licensees from the reporting of certain violators. Grants  
the department authority to inspect appraisers and  
appraisal offices.

Limits the purpose of the "Florida Building  
Energy-Efficiency Rating Act" to providing for a  
statewide uniform system for rating the energy efficiency  
of buildings. Deletes the schedule for phasing in the  
rating system. Requires provision of an information  
brochure to prospective purchasers of certain real

190-901B-98

1 | property. Deletes a provision authorizing such  
2 | prospective purchasers to receive a rating on the  
3 | property upon request.  
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