

By the Committees on Real Property & Probate, 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.
3 475.01, F.S.; revising definitions; amending s.
4 475.15, F.S.; providing registration and
5 licensing requirements for additional business
6 entities; eliminating a conflicting provision
7 relating to automatic cancellation of the
8 registration of a real estate broker
9 partnership; amending s. 475.17, F.S.;
10 providing additional requirements for licensure
11 as a real estate broker; amending s. 475.183,
12 F.S.; revising the period after which
13 involuntarily inactive licenses expire;
14 revising the time for the required notice to
15 the licensee; amending s. 475.25, F.S.;
16 revising a ground for disciplinary action to
17 exempt 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 s. 475.482(1), F.S., relating to
24 recovery from the Real Estate Recovery Fund, to
25 incorporate the amendment to s. 475.25, F.S.,
26 in a reference thereto; amending s. 475.272,
27 F.S.; deleting a provision that restricts a
28 real estate licensee to operating as a single
29 agent or as a transaction broker; amending s.
30 475.278, F.S.; revising provisions relating to
31 disclosure of authorized brokerage

1 relationships and the corresponding duties of
2 real estate licensees; creating s. 475.279,
3 F.S.; providing for the acceptance of facsimile
4 signatures or writing; amending s. 475.451,
5 F.S.; revising provisions relating to the
6 permitting of instructors for proprietary real
7 estate schools or state institutions; providing
8 permit renewal requirements; revising
9 references relating to examinations; amending
10 s. 475.452, F.S.; providing requirements
11 applicable to advance expenses, commissions, or
12 fees for brokers auctioning real property;
13 amending s. 475.484, F.S.; providing
14 applicability with respect to a conflict with
15 federal law in the disciplining of certain
16 licensees against whom a judgment has been paid
17 from the Real Estate Recovery Fund; creating s.
18 475.5016, F.S.; granting the department
19 authority to inspect and audit brokers and
20 brokerage offices; amending ss. 475.611 and
21 475.612, F.S.; redesignating registered
22 appraisers as registered assistant appraisers;
23 amending ss. 475.011, 475.616, 475.618,
24 475.619, 475.620, 475.622, 475.623, 475.626,
25 475.627, 475.628, 475.629, and 475.630, F.S.,
26 to conform and correct references; creating s.
27 475.6145, F.S.; providing for a seal for the
28 Florida Real Estate Appraisal Board to
29 authenticate its proceedings, records, and
30 acts; creating s. 475.6147, F.S.; providing a
31 separate section relating to establishment of

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

28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

1 Section 1. Paragraphs (a) and (g) of subsection (1) of
2 section 475.01, Florida Statutes, are amended to read:
3 475.01 Definitions.--
4 (1) As used in this part:
5 (a) "Broker" means a person who, for another, and for
6 a compensation or valuable consideration directly or
7 indirectly paid or promised, expressly or impliedly, or with
8 an intent to collect or receive a compensation or valuable
9 consideration therefor, appraises, auctions, sells, exchanges,
10 buys, rents, or offers, attempts or agrees to appraise,
11 auction, or negotiate the sale, exchange, purchase, or rental
12 of business enterprises or business opportunities or any real
13 property or any interest in or concerning the same, including
14 mineral rights or leases, or who advertises or holds out to
15 the public by any oral or printed solicitation or
16 representation that she or he is engaged in the business of
17 appraising, auctioning, buying, selling, exchanging, leasing,
18 or renting business enterprises or business opportunities or
19 real property of others or interests therein, including
20 mineral rights, or who takes any part in the procuring of
21 sellers, purchasers, lessors, or lessees of business
22 enterprises or business opportunities or the real property of
23 another, or leases, or interest therein, including mineral
24 rights, or who directs or assists in the procuring of
25 prospects or in the negotiation or closing of any transaction
26 which does, or is calculated to, result in a sale, exchange,
27 or leasing thereof, and who receives, expects, or is promised
28 any compensation or valuable consideration, directly or
29 indirectly therefor; and all persons who advertise rental
30 property information or lists. A broker renders a
31 professional service and is a professional within the meaning

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

14 (g) "First contact" means at the commencement of the
15 initial meeting of or communication between a licensee and a
16 seller or buyer; however, the term does not include:

17 1. A bona fide "open house" or model home showing that
18 does not involve eliciting confidential information; the
19 execution of a contractual offer or an agreement for
20 representation; or negotiations concerning price, terms, or
21 conditions of a potential sale;

22 2. Unanticipated casual encounters between a licensee
23 and a seller or buyer that do not involve eliciting
24 confidential information; the execution of a contractual offer
25 or an agreement for representation; or negotiations concerning
26 price, terms, or conditions of a potential sale;

27 3. Responding to general factual questions from a
28 prospective buyer or seller concerning properties that have
29 been advertised for sale; ~~or~~

30 4. Situations in which a licensee's communications
31 with a customer are limited to providing general factual

1 information, oral or written, about the qualifications,
2 background, and services of the licensee or the licensee's
3 brokerage firm; or

4 5. Sales of new construction by the owner of the
5 property or the owner's agents.

6
7 In any of the situations described in subparagraphs 1.-5.
8 ~~1.-4.~~, "first contact" occurs when the communications between
9 the licensee and the prospective seller or buyer proceed in
10 any way beyond the conditions or limitations described in
11 subparagraphs 1.-5.1.-4.

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

14 475.011 Exemptions.--This part does not apply to:

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

18 Section 3. Section 475.15, Florida Statutes, is
19 amended to read:

20 475.15 Registration and licensing of general partners,
21 members, officers, and directors of a firm.--Each partnership,
22 limited liability partnership, limited liability company, or
23 corporation which acts as a broker shall register with the
24 commission and shall renew the licenses or registrations of
25 its members, officers, and directors for each license period.
26 ~~The registration of a partnership is canceled automatically~~
27 ~~during any period of time that the license or registration of~~
28 ~~any one or more of its partners is not in force.~~ However, if
29 the partnership is a limited partnership, only the general
30 partners must be licensed brokers or brokerage corporations
31 registered pursuant to this part. If the license or

1 registration of at least one active broker member is not in
2 force, the registration of a corporation, limited liability
3 company, limited liability partnership, or partnership is
4 canceled automatically during that period of time.

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

7 475.17 Qualifications for practice.--

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

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

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

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

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

18
19 This paragraph does not apply to a person employed as a real
20 estate investigator by the Division of Real Estate, provided
21 the person has been employed as a real estate investigator for
22 at least 24 months. The person must be currently employed as a
23 real estate investigator to sit for the real estate broker's
24 examination and have held a valid and current salesperson's
25 license for at least 12 months.

26 (c) A person who has been licensed as a real estate
27 salesperson in Florida during the preceding 5 years may not be
28 licensed as a real estate broker unless, in addition to the
29 other requirements of law, she or he has completed the
30 salesperson postlicensure educational requirements, if these
31

1 requirements have been prescribed by the commission pursuant
2 to paragraph (3)(a).

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

5 475.183 Inactive status.--

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

17 Section 6. Paragraph (a) of subsection (1) of section
18 475.25, Florida Statutes, is amended, and paragraph (t) is
19 added to said subsection, to read:

20 475.25 Discipline.--

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

30
31

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 (t) Has violated any standard for the development or
5 communication of a real estate appraisal or other provision of
6 the Uniform Standards of Professional Appraisal Practice, as
7 defined in s. 475.611, as approved and adopted by the
8 Appraisal Standards Board of the Appraisal Foundation, as
9 defined in s. 475.611. This paragraph does not apply to a real
10 estate broker or salesperson who, in the ordinary course of
11 business, performs a comparative market analysis. However, in
12 no event may this comparative market analysis be referred to
13 as an appraisal, as defined in s. 475.611.

14 Section 7. For the purpose of incorporating the
15 amendment to section 475.25, Florida Statutes, in a reference
16 thereto, subsection (1) of section 475.482, Florida Statutes,
17 is reenacted to read:

18 475.482 Real Estate Recovery Fund.--There is created
19 the Florida Real Estate Recovery Fund as a separate account in
20 the Professional Regulation Trust Fund.

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

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

1 (b) Was neither the seller, buyer, landlord, or tenant
2 in the transaction nor an officer or a director of a
3 corporation or a member of a partnership which was the seller,
4 buyer, landlord, or tenant in the transaction; and

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

7

8 provided the act was a violation proscribed in s. 475.25 or s.
9 475.42.

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

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

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

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

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

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

1 (4)~~(5)~~ Single agents may represent either a buyer or a
2 seller, but not both, in a real estate transaction; and
3 (5)~~(6)~~ Transaction brokers provide a limited form of
4 nonfiduciary representation to a buyer, a seller, or both in a
5 real estate transaction.

6 Section 9. Section 475.278, Florida Statutes, is
7 amended to read:

8 475.278 Authorized brokerage relationships; required
9 disclosures.--

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

26 (2) TRANSACTION BROKER RELATIONSHIP.--

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

1 real estate licensee in this limited form of representation
2 include the following:

- 3 1. Dealing honestly and fairly;
- 4 2. Accounting for all funds;
- 5 3. Using skill, care, and diligence in the
6 transaction;
- 7 4. Disclosing all known facts that materially affect
8 the value of residential real property and are not readily
9 observable to the buyer;
- 10 5. Presenting all offers and counteroffers in a timely
11 manner, unless a party has previously directed the licensee
12 otherwise in writing;
- 13 6. Limited confidentiality, unless waived in writing
14 by a party. This limited confidentiality will prevent
15 disclosure that the seller will accept a price less than the
16 asking or listed price, that the buyer will pay a price
17 greater than the price submitted in a written offer, of the
18 motivation of any party for selling or buying property, that a
19 seller or buyer will agree to financing terms other than those
20 offered, or of any other information requested by a party to
21 remain confidential; and
- 22 7. Any additional duties that are mutually agreed to
23 with a party.

24 (b) Disclosure requirements.--Duties of a transaction
25 broker must be fully described and disclosed in writing to a
26 buyer or seller either as a separate and distinct disclosure
27 document or included as part of another document such as a
28 listing agreement or agreement for representation. The
29 disclosure must be made before, or at the time of, entering
30 into a listing agreement or an agreement for representation.
31 When incorporated into other documents, the required notice

1 must be of the same size type, or larger, as other provisions
2 of the document and must be conspicuous in its placement so as
3 to advise customers of the duties of limited representation,
4 except that the first sentence of the information identified
5 in paragraph (c) must be printed in uppercase and bold type.

6 (c) Contents of disclosure.--The required notice given
7 under paragraph (b) must include the following information in
8 the following form:

9

10 TRANSACTION BROKER NOTICE

11

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

15

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

19

1. Dealing honestly and fairly;

20

2. Accounting for all funds;

21

3. Using skill, care, and diligence in the

22

transaction;

23

4. Disclosing all known facts that materially affect

24

the value of residential real property and are not readily

25

observable to the buyer;

26

5. Presenting all offers and counteroffers in a timely

27

manner, unless a party has previously directed the licensee

28

otherwise in writing;

29

6. Limited confidentiality, unless waived in writing

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by a party. This limited confidentiality will prevent

31

disclosure that the seller will accept a price less than the

1 asking or listed price, that the buyer will pay a price
 2 greater than the price submitted in a written offer, of the
 3 motivation of any party for selling or buying property, that a
 4 seller or buyer will agree to financing terms other than those
 5 offered, or of any other information requested by a party to
 6 remain confidential; and

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

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

18
 19
 20
 21 Date Signature

22
 23
 24 Signature

25 (3) SINGLE AGENT RELATIONSHIP.--

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

- 29 1. Dealing honestly and fairly;
- 30 2. Loyalty;
- 31 3. Confidentiality;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

- 1 4. Obedience;
- 2 5. Full disclosure;
- 3 6. Accounting for all funds;
- 4 7. Skill, care, and diligence in the transaction; ~~and~~
- 5 8. Presenting all offers and counteroffers in a timely
- 6 manner, unless a party has previously directed the licensee
- 7 otherwise in writing; ~~and~~
- 8 9. Disclosing all known facts that materially affect
- 9 the value of residential real property and are not readily
- 10 observable.
- 11 (b) Disclosure requirements.--
- 12 1. Single agent disclosure.--Duties of a single agent
- 13 must be fully described and disclosed in writing to a buyer or
- 14 seller either as a separate and distinct disclosure document
- 15 or included as part of another document such as a listing
- 16 agreement or other agreement for representation. The
- 17 disclosure must be made before, or at the time of, entering
- 18 into a listing agreement or an agreement for representation.
- 19 When incorporated into other documents, the required notice
- 20 must be of the same size type, or larger, as other provisions
- 21 of the document and must be conspicuous in its placement so as
- 22 to advise customers of the duties of a single agent, except
- 23 that the first sentence of the information identified in
- 24 paragraph (c) must be printed in uppercase and bold type.
- 25 2. Transition to transaction broker disclosure.--A
- 26 single agent relationship may be changed to a transaction
- 27 broker relationship at any time during the relationship
- 28 between an agent and principal, provided the agent gives the
- 29 disclosure required under paragraph (2)(b) and the principal
- 30 gives to the agent consent as required under subparagraph
- 31 (c)2. before a change in relationship. This disclosure must be

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

11 (c) Contents of disclosure.--

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

15

16 SINGLE AGENT NOTICE

17

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

20

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

24

1. Dealing honestly and fairly;

25

2. Loyalty;

26

3. Confidentiality;

27

4. Obedience;

28

5. Full disclosure;

29

6. Accounting for all funds;

30

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

31

1 8. Presenting all offers and counteroffers in a timely
2 manner, unless a party has previously directed the licensee
3 otherwise in writing; and-

4 9. Disclosing all known facts that materially affect
5 the value of residential real property and are not readily
6 observable.

7

8

9

.....

10 Date

Signature

11

12 2. Transition disclosure.--The notice required under
13 subparagraph (b)2. must include the following information in
14 the following form as well as the information required in
15 paragraph (2)(c):

16

17 CONSENT TO TRANSITION TO TRANSACTION BROKER

18

19 FLORIDA LAW ALLOWS REAL ESTATE LICENSEES WHO REPRESENT A BUYER
20 OR SELLER AS A SINGLE AGENT TO CHANGE FROM A SINGLE AGENT
21 RELATIONSHIP TO A TRANSACTION BROKERAGE RELATIONSHIP IN ORDER
22 FOR THE LICENSEE TO ASSIST BOTH PARTIES IN A REAL ESTATE
23 TRANSACTION BY PROVIDING A LIMITED FORM OF REPRESENTATION TO
24 BOTH THE BUYER AND THE SELLER. THIS CHANGE IN RELATIONSHIP
25 CANNOT OCCUR WITHOUT YOUR PRIOR WRITTEN CONSENT.

26

27 I agree that my agent may assume the role and duties
28 of a transaction broker. [must be initialed or signed]

29

30

31

1 (4) NO BROKERAGE RELATIONSHIP - DUTIES.--A real estate
2 licensee owes to a customer with whom the licensee has no
3 brokerage relationship the following duties:

4 (a) Dealing honestly and fairly;

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

8 (c) Accounting for all funds entrusted to the
9 licensee.

10 Section 10. Section 475.279, Florida Statutes, is
11 created to read:

12 475.279 Facsimile signatures or writing
13 accepted.--When any act performed under this part must be
14 performed in writing or acknowledged with a signature, the
15 provision of an instrument or writing by electronic means or
16 facsimile, including a signature transmitted by electronic
17 means or facsimile, is binding and sufficient.

18 Section 11. Section 475.451, Florida Statutes, is
19 amended to read:

20 475.451 Schools teaching real estate practice.--

21 (1) Each person, school, or institution, except
22 approved and accredited colleges, universities, community
23 colleges, and area technical centers in this state, which
24 offers or conducts any course of study in real estate
25 practice, teaches any course prescribed by the commission as a
26 condition precedent to licensure or renewal of licensure as a
27 broker or salesperson, or teaches any course designed or
28 represented to enable or assist applicants for licensure as
29 brokers or salespersons to pass examinations for such
30 licensure ~~conducted by the department~~ shall, before commencing
31 or continuing further to offer or conduct such course or

1 courses, obtain a permit from the department and abide by the
2 regulations imposed upon such person, school, or institution
3 by this chapter and rules of the commission adopted pursuant
4 to this chapter. The exemption for colleges, universities,
5 community colleges, and area technical centers is limited to
6 transferable college credit courses offered by such
7 institutions.

8 (2) An applicant for a permit to operate a proprietary
9 real estate school, to be a chief administrator of a
10 proprietary real estate school or a state institution, or to
11 be an instructor for a proprietary real estate school or a
12 state institution must meet the qualifications for practice
13 set forth in s. 475.17(1) and the following minimal
14 requirements:

15 (a) "School permitholder" means the ~~is defined as that~~
16 individual who is responsible for directing the overall
17 operation of a proprietary real estate school. A school
18 permitholder ~~she or he~~ must be the holder of a license as a
19 broker, either active or voluntarily inactive, or must have
20 passed an instructor's examination approved by the commission
21 ~~administered by the department~~. A school permitholder must
22 also meet the requirements of a school instructor if ~~she or he~~
23 ~~is~~ actively engaged in teaching.

24 (b) "Chief administrative person" means the ~~is defined~~
25 ~~as that~~ individual who is responsible for the administration
26 of the overall policies and practices of the institution or
27 proprietary real estate school. A chief administrative person
28 ~~she or he~~ must also meet the requirements of a school
29 instructor if ~~she or he is~~ actively engaged in teaching.

30 (c) "School instructor" means an ~~is defined as that~~
31 individual who ~~actively~~ instructs persons in the classroom in

1 noncredit college courses in a college, university, or
2 community college or courses in an area technical center or
3 proprietary real estate school.
4 1. Before commencing to provide such instruction, the
5 applicant instruct noncredit college courses in a college,
6 university, or community college, or courses in an area
7 technical center or proprietary real estate school, she or he
8 must certify the applicant's her or his competency and obtain
9 an instructor permit by meeting one of the following
10 requirements:
11 a. Hold a bachelor's degree in a business-related
12 subject, such as real estate, finance, accounting, business
13 administration, or its equivalent and hold a valid broker's
14 license in this state.
15 b. Hold a bachelor's degree, have extensive real
16 estate experience, as defined by rule, and hold a valid
17 broker's license in this state.
18 c. Pass an instructor's examination approved by the
19 commission administered by the Division of Real Estate.
20 2. Any requirement by the commission for a teaching
21 demonstration or practical examination must apply to all
22 school instructor applicants.
23 3. The department shall renew an instructor permit
24 upon receipt of a renewal application and fee. The renewal
25 application shall include proof that the permitholder has,
26 since the issuance or renewal of the current permit, Every
27 second year, each instructor must recertify her or his
28 competency by presenting to the commission evidence of her or
29 his having successfully completed a minimum of 15 classroom
30 hours of instruction in real estate subjects or instructional
31 techniques, as prescribed by the commission. The commission

1 shall adopt rules providing for the renewal of instructor
2 permits at least every 2 years. Any permit which is not
3 renewed at the end of the permit period established by the
4 department shall automatically revert to involuntarily
5 inactive status.

6
7 The department may require an applicant to submit names of
8 persons having knowledge concerning the applicant and the
9 enterprise; may propound interrogatories to such persons and
10 to the applicant concerning the character of the applicant,
11 including the taking of fingerprints for processing through
12 the Federal Bureau of Investigation; and shall make such
13 investigation of the applicant or the school or institution as
14 it may deem necessary to the granting of the permit. If an
15 objection is filed, it shall be considered in the same manner
16 as objections or administrative complaints against other
17 applicants for licensure by the department.

18 (3) It is unlawful for any person, school, or
19 institution to offer the courses described in subsection (1)
20 or to conduct classes in such courses, regardless of the
21 number of pupils, whether by correspondence or otherwise,
22 without first procuring a permit, or to guarantee that its
23 pupils will pass any examinations required for licensure ~~given~~
24 ~~by the department~~, or to represent that the issuance of a
25 permit is any recommendation or endorsement of the person,
26 school, or institution to which it is issued or of any course
27 of instruction given thereunder.

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

31

1 (5) The location of classes and frequency of class
2 meetings shall be in the discretion of the school offering
3 real estate courses, so long as such courses conform to s.
4 475.17(2).

5 (6) Any course prescribed by the commission as a
6 condition precedent to any person's becoming initially
7 licensed as a salesperson may be taught in any real estate
8 school through the use of a video tape of instruction by a
9 currently permitted ~~licensed~~ instructor from any such school.
10 The commission may require that any such video tape course
11 have a single session of live instruction by a currently
12 permitted ~~licensed~~ instructor from any such school; however,
13 this requirement shall not exceed 3 classroom hours. All
14 other prescribed courses, except the continuing education
15 course required by s. 475.182, shall be taught by a currently
16 permitted ~~licensed~~ school instructor personally in attendance
17 at such course. The continuing education course required by
18 s. 475.182 may be taught by an equivalent correspondence
19 course; however, any such course of correspondence shall be
20 required to have a final examination, prepared and
21 administered by the school issuing the correspondence course.
22 The continuing education requirements provided in this section
23 or provided in any other section in this chapter do not apply
24 with respect to any attorney who is otherwise qualified under
25 the provisions of this chapter.

26 (7) Any person holding a school instructor permit on
27 October 1, 1983, is exempt from the instructor examination
28 requirements of paragraph (2)(c) as long as the person
29 continuously holds such a permit and complies with all other
30 requirements of this chapter.
31

1 (8) A permitholder ~~under pursuant to~~ this section may
2 be issued additional permits whenever it is clearly shown that
3 the requested additional permits are necessary to the conduct
4 of the business of a real estate school and that the
5 additional permits will not be used in a manner likely to be
6 prejudicial to any person, including a licensee or a
7 permitholder under this chapter.

8 Section 12. Subsection (6) is added to section
9 475.452, Florida Statutes, to read:

10 475.452 Advance fees; deposit; accounting; penalty;
11 damages.--

12 (6) This section does not apply to a real estate
13 broker auctioning real property if in advance of the auction
14 the broker and seller have entered into a written agreement
15 specifically providing for anticipated expenses to be incurred
16 and paid. However, any trust funds received by the broker in
17 advance of the auction may not be disbursed or otherwise used
18 as an advance commission or fee for services without first
19 having complied with the provisions of this subsection.

20 Section 13. Subsection (7) of section 475.484, Florida
21 Statutes, is amended to read:

22 475.484 Payment from the fund.--

23 (7) Upon the payment of any amount from the Real
24 Estate Recovery Fund in settlement of a claim in satisfaction
25 of a judgment against a broker or salesperson as described in
26 s. 475.482(1), the license of such broker or salesperson shall
27 be automatically suspended upon the date of payment from the
28 fund. The license of such broker or salesperson may not be
29 reinstated until the licensee has repaid in full, plus
30 interest, the amount paid from the fund. No further
31 administrative action is necessary. A discharge of bankruptcy

1 does not relieve a licensee from the penalties and
2 disabilities provided in this section, except to the extent
3 that this subsection conflicts with 11 U.S.C. s. 525, in which
4 case the commission may order the license not to be suspended
5 or otherwise discriminated against.

6 Section 14. Section 475.5016, Florida Statutes, is
7 created to read:

8 475.5016 Authority to inspect and audit.--Duly
9 authorized agents and employees of the department shall have
10 the power to inspect and audit in a lawful manner at all
11 reasonable hours any broker or brokerage office licensed under
12 this chapter, for the purpose of determining if any of the
13 provisions of this chapter, chapter 455, or any rule
14 promulgated under authority of either chapter is being
15 violated.

16 Section 15. Paragraphs (a), (e), and (1) of subsection
17 (1) and subsection (2) of section 475.611, Florida Statutes,
18 are amended to read:

19 475.611 Definitions.--

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

21 (a) "Appraisal" or "appraisal services" means the
22 services provided by certified ~~or~~ licensed appraisers or
23 registered assistant appraisers, and includes:

24 1. "Appraisal assignment" denotes an engagement for
25 which a person is employed or retained to act, or could be
26 perceived by third parties or the public as acting, as an
27 agent or a disinterested third party in rendering an unbiased
28 analysis, opinion, review, or conclusion relating to the
29 nature, quality, value, or utility of specified interests in,
30 or aspects of, identified real property.

31

1 2. "Analysis assignment" denotes appraisal services
2 that relate to the employer's or client's individual needs or
3 investment objectives and includes specialized marketing,
4 financing, and feasibility studies as well as analyses,
5 opinions, and conclusions given in connection with activities
6 such as real estate brokerage, mortgage banking, or real
7 estate counseling.

8 (e) "Appraiser" means any person who is a registered
9 assistant real estate appraiser, licensed real estate
10 appraiser, or a certified real estate appraiser. An appraiser
11 renders a professional service and is a professional within
12 the meaning of s. 95.11(4)(a).

13 (1) "Registered assistant appraiser" means a person
14 who is registered with the department as qualified to perform
15 appraisal services under the supervision of a licensed or
16 certified appraiser.

17 (2) Wherever the word "operate" or "operating" appears
18 in this part with respect to a registered assistant appraiser,
19 licensed appraiser, or certified appraiser; in any order,
20 rule, or regulation of the board; in any pleading, indictment,
21 or information under this part ~~section~~; in any court action or
22 proceeding; or in any order or judgment of a court, it shall
23 be deemed to mean the commission of one or more acts described
24 in this part ~~section~~ as constituting or defining a registered
25 assistant appraiser, licensed appraiser, or certified
26 appraiser, not including, however, any of the exceptions
27 stated therein. A single act is sufficient to bring a person
28 within the meaning of this subsection ~~section~~, and each act,
29 if prohibited herein, constitutes a separate offense.

30 Section 16. Section 475.612, Florida Statutes, is
31 amended to read:

1 475.612 Certification,~~or~~ licensure, or registration
2 required.--
3 (1) A person may not use the title "certified real
4 estate appraiser," "licensed real estate appraiser," or
5 "registered assistant real estate appraiser," or any
6 abbreviation or words to that effect, or issue an appraisal
7 report in connection with any federally related transaction,
8 unless such person is certified, licensed, or registered by
9 the department under ~~pursuant to this part~~ section. However,
10 the work upon which an appraisal report is based may be
11 performed by a person who is not a certified ~~or~~ licensed
12 ~~appraiser~~ or registered assistant appraiser if the report is
13 approved and signed by a certified or licensed appraiser.
14 (2) This section does not preclude a broker,
15 salesperson, or broker-salesperson who is not a certified ~~or~~ licensed
16 real estate appraiser ~~or~~ registered assistant real
17 estate appraiser from appraising real estate for compensation.
18 Such persons may continue to provide appraisals and appraisal
19 services for compensation so long as they do not represent
20 themselves as certified, ~~or~~ licensed, or registered under this
21 part section.
22 (3) This section does ~~shall~~ not apply to a real estate
23 broker or salesperson who, in the ordinary course of business,
24 performs a comparative market analysis and/or gives an opinion
25 of the value of real estate. However, in no event may this
26 opinion be referred to or construed as an appraisal.
27 (4) This section does ~~shall~~ not prevent any state
28 court or administrative law judge from certifying as an expert
29 witness in any legal or administrative proceeding an appraiser
30 who is not certified, licensed, or registered; nor does ~~shall~~
31

1 it prevent any appraiser from testifying, with respect to the
2 results of an appraisal.

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

11 (6) This section does ~~shall~~ not apply to any employee
12 of a local, state, or federal agency who performs appraisal
13 services within the scope of her or his employment. However,
14 this exemption does ~~shall~~ not apply where any local, state, or
15 federal agency requires an employee to be registered,
16 licensed, or certified to perform appraisal services.

17 Section 17. Section 475.6145, Florida Statutes, is
18 created to read:

19 475.6145 Seal.--The board shall adopt a seal by which
20 it shall authenticate its proceedings, records, and acts.
21 Copies of the proceedings, records, and acts of the board, and
22 certificates purporting to relate the facts concerning such
23 proceedings, records, and acts, which are signed by the board
24 chair, the custodian of such records, or any other person
25 authorized to make such certification and which are
26 authenticated by such seal, shall be prima facie evidence of
27 such proceedings, records, and acts in all courts of this
28 state.

29 Section 18. Section 475.6147, Florida Statutes, is
30 created to read:

31 475.6147 Fees.--

1 (1) The board by rule may establish fees to be paid
2 for application, licensing and renewal, certification and
3 recertification, reinstatement, and recordmaking and
4 recordkeeping. The fee for initial application may not exceed
5 \$150, and the combined cost of the application and examination
6 may not exceed \$300. The initial license fee and the license
7 renewal fee may not exceed \$150 for each year of the duration
8 of the license. The board may also establish by rule a late
9 renewal penalty. The board shall establish fees which are
10 adequate to ensure its continued operation. Fees shall be
11 based on estimates made by the department of the revenue
12 required to implement this part and other provisions of law
13 relating to the regulation of real estate appraisers.

14 (2) Application and license fees shall be refunded
15 upon a determination by the board that the state is not
16 entitled to the fees or that only a portion of the resources
17 have been expended in the processing of the application or
18 shall be refunded if for any other reason the application is
19 not completely processed. The board shall implement this
20 subsection by rule.

21 Section 19. Section 475.615, Florida Statutes, is
22 amended to read:

23 475.615 Qualifications for registration, licensure, or
24 certification.--

25 (1) Any person desiring to act as a registered
26 assistant appraiser or as a~~licensed~~or certified appraiser
27 must make application in writing to the department in such
28 form and detail as the board shall prescribe. Each applicant
29 must be at least 18 years of age and hold a high school
30 diploma or its equivalent. At the time of application, a
31 person must furnish evidence of successful completion of

1 required education and evidence of required experience, if
2 any.

3 (2) The board is authorized to waive or modify any
4 education, experience, or examination requirements established
5 in this section in order to conform with any such requirements
6 established by the Appraisal Qualifications Board of the
7 Appraisal Foundation and recognized by the Appraisal
8 Subcommittee or any successor body recognized by federal law.

9 (3) Appropriate fees, as set forth in the rules of the
10 board pursuant to s. 475.6147, and fingerprints for processing
11 through appropriate law enforcement agencies must accompany
12 all applications for registration, licensure, and
13 certification.

14 (4) In the event that the applicant is currently a
15 registered assistant appraiser or a licensed or certified
16 appraiser and is making application to obtain a different
17 status of appraisal licensure, should such application be
18 received by the department within 180 days prior to through
19 180 days after the applicant's scheduled renewal, the charge
20 for the application shall be established by the rules of the
21 board pursuant to s. 475.6147.

22 ~~(5)~~(4) At the time of filing a notarized application
23 for registration, licensure, or certification, the applicant
24 must sign a pledge to comply with the Uniform Standards of
25 Professional Appraisal Practice upon registration, licensure,
26 or certification, and must indicate in writing that she or he
27 understands the types of misconduct for which disciplinary
28 proceedings may be initiated. The application shall expire 1
29 year from the date received, if the applicant for
30 registration, licensure, or certification fails to take the
31 appropriate examination.

1 ~~(6)~~(5) All applicants must be competent and qualified
2 to make real estate appraisals with safety to those with whom
3 they may undertake a relationship of trust and confidence and
4 the general public. If any applicant has been denied
5 registration, licensure, or certification, or has been
6 disbarred, or the applicant's registration, license, or
7 certificate to practice or conduct any regulated profession,
8 business, or vocation has been revoked or suspended by this or
9 any other state, any nation, or any possession or district of
10 the United States, or any court or lawful agency thereof,
11 because of any conduct or practices which would have warranted
12 a like result under this part section, or if the applicant has
13 been guilty of conduct or practices in this state or elsewhere
14 which would have been grounds for disciplining her or his
15 registration, license, or certification under this part
16 ~~section~~ had the applicant then been a registered assistant
17 appraiser or a licensed, or certified appraiser, the
18 applicant shall be deemed not to be qualified unless, because
19 of lapse of time and subsequent good conduct and reputation,
20 or other reason deemed sufficient, it appears to the board
21 that the interest of the public is not likely to be endangered
22 by the granting of registration, licensure, or certification.

23 ~~(7)~~(6) No applicant seeking to become registered,
24 licensed, or certified under this part section may be rejected
25 solely by virtue of membership or lack of membership in any
26 particular appraisal organization.

27 Section 20. Subsections (3) and (4) of section
28 475.616, Florida Statutes, are amended to read:

29 475.616 Examination requirements.--To be licensed or
30 certified as an appraiser, the applicant must demonstrate, by
31 passing a written examination, that she or he possesses:

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

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

8 Section 21. Section 475.617, Florida Statutes, is
9 amended to read:

10 475.617 Education and experience requirements.--

11 (1) To be registered as an assistant appraiser, an
12 applicant must present evidence satisfactory to the board that
13 she or he has successfully completed at least up to 75 hours
14 of approved academic courses in subjects related to real
15 estate appraisal, which shall include coverage of the Uniform
16 Standards of Professional Appraisal Practice from a nationally
17 recognized or state-recognized appraisal organization, area
18 technical center, accredited community college, college, or
19 university, state or federal agency or commission, or
20 proprietary real estate school that holds a permit pursuant to
21 s. 475.451. The board may increase the required number of
22 hours to not more than 100 hours. A classroom hour is defined
23 as 50 minutes out of each 60-minute segment. Past courses may
24 be approved on an hour-for-hour basis.

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

27 (a) Has 2 years of experience in real property
28 appraisal as defined by rule.

29 (b) Has successfully completed at least 90 ~~75~~
30 classroom hours, inclusive of examination, of approved
31 academic courses in subjects related to real estate appraisal,

1 which shall include coverage of the Uniform Standards of
2 Professional Appraisal Practice from a nationally recognized
3 or state-recognized appraisal organization, area technical
4 center, accredited community college, college, or university,
5 state or federal agency or commission, or proprietary real
6 estate school that holds a permit pursuant to s. 475.451. The
7 board may increase the required number of hours to not more
8 than 120 hours. A classroom hour is defined as 50 minutes out
9 of each 60-minute segment. Past courses may be approved by the
10 board and substituted on an hour-for-hour basis.

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

14 (a) Has 2,500 hours ~~2 years~~ of experience obtained
15 over a 24-month period in real property appraisal as defined
16 by rule.

17 (b) Has successfully completed at least 120 ~~up to 165~~
18 classroom hours, inclusive of examination, of approved
19 academic courses in subjects related to real estate appraisal,
20 which shall include coverage of the Uniform Standards of
21 Professional Appraisal Practice from a nationally recognized
22 or state-recognized appraisal organization, area technical
23 center, accredited community college, college, or university,
24 state or federal agency or commission, or proprietary real
25 estate school that holds a permit pursuant to s. 475.451. The
26 board may increase the required number of hours to not more
27 than 165 hours. A classroom hour is defined as 50 minutes out
28 of each 60-minute segment. Past courses may be approved by the
29 board and substituted on an hour-for-hour basis.

30
31

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

4 (a) Has 3,000 hours ~~2 years~~ of experience obtained
5 over a 30-month period in real property appraisal as defined
6 by rule.

7 (b) Has successfully completed at least 180 ~~165~~
8 classroom hours, inclusive of examination, of approved
9 academic courses in subjects related to real estate appraisal,
10 which shall include coverage of the Uniform Standards of
11 Professional Appraisal Practice from a nationally recognized
12 or state-recognized appraisal organization, area technical
13 center, accredited community college, college, or university,
14 state or federal agency or commission, or proprietary real
15 estate school that holds a permit pursuant to s. 475.451. The
16 board may increase the required number of hours to not more
17 than 225 hours. A classroom hour is defined as 50 minutes out
18 of each 60-minute segment. Past courses may be approved by the
19 board and substituted on an hour-for-hour basis.

20 (5) Each applicant must furnish, under oath, a
21 detailed statement of the experience for each year of
22 experience she or he claims. Upon request, the applicant
23 shall furnish to the board, for its examination, copies of
24 appraisal reports or file memoranda to support the claim for
25 experience.

26 Section 22. Subsection (4) of section 475.618, Florida
27 Statutes, is amended to read:

28 475.618 Renewal of registration, license,
29 certification, or instructor permit; continuing education.--

30 (4) At least 60 days prior to the end of the
31 registration, license, certification, or instructor permit

1 period, the department shall cause to be mailed a notice of
2 renewal and possible reversion to the last known address of
3 the registered assistant ~~registrant~~, licensee,
4 certificateholder, or permitholder.

5 Section 23. Subsection (2) of section 475.619, Florida
6 Statutes, is amended to read:

7 475.619 Inactive status.--

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

22 Section 24. Section 475.620, Florida Statutes, is
23 amended to read:

24 475.620 Corporations and partnerships ineligible for
25 licensure or certification.--

26 (1) A license or certification may not be issued under
27 this part ~~section~~ to a corporation, partnership, firm, or
28 group. However, an appraiser licensed or certified under this
29 part ~~section~~ may provide an appraisal report for or on behalf
30 of a corporation, partnership, firm, or group, if the report
31

1 is prepared by, or under the personal direction of, such
2 appraiser and is reviewed and signed by her or him.
3 (2) The term "state-registered assistant appraiser,"
4 "state-licensed appraiser," or "state-certified appraiser" may
5 only be used to refer to an individual who is registered,
6 licensed, or certified under this part section and may not be
7 used following or immediately in connection with the name or
8 signature of a corporation, partnership, firm, or group, or in
9 such manner that it could be interpreted as implying
10 registration, licensure, or certification under this part
11 ~~section~~ of a corporation, partnership, firm, or group, or
12 anyone other than an individual appraiser. Corporations,
13 partnerships, firms, or groups which employ certified or
14 licensed appraisers, or registered assistant appraisers who
15 provide appraisal reports, as defined by this part section,
16 may represent to the public and advertise that they offer
17 appraisals performed by registered, licensed, or certified
18 appraisers.

19 Section 25. Section 475.622, Florida Statutes, is
20 amended to read:

21 475.622 Display and disclosure of licensure, or
22 certification, or registration.--

23 (1) Each appraiser registered, licensed, or certified
24 under this part section shall place her or his registration,
25 license, or certification number adjacent to or immediately
26 beneath the designation "state-registered assistant real
27 estate appraiser," "state-licensed real estate appraiser,"
28 "state-certified residential real estate appraiser," or
29 "state-certified general real estate appraiser," or their
30 appropriate abbreviations as defined by rule, as applicable,
31 when such term is used in an appraisal report or in a contract

1 or other instrument used by the appraiser in conducting real
2 property appraisal activities. The applicable designation
3 shall be included in any newspaper, telephone directory, or
4 other advertising medium, as defined by rule, used by the
5 appraiser.

6 (2) A registered assistant appraiser or ~~licensed~~ or
7 certified appraiser may not sign any appraisal report or
8 communicate same without disclosing in writing that she or he
9 is a state-registered assistant appraiser or ~~state-licensed~~,
10 state-certified residential, or state-certified general
11 appraiser, as applicable, even if the appraisal performed is
12 outside of the scope of the appraiser's registration,
13 licensure, or certification as an appraiser.

14 Section 26. Section 475.623, Florida Statutes, is
15 amended to read:

16 475.623 Registration of office location.--Each
17 appraiser registered, licensed, or certified under this part
18 ~~section~~ shall furnish in writing to the department each
19 business address from which she or he operates in the
20 performance of appraisal services. Each appraiser must notify
21 the department of any change of address within 10 days on a
22 form provided by the department.

23 Section 27. Section 475.624, Florida Statutes, is
24 amended to read:

25 475.624 Discipline.--The board may deny an application
26 for registration, licensure, or certification; may investigate
27 the actions of any appraiser registered, licensed, or
28 certified under this part section; ~~and~~ may reprimand or impose
29 an administrative fine not to exceed \$5,000 for each count or
30 separate offense against any such appraiser; and may ~~revoke,~~
31 or suspend, for a period not to exceed 10 years, the

1 registration, license, or certification of any such appraiser,
2 or place any such appraiser on probation, if it finds that the
3 registered assistant registrant, licensee, or
4 certificateholder:

5 (1) Has violated any provisions of this part or ~~of~~ s.
6 455.227(1); however, licensees under this part are exempt from
7 the provisions of s. 455.227(1)(i).

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

28 (3) Has advertised services in a manner which is
29 fraudulent, false, deceptive, or misleading in form or
30 content.

31

1 (4) Has violated any of the provisions of this section
2 or any lawful order or rule issued under the provisions of
3 this section or chapter 455.

4 (5) Has been convicted or found guilty of, or entered
5 a plea of nolo contendere to, regardless of adjudication, a
6 crime in any jurisdiction which directly relates to the
7 activities of a registered assistant appraiser or~~licensed,~~
8 or certified appraiser, or which involves moral turpitude or
9 fraudulent or dishonest conduct. The record of a conviction
10 certified or authenticated in such form as admissible in
11 evidence under the laws of the state shall be admissible as
12 prima facie evidence of such guilt.

13 (6) Has had a registration, license, or certification
14 as an appraiser revoked, suspended, or otherwise acted
15 against, or has been disbarred, or has had her or his
16 registration, license, or certificate to practice or conduct
17 any regulated profession, business, or vocation revoked or
18 suspended by this or any other state, any nation, or any
19 possession or district of the United States, or has had an
20 application for such registration, licensure, or certification
21 to practice or conduct any regulated profession, business, or
22 vocation denied by this or any other state, any nation, or any
23 possession or district of the United States.

24 (7) Has become temporarily incapacitated from acting
25 as an appraiser with safety to those in a fiduciary
26 relationship with her or him because of drunkenness, use of
27 drugs, or temporary mental derangement; however, suspension of
28 a license, or certification, or registration in such cases
29 shall only be for the period of such incapacity.

30 (8) Is confined in any county jail, postadjudication;
31 is confined in any state or federal prison or mental

1 institution; or, through mental disease or deterioration, can
2 no longer safely be entrusted to deal with the public or in a
3 confidential capacity.

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

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

13 (11) Has made or filed a report or record, either
14 written or oral, which the registered assistant, licensee, or
15 certificateholder knows to be false; has willfully failed to
16 file a report or record required by state or federal law; has
17 willfully impeded or obstructed such filing, or has induced
18 another person to impede or obstruct such filing. However,
19 such reports or records shall include only those which are
20 signed or presented in the capacity of a registered assistant
21 appraiser or licensed or certified appraiser.

22 (12) Has obtained or attempted to obtain a
23 registration, license, or certification by means of knowingly
24 making a false statement, submitting false information,
25 refusing to provide complete information in response to an
26 application question, or engaging in fraud, misrepresentation,
27 or concealment.

28 (13) Has paid money or other valuable consideration,
29 except as required by this section, to any member or employee
30 of the board to obtain a registration, license, or
31 certification under this section.

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

4 (15) Has failed or refused to exercise reasonable
5 diligence in developing an appraisal or preparing an appraisal
6 report.

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

9 (17) Has accepted an appraisal assignment if the
10 employment itself is contingent upon the appraiser reporting a
11 predetermined result, analysis, or opinion, or if the fee to
12 be paid for the performance of the appraisal assignment is
13 contingent upon the opinion, conclusion, or valuation reached
14 upon the consequences resulting from the appraisal assignment.

15 (18) Has failed to timely notify the department of any
16 change in business location, or has failed to fully disclose
17 all business locations from which she or he operates as a
18 registered assistant real estate appraiser or~~licensed~~~~or~~
19 certified real estate appraiser.

20 Section 28. Paragraph (a) of subsection (1) of section
21 475.626, Florida Statutes, is amended to read:

22 475.626 Violations and penalties.--

23 (1) VIOLATIONS.--

24 (a) No person shall operate or attempt to operate as a
25 registered assistant appraiser or~~licensed~~~~or~~ certified
26 appraiser without being the holder of a valid and current
27 registration, license, or certification.

28 Section 29. Subsections (1) and (2) of section
29 475.627, Florida Statutes, are amended to read:

30 475.627 Appraisal course instructors.--

31

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

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

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

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

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

25 (b) Pass an appraiser instructor's examination which
26 shall test knowledge of residential and nonresidential
27 appraisal topics.

28 Section 30. Section 475.628, Florida Statutes, is
29 amended to read:

30 475.628 Professional standards for ~~licensed and~~
31 ~~certified~~ appraisers registered, licensed, or certified under

1 this part.--Each appraiser registered, licensed, or certified
2 under this part ~~section~~ shall comply with the Uniform
3 Standards of Professional Appraisal Practice. Statements on
4 appraisal standards which may be issued for the purpose of
5 clarification, interpretation, explanation, or elaboration
6 through the Appraisal Foundation shall also be binding on any
7 appraiser registered, licensed, or certified under this part
8 ~~section~~.

9 Section 31. Section 475.629, Florida Statutes, is
10 amended to read:

11 475.629 Retention of records.--An appraiser
12 registered, licensed, or certified under this part ~~section~~
13 shall retain, for at least 5 years, original or true copies of
14 any contracts engaging the appraiser's services, appraisal
15 reports, and supporting data assembled and formulated by the
16 appraiser in preparing appraisal reports. The period for
17 retention of the records applicable to each engagement of the
18 services of the appraiser runs from the date of the submission
19 of the appraisal report to the client. These records must be
20 made available by the appraiser for inspection and copying by
21 the department on reasonable notice to the appraiser. If an
22 appraisal has been the subject of or has served as evidence
23 for litigation, reports and records must be retained for at
24 least 2 years after the trial.

25 Section 32. Section 475.6295, Florida Statutes, is
26 created to read:

27 475.6295 Authority to inspect.--Duly authorized agents
28 and employees of the department shall have the power to
29 inspect in a lawful manner at all reasonable hours any
30 appraiser or appraisal office licensed under this chapter, for
31 the purpose of determining if any of the provisions of this

1 chapter, chapter 455, or any rule promulgated under authority
2 of either chapter is being violated.

3 Section 33. Paragraph (c) of subsection (2) of section
4 475.630, Florida Statutes, is amended to read:

5 475.630 Temporary practice.--

6 (2) In order to register with the board, the appraiser
7 must:

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

18 Section 34. Section 553.991, Florida Statutes, is
19 amended to read:

20 553.991 Purpose.--The purpose of this part is to
21 provide for a statewide uniform system for rating the energy
22 efficiency of buildings ~~and to ensure that those ratings are~~
23 ~~disclosed to prospective purchasers at their request.~~ It is
24 in the interest of the state to encourage the consideration of
25 the energy-efficiency rating system in the market so as to
26 provide market rewards for energy-efficient buildings and to
27 those persons or companies designing, building, or selling
28 energy-efficient buildings.

29 Section 35. Section 553.994, Florida Statutes, is
30 amended to read:

31

1 553.994 Applicability.--The rating system shall apply
2 to all public, commercial, and ~~existing~~ residential buildings
3 in the state, and may be applied to new residential buildings,
4 ~~except as identified by the department by rule in accordance~~
5 ~~with the procedures of chapter 120, according to the following~~
6 ~~schedule:~~

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

8 ~~(2) For existing residential buildings, by January 1,~~
9 ~~1995.~~

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

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

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

13 ~~(6) For existing commercial buildings, by January 1,~~
14 ~~1996.~~

15 Section 36. Section 553.996, Florida Statutes, is
16 amended to read:

17 553.996 Energy-efficiency ~~rating disclosure~~
18 information brochure.--

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

26 ~~(b) The energy-efficiency rating of a residential or~~
27 ~~commercial building shall be provided upon request of the~~
28 ~~prospective purchaser, in writing, at the time of, or prior~~
29 ~~to, the purchaser's execution of the contract for sale and~~
30 ~~purchase.~~

31

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

12 (1)~~(a)~~ How to analyze the building's energy-efficiency
13 rating.

14 (2)~~(b)~~ Comparisons to statewide averages for new and
15 existing construction of that class.

16 (3)~~(c)~~ Information concerning methods to improve the
17 building's energy-efficiency rating.

18 (4)~~(d)~~ A notice to residential purchasers that the
19 energy-efficiency rating may qualify the purchaser for an
20 energy-efficient mortgage from lending institutions.

21 Section 37. This act shall take effect July 1 of the
22 year in which enacted.

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