

By the Committees on Community Affairs, 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; creating s.  
30                   475.2755, F.S.; providing for designated  
31                   salespersons under certain circumstances;

1 providing disclosure requirements; amending ss.  
2 475.274, 475.2801, and 475.5015, F.S.; applying  
3 to designated salespersons provisions relating  
4 to scope of coverage, rule authority relating  
5 to disciplinary measures, and retention of  
6 brokerage records, to conform; amending s.  
7 475.278, F.S.; revising provisions relating to  
8 disclosure of authorized brokerage  
9 relationships and the corresponding duties of  
10 real estate licensees; creating s. 475.279,  
11 F.S.; providing for the acceptance of facsimile  
12 signatures or writing; amending s. 475.451,  
13 F.S.; revising provisions relating to the  
14 permitting of instructors for proprietary real  
15 estate schools or state institutions; providing  
16 permit renewal requirements; revising  
17 references relating to examinations; amending  
18 s. 475.452, F.S.; providing requirements  
19 applicable to advance expenses, commissions, or  
20 fees for brokers auctioning real property;  
21 amending s. 475.484, F.S.; providing  
22 applicability with respect to a conflict with  
23 federal law in the disciplining of certain  
24 licensees against whom a judgment has been paid  
25 from the Real Estate Recovery Fund; creating s.  
26 475.5016, F.S.; granting the department  
27 authority to inspect and audit brokers and  
28 brokerage offices; amending ss. 475.611 and  
29 475.612, F.S.; redesignating registered  
30 appraisers as registered assistant appraisers;  
31 amending ss. 475.011, 475.616, 475.618,

1 475.619, 475.620, 475.622, 475.623, 475.626,  
2 475.627, 475.628, 475.629, and 475.630, F.S.,  
3 to conform and correct references; creating s.  
4 475.6145, F.S.; providing for a seal for the  
5 Florida Real Estate Appraisal Board to  
6 authenticate its proceedings, records, and  
7 acts; creating s. 475.6147, F.S.; providing a  
8 separate section relating to establishment of  
9 fees applicable to the regulation of real  
10 estate appraisers; amending s. 475.615, F.S.;  
11 revising provisions relating to qualifications  
12 for registration, licensure, or certification  
13 of appraisers; providing for a charge for  
14 application for a change in status of appraisal  
15 licensure; amending s. 475.617, F.S.; revising  
16 continuing education and experience  
17 requirements for real estate appraisers;  
18 amending s. 475.624, F.S.; revising a ground  
19 for disciplinary action to exempt licensees  
20 from the reporting of certain violators;  
21 creating s. 475.6295, F.S.; granting the  
22 department authority to inspect appraisers and  
23 appraisal offices; amending ss. 489.103 and  
24 489.503, F.S., relating to exemptions from  
25 statutory provisions regulating construction  
26 contracting and electrical and alarm system  
27 contracting; providing exemptions relating to  
28 contracting for certain repairs, maintenance,  
29 remodeling, or improvement by a real estate  
30 licensee acting as the owner's agent; providing  
31 circumstances under which such exemptions do

1 not apply; amending s. 553.991, F.S.; limiting  
2 the purpose of the "Florida Building  
3 Energy-Efficiency Rating Act" to providing for  
4 a statewide uniform system for rating the  
5 energy efficiency of buildings; amending s.  
6 553.994, F.S.; deleting the schedule for  
7 phasing in the rating system; amending s.  
8 553.996, F.S.; requiring provision of an  
9 information brochure to prospective purchasers  
10 of certain real property; deleting a provision  
11 authorizing such prospective purchasers to  
12 receive a rating on the property upon request;  
13 providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Paragraphs (a) and (g) of subsection (1) of  
18 section 475.01, Florida Statutes, are amended to read:

19 475.01 Definitions.--

20 (1) As used in this part:

21 (a) "Broker" means a person who, for another, and for  
22 a compensation or valuable consideration directly or  
23 indirectly paid or promised, expressly or impliedly, or with  
24 an intent to collect or receive a compensation or valuable  
25 consideration therefor, appraises, auctions, sells, exchanges,  
26 buys, rents, or offers, attempts or agrees to appraise,  
27 auction, or negotiate the sale, exchange, purchase, or rental  
28 of business enterprises or business opportunities or any real  
29 property or any interest in or concerning the same, including  
30 mineral rights or leases, or who advertises or holds out to  
31 the public by any oral or printed solicitation or

1 representation that she or he is engaged in the business of  
2 appraising, auctioning, buying, selling, exchanging, leasing,  
3 or renting business enterprises or business opportunities or  
4 real property of others or interests therein, including  
5 mineral rights, or who takes any part in the procuring of  
6 sellers, purchasers, lessors, or lessees of business  
7 enterprises or business opportunities or the real property of  
8 another, or leases, or interest therein, including mineral  
9 rights, or who directs or assists in the procuring of  
10 prospects or in the negotiation or closing of any transaction  
11 which does, or is calculated to, result in a sale, exchange,  
12 or leasing thereof, and who receives, expects, or is promised  
13 any compensation or valuable consideration, directly or  
14 indirectly therefor; and all persons who advertise rental  
15 property information or lists. A broker renders a  
16 professional service and is a professional within the meaning  
17 of s. 95.11(4)(a). Where the term "appraise" or "appraising"  
18 appears in the definition of the term "broker," it  
19 specifically excludes those appraisal services which must be  
20 performed only by a state-licensed or state-certified  
21 appraiser, and those appraisal services which may be performed  
22 by a registered assistant appraiser as defined in part II.  
23 The term "broker" also includes any person who is a general  
24 partner, officer, or director of a partnership or corporation  
25 which acts as a broker. The term "broker" also includes any  
26 person or entity who undertakes to list or sell one or more  
27 timeshare periods per year in one or more timeshare plans on  
28 behalf of any number of persons, except as provided in ss.  
29 475.011 and 721.20.  
30  
31

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

4 1. A bona fide "open house" or model home showing that  
5 does not involve eliciting confidential information; the  
6 execution of a contractual offer or an agreement for  
7 representation; or negotiations concerning price, terms, or  
8 conditions of a potential sale;

9 2. Unanticipated casual encounters between a licensee  
10 and a seller or buyer that do not involve eliciting  
11 confidential information; the execution of a contractual offer  
12 or an agreement for representation; or negotiations concerning  
13 price, terms, or conditions of a potential sale;

14 3. Responding to general factual questions from a  
15 prospective buyer or seller concerning properties that have  
16 been advertised for sale; ~~or~~

17 4. Situations in which a licensee's communications  
18 with a customer are limited to providing general factual  
19 information, oral or written, about the qualifications,  
20 background, and services of the licensee or the licensee's  
21 brokerage firm; or

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

24  
25 In any of the situations described in subparagraphs 1.-5.  
26 ~~1.-4.~~, "first contact" occurs when the communications between  
27 the licensee and the prospective seller or buyer proceed in  
28 any way beyond the conditions or limitations described in  
29 subparagraphs 1.-5.1.-4.

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

1           475.011 Exemptions.--This part does not apply to:  
2           (9) Any person registered, licensed, or certified by  
3 the department under part II as an appraiser or assistant  
4 appraiser performing appraisals in accordance with that part.

5           Section 3. Section 475.15, Florida Statutes, is  
6 amended to read:

7           475.15 Registration and licensing of general partners,  
8 members, officers, and directors of a firm.--Each partnership,  
9 limited liability partnership, limited liability company, or  
10 corporation which acts as a broker shall register with the  
11 commission and shall renew the licenses or registrations of  
12 its members, officers, and directors for each license period.  
13 ~~The registration of a partnership is canceled automatically~~  
14 ~~during any period of time that the license or registration of~~  
15 ~~any one or more of its partners is not in force.~~ However, if  
16 the partnership is a limited partnership, only the general  
17 partners must be licensed brokers or brokerage corporations  
18 registered pursuant to this part. If the license or  
19 registration of at least one active broker member is not in  
20 force, the registration of a corporation, limited liability  
21 company, limited liability partnership, or partnership is  
22 canceled automatically during that period of time.

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

25           475.17 Qualifications for practice.--

26           (2)(a) In addition to other requirements under this  
27 part, the commission may require the satisfactory completion  
28 of one or more of the educational courses or equivalent  
29 courses conducted, offered, sponsored, prescribed, or approved  
30 pursuant to s. 475.04, taken at an accredited college,  
31 university, or community college, at an area technical center,

1 or at a registered real estate school, as a condition  
2 precedent for any person to become licensed or to renew her or  
3 his license as a broker, broker-salesperson, or salesperson.  
4 The course or courses required for one to become initially  
5 licensed shall not exceed a total of 63 classroom hours of 50  
6 minutes each, inclusive of examination, for a salesperson and  
7 72 classroom hours of 50 minutes each, inclusive of  
8 examination, for a broker. The satisfactory completion of an  
9 examination administered by the accredited college,  
10 university, or community college, by the area technical  
11 center, or by the registered real estate school shall be the  
12 basis for determining satisfactory completion of the course.  
13 However, notice of satisfactory completion shall not be issued  
14 if the student has absences in excess of 8 classroom hours.  
15 Such required course or courses must be made available by  
16 correspondence or other suitable means to any person who, by  
17 reason of hardship, as defined by rule, cannot attend the  
18 place or places where the course is regularly conducted.

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

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

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



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

5  
6 This paragraph does not apply to a person employed as a real  
7 estate investigator by the Division of Real Estate, provided  
8 the person has been employed as a real estate investigator for  
9 at least 24 months. The person must be currently employed as a  
10 real estate investigator to sit for the real estate broker's  
11 examination and have held a valid and current salesperson's  
12 license for at least 12 months.

13           (c) A person who has been licensed as a real estate  
14 salesperson in Florida during the preceding 5 years may not be  
15 licensed as a real estate broker unless, in addition to the  
16 other requirements of law, she or he has completed the  
17 salesperson postlicensure educational requirements, if these  
18 requirements have been prescribed by the commission pursuant  
19 to paragraph (3)(a).

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

22           475.183 Inactive status.--

23           (2) Any license which has been involuntarily inactive  
24 for more than 2 ~~4~~ years shall automatically expire. Once a  
25 license expires, it becomes null and void without any further  
26 action by the commission or department. Ninety days ~~Two years~~  
27 prior to expiration of the license, the department shall give  
28 notice to the licensee. The commission shall prescribe by  
29 rule a fee not to exceed \$100 for the late renewal of an  
30 involuntarily inactive license. The department shall collect  
31 the current renewal fee for each renewal period in which the

1 license was involuntarily inactive in addition to any  
2 applicable late renewal fee.

3 Section 6. Paragraph (a) of subsection (1) of section  
4 475.25, Florida Statutes, is amended, and paragraph (t) is  
5 added to said subsection, to read:

6 475.25 Discipline.--

7 (1) The commission may deny an application for  
8 licensure, registration, or permit, or renewal thereof; may  
9 place a licensee, registrant, or permittee on probation; may  
10 suspend a license, registration, or permit for a period not  
11 exceeding 10 years; may revoke a license, registration, or  
12 permit; may impose an administrative fine not to exceed \$1,000  
13 for each count or separate offense; and may issue a reprimand,  
14 and any or all of the foregoing, if it finds that the  
15 licensee, registrant, permittee, or applicant:

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

19 (t) Has violated any standard for the development or  
20 communication of a real estate appraisal or other provision of  
21 the Uniform Standards of Professional Appraisal Practice, as  
22 defined in s. 475.611, as approved and adopted by the  
23 Appraisal Standards Board of the Appraisal Foundation, as  
24 defined in s. 475.611. This paragraph does not apply to a real  
25 estate broker or salesperson who, in the ordinary course of  
26 business, performs a comparative market analysis. However, in  
27 no event may this comparative market analysis be referred to  
28 as an appraisal, as defined in s. 475.611.

29 Section 7. For the purpose of incorporating the  
30 amendment to section 475.25, Florida Statutes, in a reference  
31

1 thereto, subsection (1) of section 475.482, Florida Statutes,  
2 is reenacted to read:

3           475.482 Real Estate Recovery Fund.--There is created  
4 the Florida Real Estate Recovery Fund as a separate account in  
5 the Professional Regulation Trust Fund.

6           (1) The Florida Real Estate Recovery Fund shall be  
7 disbursed as provided in s. 475.484, on order of the  
8 commission, as reimbursement to any person, partnership, or  
9 corporation adjudged by a court of competent civil  
10 jurisdiction in this state to have suffered monetary damages  
11 by reason of any act committed, as a part of any real estate  
12 brokerage transaction involving real property in this state,  
13 by any broker or salesperson who:

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

17           (b) Was neither the seller, buyer, landlord, or tenant  
18 in the transaction nor an officer or a director of a  
19 corporation or a member of a partnership which was the seller,  
20 buyer, landlord, or tenant in the transaction; and

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

23  
24 provided the act was a violation proscribed in s. 475.25 or s.  
25 475.42.

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

28           475.272 Purpose.--In order to eliminate confusion and  
29 provide for a better understanding on the part of customers in  
30 real estate transactions, the Legislature finds that the

31

1 intent of the Brokerage Relationship Disclosure Act is to  
2 provide that:

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

6 (2) Real estate licensees be required to disclose to  
7 customers upon first contact in residential real estate  
8 transactions that they are not and will not be represented by  
9 a licensee in a real estate transaction unless they engage a  
10 real estate licensee in an authorized form of representation,  
11 either as a single agent or as a transaction broker;

12 (3) Disclosure requirements for real estate licensees  
13 relating to nonrepresentation and authorized forms of  
14 brokerage representation are established;

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

18 (4)~~(5)~~ Single agents may represent either a buyer or a  
19 seller, but not both, in a real estate transaction; and

20 (5)~~(6)~~ Transaction brokers provide a limited form of  
21 nonfiduciary representation to a buyer, a seller, or both in a  
22 real estate transaction.

23 Section 9. Section 475.274, Florida Statutes, is  
24 amended to read:

25 475.274 Scope of coverage.--The authorized brokerage  
26 relationships described in ss. 475.2755 and ~~s. 475.278~~ apply  
27 in all brokerage activities as defined in s. 475.01(1)(a). The  
28 disclosure requirements of ss. 475.276 and 475.278 apply only  
29 to residential sales as defined in s. 475.276.

30 Section 10. Section 475.2755, Florida Statutes, is  
31 created to read:

1           475.2755 Designated salesperson.--  
2           (1) For purposes of this part, in any real estate  
3 transaction other than a residential sale as defined in s.  
4 475.276, and where the buyer and seller have assets of \$1  
5 million or more, the broker at the request of the customers  
6 may designate salespersons to act as single agents for  
7 different customers in the same transaction. Such designated  
8 salespersons shall have the duties of a single agent as  
9 outlined in s. 475.278(3), including disclosure requirements  
10 in s. 475.278(3)(b) and (c). In addition to disclosure  
11 requirements in s. 475.278(3)(b) and (c), the buyer and seller  
12 as customers shall both sign disclosures stating that their  
13 assets meet the threshold described in this subsection and  
14 requesting that the broker use the designated salesperson form  
15 of representation. In lieu of the transition disclosure  
16 requirement in s. 475.278(3)(c)2., the required disclosure  
17 notice shall include the following:

18  
19 FLORIDA LAW PROHIBITS A DESIGNATED SALESPERSON FROM  
20 DISCLOSING, EXCEPT TO THE BROKER OR PERSONS SPECIFIED BY THE  
21 BROKER, INFORMATION MADE CONFIDENTIAL BY REQUEST OR AT THE  
22 INSTRUCTION OF THE CUSTOMER THE DESIGNATED SALESPERSON IS  
23 REPRESENTING. HOWEVER, FLORIDA LAW ALLOWS A DESIGNATED  
24 SALESPERSON TO DISCLOSE INFORMATION ALLOWED TO BE DISCLOSED OR  
25 REQUIRED TO BE DISCLOSED BY LAW AND ALSO ALLOWS A DESIGNATED  
26 SALESPERSON TO DISCLOSE TO HIS OR HER BROKER, OR PERSONS  
27 SPECIFIED BY THE BROKER, CONFIDENTIAL INFORMATION OF A  
28 CUSTOMER FOR THE PURPOSE OF SEEKING ADVICE OR ASSISTANCE FOR  
29 THE BENEFIT OF THE CUSTOMER IN REGARD TO A TRANSACTION.  
30 FLORIDA LAW REQUIRES THAT THE BROKER MUST HOLD THIS

31

1 INFORMATION CONFIDENTIAL AND MAY NOT USE SUCH INFORMATION TO  
2 THE DETRIMENT OF THE OTHER PARTY.

3  
4 (2) For purposes of this section, the term "buyer"  
5 means a transferee or lessee in a real property transaction,  
6 and the term "seller" means the transferor or lessor in a real  
7 property transaction.

8 Section 11. Section 475.278, Florida Statutes, is  
9 amended to read:

10 475.278 Authorized brokerage relationships; required  
11 disclosures.--

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

28 (2) TRANSACTION BROKER RELATIONSHIP.--

29 (a) Transaction broker - duties of limited  
30 representation.--A transaction broker provides a limited form  
31 of representation to a buyer, a seller, or both in a real

1 estate transaction but does not represent either in a  
2 fiduciary capacity or as a single agent. The duties of the  
3 real estate licensee in this limited form of representation  
4 include the following:

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

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

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

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

11  
12 TRANSACTION BROKER NOTICE  
13

14 FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES OPERATING AS  
15 TRANSACTION BROKERS DISCLOSE TO BUYERS AND SELLERS THEIR ROLE  
16 AND DUTIES IN PROVIDING A LIMITED FORM OF REPRESENTATION.  
17

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

- 21 1. Dealing honestly and fairly;
- 22 2. Accounting for all funds;
- 23 3. Using skill, care, and diligence in the  
24 transaction;
- 25 4. Disclosing all known facts that materially affect  
26 the value of residential real property and are not readily  
27 observable to the buyer;
- 28 5. Presenting all offers and counteroffers in a timely  
29 manner, unless a party has previously directed the licensee  
30 otherwise in writing;

31



1           6. Limited confidentiality, unless waived in writing  
2 by a party. This limited confidentiality will prevent  
3 disclosure that the seller will accept a price less than the  
4 asking or listed price, that the buyer will pay a price  
5 greater than the price submitted in a written offer, of the  
6 motivation of any party for selling or buying property, that a  
7 seller or buyer will agree to financing terms other than those  
8 offered, or of any other information requested by a party to  
9 remain confidential; and

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

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

21  
22  
23 .....  
24 Date Signature  
25  
26 .....  
27 Signature

28           (3) SINGLE AGENT RELATIONSHIP.--  
29           (a) Single agent - duties.--The duties of a real  
30 estate licensee owed to a buyer or seller who engages the real  
31 estate licensee as a single agent include the following:

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

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

14 (c) Contents of disclosure.--

15 1. Single agent duties disclosure.--The notice  
16 required under subparagraph (b)1. must include the following  
17 information in the following form:

18

19 SINGLE AGENT NOTICE

20

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

23

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

- 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  
10

11 .....	.....
12 Date	Signature

13  
14  
15  
16  
17

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

18  
19

CONSENT TO TRANSITION TO TRANSACTION BROKER

20  
21  
22  
23  
24  
25  
26  
27

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

28  
29  
30  
31

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

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 12. 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 13. Section 475.2801, Florida Statutes, is  
19 amended to read:

20 475.2801 Rules.--The commission may adopt rules  
21 establishing disciplinary guidelines, notices of  
22 noncompliance, and citations for violations of ss. 475.2755,  
23 475.276, and 475.278.

24 Section 14. Section 475.451, Florida Statutes, is  
25 amended to read:

26 475.451 Schools teaching real estate practice.--

27 (1) Each person, school, or institution, except  
28 approved and accredited colleges, universities, community  
29 colleges, and area technical centers in this state, which  
30 offers or conducts any course of study in real estate  
31 practice, teaches any course prescribed by the commission as a

1 condition precedent to licensure or renewal of licensure as a  
2 broker or salesperson, or teaches any course designed or  
3 represented to enable or assist applicants for licensure as  
4 brokers or salespersons to pass examinations for such  
5 licensure ~~conducted by the department~~ shall, before commencing  
6 or continuing further to offer or conduct such course or  
7 courses, obtain a permit from the department and abide by the  
8 regulations imposed upon such person, school, or institution  
9 by this chapter and rules of the commission adopted pursuant  
10 to this chapter. The exemption for colleges, universities,  
11 community colleges, and area technical centers is limited to  
12 transferable college credit courses offered by such  
13 institutions.

14 (2) An applicant for a permit to operate a proprietary  
15 real estate school, to be a chief administrator of a  
16 proprietary real estate school or a state institution, or to  
17 be an instructor for a proprietary real estate school or a  
18 state institution must meet the qualifications for practice  
19 set forth in s. 475.17(1) and the following minimal  
20 requirements:

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

30 (b) "Chief administrative person" means the ~~is defined~~  
31 ~~as that~~ individual who is responsible for the administration

1 of the overall policies and practices of the institution or  
2 proprietary real estate school. A chief administrative person  
3 ~~she or he~~ must also meet the requirements of a school  
4 instructor if ~~she or he is~~ actively engaged in teaching.

5 (c) "School instructor" means an ~~is defined as that~~  
6 individual who ~~actively~~ instructs persons in the classroom in  
7 noncredit college courses in a college, university, or  
8 community college or courses in an area technical center or  
9 proprietary real estate school.

10 1. Before commencing to provide such instruction, the  
11 applicant instruct noncredit college courses in a college,  
12 university, or community college, or courses in an area  
13 technical center or proprietary real estate school, she or he  
14 must certify the applicant's her or his competency and obtain  
15 an instructor permit by meeting one of the following  
16 requirements:

17 a. Hold a bachelor's degree in a business-related  
18 subject, such as real estate, finance, accounting, business  
19 administration, or its equivalent and hold a valid broker's  
20 license in this state.

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

24 c. Pass an instructor's examination approved by the  
25 commission administered by the Division of Real Estate.

26 2. Any requirement by the commission for a teaching  
27 demonstration or practical examination must apply to all  
28 school instructor applicants.

29 3. The department shall renew an instructor permit  
30 upon receipt of a renewal application and fee. The renewal  
31 application shall include proof that the permitholder has,

1 since the issuance or renewal of the current permit,~~Every~~  
2 ~~second year, each instructor must recertify her or his~~  
3 ~~competency by presenting to the commission evidence of her or~~  
4 ~~his having~~ successfully completed a minimum of 15 classroom  
5 hours of instruction in real estate subjects or instructional  
6 techniques, as prescribed by the commission. The commission  
7 shall adopt rules providing for the renewal of instructor  
8 permits at least every 2 years. Any permit which is not  
9 renewed at the end of the permit period established by the  
10 department shall automatically revert to involuntarily  
11 inactive status.

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

24 (3) It is unlawful for any person, school, or  
25 institution to offer the courses described in subsection (1)  
26 or to conduct classes in such courses, regardless of the  
27 number of pupils, whether by correspondence or otherwise,  
28 without first procuring a permit, or to guarantee that its  
29 pupils will pass any examinations required for licensure ~~given~~  
30 ~~by the department~~, or to represent that the issuance of a  
31 permit is any recommendation or endorsement of the person,



1 school, or institution to which it is issued or of any course  
2 of instruction given thereunder.

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

6 (5) The location of classes and frequency of class  
7 meetings shall be in the discretion of the school offering  
8 real estate courses, so long as such courses conform to s.  
9 475.17(2).

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

31

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

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

13           Section 15. Subsection (6) is added to section  
14 475.452, Florida Statutes, to read:

15           475.452 Advance fees; deposit; accounting; penalty;  
16 damages.--

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

25           Section 16. Subsection (7) of section 475.484, Florida  
26 Statutes, is amended to read:

27           475.484 Payment from the fund.--

28           (7) Upon the payment of any amount from the Real  
29 Estate Recovery Fund in settlement of a claim in satisfaction  
30 of a judgment against a broker or salesperson as described in  
31 s. 475.482(1), the license of such broker or salesperson shall

1 be automatically suspended upon the date of payment from the  
2 fund. The license of such broker or salesperson may not be  
3 reinstated until the licensee has repaid in full, plus  
4 interest, the amount paid from the fund. No further  
5 administrative action is necessary. A discharge of bankruptcy  
6 does not relieve a licensee from the penalties and  
7 disabilities provided in this section, except to the extent  
8 that this subsection conflicts with 11 U.S.C. s. 525, in which  
9 case the commission may order the license not to be suspended  
10 or otherwise discriminated against.

11 Section 17. Section 475.5015, Florida Statutes, is  
12 amended to read:

13 475.5015 Brokerage business records.--Each broker  
14 shall keep and make available to the department such books,  
15 accounts, and records as will enable the department to  
16 determine whether such broker is in compliance with the  
17 provisions of this chapter. Each broker shall preserve at  
18 least one legible copy of all books, accounts, and records  
19 pertaining to her or his real estate brokerage business for at  
20 least 5 years from the date of receipt of any money, fund,  
21 deposit, check, or draft entrusted to the broker or, in the  
22 event no funds are entrusted to the broker, for at least 5  
23 years from the date of execution by any party of any listing  
24 agreement, offer to purchase, rental property management  
25 agreement, rental or lease agreement, or any other written or  
26 verbal agreement which engages the services of the broker. If  
27 any brokerage record has been the subject of or has served as  
28 evidence for litigation, relevant books, accounts, and records  
29 must be retained for at least 2 years after the conclusion of  
30 the civil action or the conclusion of any appellate  
31 proceeding, whichever is later, but in no case less than a

1 total of 5 years as set above. Disclosure documents required  
2 under ss. 475.2755, 475.276, and 475.278 shall be retained by  
3 the real estate licensee in all transactions that result in a  
4 written contract to purchase and sell real property.

5 Section 18. Section 475.5016, Florida Statutes, is  
6 created to read:

7 475.5016 Authority to inspect and audit.--Duly  
8 authorized agents and employees of the department shall have  
9 the power to inspect and audit in a lawful manner at all  
10 reasonable hours any broker or brokerage office licensed under  
11 this chapter, for the purpose of determining if any of the  
12 provisions of this chapter, chapter 455, or any rule  
13 promulgated under authority of either chapter is being  
14 violated.

15 Section 19. Paragraphs (a), (e), and (l) of subsection  
16 (1) and subsection (2) of section 475.611, Florida Statutes,  
17 are amended to read:

18 475.611 Definitions.--

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

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

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

30 2. "Analysis assignment" denotes appraisal services  
31 that relate to the employer's or client's individual needs or

1 investment objectives and includes specialized marketing,  
2 financing, and feasibility studies as well as analyses,  
3 opinions, and conclusions given in connection with activities  
4 such as real estate brokerage, mortgage banking, or real  
5 estate counseling.

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

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

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

28 Section 20. Section 475.612, Florida Statutes, is  
29 amended to read:

30 475.612 Certification, ~~or~~ licensure, or registration  
31 required.--

1           (1) A person may not use the title "certified real  
2 estate appraiser," "licensed real estate appraiser," or  
3 "registered assistant real estate appraiser," or any  
4 abbreviation or words to that effect, or issue an appraisal  
5 report in connection with any federally related transaction,  
6 unless such person is certified, licensed, or registered by  
7 the department under ~~pursuant to this part section~~. However,  
8 the work upon which an appraisal report is based may be  
9 performed by a person who is not a certified or licensed  
10 appraiser or registered assistant appraiser if the report is  
11 approved and signed by a certified or licensed appraiser.

12           (2) This section does not preclude a broker,  
13 salesperson, or broker-salesperson who is not a certified or  
14 licensed real estate appraiser or registered assistant real  
15 estate appraiser from appraising real estate for compensation.  
16 Such persons may continue to provide appraisals and appraisal  
17 services for compensation so long as they do not represent  
18 themselves as certified, or licensed, or registered under this  
19 part section.

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

25           (4) This section does ~~shall~~ not prevent any state  
26 court or administrative law judge from certifying as an expert  
27 witness in any legal or administrative proceeding an appraiser  
28 who is not certified, licensed, or registered; nor does ~~shall~~  
29 it prevent any appraiser from testifying, with respect to the  
30 results of an appraisal.

31

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

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

15           Section 21. Section 475.6145, Florida Statutes, is  
16 created to read:

17           475.6145 Seal.--The board shall adopt a seal by which  
18 it shall authenticate its proceedings, records, and acts.  
19 Copies of the proceedings, records, and acts of the board, and  
20 certificates purporting to relate the facts concerning such  
21 proceedings, records, and acts, which are signed by the board  
22 chair, the custodian of such records, or any other person  
23 authorized to make such certification and which are  
24 authenticated by such seal, shall be prima facie evidence of  
25 such proceedings, records, and acts in all courts of this  
26 state.

27           Section 22. Section 475.6147, Florida Statutes, is  
28 created to read:

29           475.6147 Fees.--

30           (1) The board by rule may establish fees to be paid  
31 for application, licensing and renewal, certification and

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

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

19 Section 23. Section 475.615, Florida Statutes, is  
20 amended to read:

21 475.615 Qualifications for registration, licensure, or  
22 certification.--

23 (1) Any person desiring to act as a registered  
24 assistant appraiser or as a~~7~~licensed~~7~~or certified appraiser  
25 must make application in writing to the department in such  
26 form and detail as the board shall prescribe. Each applicant  
27 must be at least 18 years of age and hold a high school  
28 diploma or its equivalent. At the time of application, a  
29 person must furnish evidence of successful completion of  
30 required education and evidence of required experience, if  
31 any.



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

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

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

20           ~~(5)~~(4) At the time of filing a notarized application  
21 for registration, licensure, or certification, the applicant  
22 must sign a pledge to comply with the Uniform Standards of  
23 Professional Appraisal Practice upon registration, licensure,  
24 or certification, and must indicate in writing that she or he  
25 understands the types of misconduct for which disciplinary  
26 proceedings may be initiated. The application shall expire 1  
27 year from the date received, if the applicant for  
28 registration, licensure, or certification fails to take the  
29 appropriate examination.

30           ~~(6)~~(5) All applicants must be competent and qualified  
31 to make real estate appraisals with safety to those with whom

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

21 ~~(7)(6)~~ No applicant seeking to become registered,  
22 licensed, or certified under this part section may be rejected  
23 solely by virtue of membership or lack of membership in any  
24 particular appraisal organization.

25 Section 24. Subsections (3) and (4) of section  
26 475.616, Florida Statutes, are amended to read:

27 475.616 Examination requirements.--To be licensed or  
28 certified as an appraiser, the applicant must demonstrate, by  
29 passing a written examination, that she or he possesses:

30  
31

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 25. 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 26. 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 27. 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 28. 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 29. 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 30. 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 31. 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 32. 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 33. 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 34. 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 35. 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 36. 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 37. 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 38. Subsection (17) is added to section  
19 489.103, Florida Statutes, to read:

20 489.103 Exemptions.--This part does not apply to:

21 (17) Contracting for repair, maintenance, remodeling,  
22 or improvement by any person licensed under part I of chapter  
23 475 while acting as the owner's agent pursuant to that  
24 license, where all work requiring a contractor is performed by  
25 a contractor who has a current, valid certificate or  
26 registration issued under this part to perform such work, and  
27 where the aggregate contract for labor, materials, and all  
28 other items is less than \$5,000; however, this exemption does  
29 not apply:

30 (a) If the construction, repair, remodeling, or  
31 improvement is a part of a larger or major operation, whether

1 undertaken by the same or a different contractor, or in which  
2 a division of the operation is made in contracts of amounts  
3 less than \$5,000 for the purpose of evading this part or  
4 otherwise.

5 (b) To a person who advertises that he or she is  
6 qualified to engage in contracting.

7 Section 39. Subsection (17) is added to section  
8 489.503, Florida Statutes, to read:

9 489.503 Exemptions.--This part does not apply to:

10 (17) Contracting for repair, maintenance, remodeling,  
11 or improvement by any person licensed under part I of chapter  
12 475 while acting as the owner's agent pursuant to that  
13 license, where all work requiring a contractor is performed by  
14 a contractor who has a current, valid certificate or  
15 registration issued under this part to perform such work, and  
16 where the aggregate contract for labor, materials, and all  
17 other items is less than \$5,000; however, this exemption does  
18 not apply:

19 (a) If the construction, repair, remodeling, or  
20 improvement is a part of a larger or major operation, whether  
21 undertaken by the same or a different contractor, or in which  
22 a division of the operation is made in contracts of amounts  
23 less than \$5,000 for the purpose of evading this part or  
24 otherwise.

25 (b) To a person who advertises that he or she is  
26 qualified to engage in contracting.

27 Section 40. Section 553.991, Florida Statutes, is  
28 amended to read:

29 553.991 Purpose.--The purpose of this part is to  
30 provide for a statewide uniform system for rating the energy  
31 efficiency of buildings ~~and to ensure that those ratings are~~



1 ~~disclosed to prospective purchasers at their request.~~ It is  
2 in the interest of the state to encourage the consideration of  
3 the energy-efficiency rating system in the market so as to  
4 provide market rewards for energy-efficient buildings and to  
5 those persons or companies designing, building, or selling  
6 energy-efficient buildings.

7 Section 41. Section 553.994, Florida Statutes, is  
8 amended to read:

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

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

16 ~~(2) For existing residential buildings, by January 1,~~  
17 ~~1995.~~

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

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

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

21 ~~(6) For existing commercial buildings, by January 1,~~  
22 ~~1996.~~

23 Section 42. Section 553.996, Florida Statutes, is  
24 amended to read:

25 553.996 Energy-efficiency ~~rating disclosure~~  
26 information brochure.--

27 ~~(1)(a) In accordance with the schedules in s. 553.994,~~  
28 ~~the prospective purchaser of real property with a building for~~  
29 ~~occupancy located thereon shall be provided written~~  
30 ~~notification that the purchaser may have the building's~~  
31 ~~energy-efficiency rating determined. Such notice shall be~~

1 ~~provided at the time of, or prior to, the purchaser's~~  
2 ~~execution of the contract for sale and purchase.~~

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

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

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

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

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

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

28 Section 43. This act shall take effect July 1 of the  
29 year in which enacted.  
30  
31