

1
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.
7 475.276, F.S.; providing an exception to
8 requirement that real estate licensees provide
9 a notice of nonrepresentation; amending s.
10 475.278, F.S.; revising provisions relating to
11 disclosure of authorized brokerage
12 relationships and the corresponding duties of
13 real estate licensees; creating s. 475.279,
14 F.S.; providing for the acceptance of facsimile
15 signatures or writing; amending s. 475.451,
16 F.S.; revising provisions relating to the
17 permitting of instructors for proprietary real
18 estate schools or state institutions; providing
19 permit renewal requirements; revising
20 references relating to examinations; amending
21 s. 475.452, F.S.; providing requirements
22 applicable to advance expenses, commissions, or
23 fees for brokers auctioning real property;
24 amending s. 475.484, F.S.; providing
25 applicability with respect to a conflict with
26 federal law in the disciplining of certain
27 licensees against whom a judgment has been paid
28 from the Real Estate Recovery Fund; creating s.
29 475.5016, F.S.; granting the department
30 authority to inspect and audit brokers and
31 brokerage offices; amending ss. 475.611 and

1 475.612, F.S.; redesignating registered
2 appraisers as registered assistant appraisers;
3 amending ss. 475.011, 475.616, 475.618,
4 475.619, 475.620, 475.622, 475.623, 475.626,
5 475.627, 475.628, 475.629, and 475.630, F.S.,
6 to conform and correct references; creating s.
7 475.6145, F.S.; providing for a seal for the
8 Florida Real Estate Appraisal Board to
9 authenticate its proceedings, records, and
10 acts; creating s. 475.6147, F.S.; providing a
11 separate section relating to establishment of
12 fees applicable to the regulation of real
13 estate appraisers; amending s. 475.615, F.S.;
14 revising provisions relating to qualifications
15 for registration, licensure, or certification
16 of appraisers; providing for a charge for
17 application for a change in status of appraisal
18 licensure; amending s. 475.617, F.S.; revising
19 continuing education and experience
20 requirements for real estate appraisers;
21 amending s. 475.624, F.S.; revising a ground
22 for disciplinary action to exempt licensees
23 from the reporting of certain violators;
24 creating s. 475.6295, F.S.; granting the
25 department authority to inspect appraisers and
26 appraisal offices; amending ss. 489.103 and
27 489.503, F.S., relating to exemptions from
28 statutory provisions regulating construction
29 contracting and electrical and alarm system
30 contracting; providing exemptions relating to
31 contracting for certain repairs, maintenance,

1 remodeling, or improvement by a real estate
2 licensee acting as the owner's agent; providing
3 circumstances under which such exemptions do
4 not apply; amending s. 553.991, F.S.; limiting
5 the purpose of the "Florida Building
6 Energy-Efficiency Rating Act" to providing for
7 a statewide uniform system for rating the
8 energy efficiency of buildings; amending s.
9 553.994, F.S.; deleting the schedule for
10 phasing in the rating system; amending s.
11 553.996, F.S.; requiring provision of an
12 information brochure to prospective purchasers
13 of certain real property; deleting a provision
14 authorizing such prospective purchasers to
15 receive a rating on the property upon request;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (a) of subsection (1) of section
21 475.01, Florida Statutes, is amended to read:

22 475.01 Definitions.--

23 (1) As used in this part:

24 (a) "Broker" means a person who, for another, and for
25 a compensation or valuable consideration directly or
26 indirectly paid or promised, expressly or impliedly, or with
27 an intent to collect or receive a compensation or valuable
28 consideration therefor, appraises, auctions, sells, exchanges,
29 buys, rents, or offers, attempts or agrees to appraise,
30 auction, or negotiate the sale, exchange, purchase, or rental
31 of business enterprises or business opportunities or any real

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

1 behalf of any number of persons, except as provided in ss.
2 475.011 and 721.20.

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

5 475.011 Exemptions.--This part does not apply to:

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

9 Section 3. Section 475.15, Florida Statutes, is
10 amended to read:

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

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

29 475.17 Qualifications for practice.--

30 (2)(a) In addition to other requirements under this
31 part, the commission may require the satisfactory completion

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

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

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

31

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

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

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

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

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

27 475.183 Inactive status.--

28 (2) Any license which has been involuntarily inactive
29 for more than 2 ~~4~~ years shall automatically expire. Once a
30 license expires, it becomes null and void without any further
31 action by the commission or department. Ninety days ~~Two years~~

1 prior to expiration of the license, the department shall give
2 notice to the licensee. The commission shall prescribe by
3 rule a fee not to exceed \$100 for the late renewal of an
4 involuntarily inactive license. The department shall collect
5 the current renewal fee for each renewal period in which the
6 license was involuntarily inactive in addition to any
7 applicable late renewal fee.

8 Section 6. Paragraph (a) of subsection (1) of section
9 475.25, Florida Statutes, is amended, and paragraph (t) is
10 added to said subsection, to read:

11 475.25 Discipline.--

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

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

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

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

3 Section 7. For the purpose of incorporating the
4 amendment to section 475.25, Florida Statutes, in a reference
5 thereto, subsection (1) of section 475.482, Florida Statutes,
6 is reenacted to read:

7 475.482 Real Estate Recovery Fund.--There is created
8 the Florida Real Estate Recovery Fund as a separate account in
9 the Professional Regulation Trust Fund.

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

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

21 (b) Was neither the seller, buyer, landlord, or tenant
22 in the transaction nor an officer or a director of a
23 corporation or a member of a partnership which was the seller,
24 buyer, landlord, or tenant in the transaction; and

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

27

28 provided the act was a violation proscribed in s. 475.25 or s.
29 475.42.

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

1 475.272 Purpose.--In order to eliminate confusion and
2 provide for a better understanding on the part of customers in
3 real estate transactions, the Legislature finds that the
4 intent of the Brokerage Relationship Disclosure Act is to
5 provide that:

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

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

15 (3) Disclosure requirements for real estate licensees
16 relating to nonrepresentation and authorized forms of
17 brokerage representation are established;

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

21 (4)~~(5)~~ Single agents may represent either a buyer or a
22 seller, but not both, in a real estate transaction; and

23 (5)~~(6)~~ Transaction brokers provide a limited form of
24 nonfiduciary representation to a buyer, a seller, or both in a
25 real estate transaction.

26 Section 9. Section 475.274, Florida Statutes, is
27 amended to read:

28 475.274 Scope of coverage.--The authorized brokerage
29 relationships described in ss. 475.2755 and ~~s. 475.278~~ apply
30 in all brokerage activities as defined in s. 475.01(1)(a). The
31

1 disclosure requirements of ss. 475.276 and 475.278 apply only
2 to residential sales as defined in s. 475.276.

3 Section 10. Section 475.2755, Florida Statutes, is
4 created to read:

5 475.2755 Designated salesperson.--

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

22
23 FLORIDA LAW PROHIBITS A DESIGNATED SALESPERSON FROM
24 DISCLOSING, EXCEPT TO THE BROKER OR PERSONS SPECIFIED BY THE
25 BROKER, INFORMATION MADE CONFIDENTIAL BY REQUEST OR AT THE
26 INSTRUCTION OF THE CUSTOMER THE DESIGNATED SALESPERSON IS
27 REPRESENTING. HOWEVER, FLORIDA LAW ALLOWS A DESIGNATED
28 SALESPERSON TO DISCLOSE INFORMATION ALLOWED TO BE DISCLOSED OR
29 REQUIRED TO BE DISCLOSED BY LAW AND ALSO ALLOWS A DESIGNATED
30 SALESPERSON TO DISCLOSE TO HIS OR HER BROKER, OR PERSONS
31 SPECIFIED BY THE BROKER, CONFIDENTIAL INFORMATION OF A

1 CUSTOMER FOR THE PURPOSE OF SEEKING ADVICE OR ASSISTANCE FOR
2 THE BENEFIT OF THE CUSTOMER IN REGARD TO A TRANSACTION.
3 FLORIDA LAW REQUIRES THAT THE BROKER MUST HOLD THIS
4 INFORMATION CONFIDENTIAL AND MAY NOT USE SUCH INFORMATION TO
5 THE DETRIMENT OF THE OTHER PARTY.

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

11 Section 11. Section 475.276, Florida Statutes, is
12 amended to read:

13 475.276 Notice of nonrepresentation.--

14 (1) APPLICABILITY.--

15 (a) Residential sales.--The real estate licensee
16 disclosure requirements of this section and s. 475.278 apply
17 to all residential sales. As used in this section, the term
18 "residential sales" means the sale of improved residential
19 property of four units or fewer, the sale of unimproved
20 residential property intended for use of four units or fewer,
21 or the sale of agricultural property of 10 acres or fewer.

22 (b) Disclosure limitations.--The real estate licensee
23 disclosure requirements of this section and s. 475.278 do not
24 apply to: nonresidential transactions; the rental or leasing
25 of real property, unless an option to purchase all or a
26 portion of the property improved with four or fewer
27 residential units is given; auctions; appraisals; and
28 dispositions of any interest in business enterprises or
29 business opportunities, except for property with four or fewer
30 residential units.

31

1 (2) NOTICE REQUIREMENT.--Unless otherwise exempted by
2 this part, all real estate licensees are required to provide
3 to any potential seller or buyer at first contact the notice
4 of nonrepresentation as outlined in subsection (3), except in
5 situations where:

6 (a) A licensee knows that the potential seller or
7 buyer is represented by a single agent or a transaction
8 broker; or

9 (b) An owner is selling new residential units built by
10 the owner, and the circumstances or setting of the first
11 contact should reasonably inform the potential buyer that the
12 owner's employee or single agent is acting on behalf of the
13 owner, whether by the location of the sales office, by office
14 signage, placards, or identification badges worn by the
15 owner's employee or single agent.

16
17 If first contact between a licensee and a customer occurs
18 during the course of a telephone conversation or any other
19 communication in which the licensee is unable to provide the
20 required notice of nonrepresentation, the licensee shall
21 provide an oral notice and thereafter provide the required
22 notice of nonrepresentation at the time of the first
23 face-to-face contact, execution of a brokerage relationship
24 agreement, or execution of a contractual agreement for
25 purchase and sale, whichever occurs first.

26 (3) CONTENTS OF NOTICE.--

27 (a) Required information.--The notice required under
28 subsection (2) must contain the following information:

29
30 NOTICE OF NONREPRESENTATION
31

1 FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES PROVIDE THIS
 2 NOTICE AT FIRST CONTACT TO ALL POTENTIAL SELLERS AND BUYERS OF
 3 REAL ESTATE.

4
 5 You are hereby notified that (insert name of
 6 brokerage firm) and I do not represent you in any capacity.
 7 You should not assume that any real estate broker or
 8 salesperson represents you unless you agree to engage a real
 9 estate licensee in an authorized brokerage relationship,
 10 either as a single agent or as a transaction broker. You are
 11 advised not to disclose any information you want to be held in
 12 confidence until you make a decision on representation. Your
 13 signature below acknowledges receipt of this form and does not
 14 establish a brokerage relationship.

15
 16
 17
 18 Date (Signature Optional)

19
 20
 21
 22 (Signature Optional)

23 (b) Required format.--The notice required under
 24 subsection (2) must be printed as a separate and distinct form
 25 on paper no smaller than 8 1/2 inches by 11 inches. Nothing
 26 may be added to the form except a brokerage firm logo
 27 containing only the firm name, address, and relevant phone
 28 numbers. The form title and first sentence are to be in bold
 29 typeface of no less than 16-point type. The remainder of the
 30 form must be of 12-point type or larger.

31

1 Section 12. Section 475.278, Florida Statutes, is
2 amended to read:

3 475.278 Authorized brokerage relationships; required
4 disclosures.--

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

21 (2) TRANSACTION BROKER RELATIONSHIP.--

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

- 29 1. Dealing honestly and fairly;
30 2. Accounting for all funds;

31

1 3. Using skill, care, and diligence in the
2 transaction;

3 4. Disclosing all known facts that materially affect
4 the value of residential real property and are not readily
5 observable to the buyer;

6 5. Presenting all offers and counteroffers in a timely
7 manner, unless a party has previously directed the licensee
8 otherwise in writing;

9 6. Limited confidentiality, unless waived in writing
10 by a party. This limited confidentiality will prevent
11 disclosure that the seller will accept a price less than the
12 asking or listed price, that the buyer will pay a price
13 greater than the price submitted in a written offer, of the
14 motivation of any party for selling or buying property, that a
15 seller or buyer will agree to financing terms other than those
16 offered, or of any other information requested by a party to
17 remain confidential; and

18 7. Any additional duties that are mutually agreed to
19 with a party.

20 (b) Disclosure requirements.--Duties of a transaction
21 broker must be fully described and disclosed in writing to a
22 buyer or seller either as a separate and distinct disclosure
23 document or included as part of another document such as a
24 listing agreement or agreement for representation. The
25 disclosure must be made before, or at the time of, entering
26 into a listing agreement or an agreement for representation.
27 When incorporated into other documents, the required notice
28 must be of the same size type, or larger, as other provisions
29 of the document and must be conspicuous in its placement so as
30 to advise customers of the duties of limited representation,
31

1 except that the first sentence of the information identified
2 in paragraph (c) must be printed in uppercase and bold type.

3 (c) Contents of disclosure.--The required notice given
4 under paragraph (b) must include the following information in
5 the following form:

6
7 TRANSACTION BROKER NOTICE

8
9 FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES OPERATING AS
10 TRANSACTION BROKERS DISCLOSE TO BUYERS AND SELLERS THEIR ROLE
11 AND DUTIES IN PROVIDING A LIMITED FORM OF REPRESENTATION.

12
13 As a transaction broker, (insert name of Real
14 Estate Firm and its Associates), provides to you a limited
15 form of representation that includes the following duties:

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

1 seller or buyer will agree to financing terms other than those
2 offered, or of any other information requested by a party to
3 remain confidential; and

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

6
7 Limited representation means that a buyer or seller is not
8 responsible for the acts of the licensee. Additionally,
9 parties are giving up their rights to the undivided loyalty of
10 the licensee. This aspect of limited representation allows a
11 licensee to facilitate a real estate transaction by assisting
12 both the buyer and the seller, but a licensee will not work to
13 represent one party to the detriment of the other party when
14 acting as a transaction broker to both parties.

15
16
17
18 Date Signature

19
20
21 Signature

22 (3) SINGLE AGENT RELATIONSHIP.--

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

- 26 1. Dealing honestly and fairly;
- 27 2. Loyalty;
- 28 3. Confidentiality;
- 29 4. Obedience;
- 30 5. Full disclosure;
- 31 6. Accounting for all funds;

1 7. Skill, care, and diligence in the transaction; ~~and~~
2 8. Presenting all offers and counteroffers in a timely
3 manner, unless a party has previously directed the licensee
4 otherwise in writing; ~~and~~—

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

8 (b) Disclosure requirements.--

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

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

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

8 (c) Contents of disclosure.--

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

12

13 SINGLE AGENT NOTICE

14

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

17

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

21

1. Dealing honestly and fairly;

22

2. Loyalty;

23

3. Confidentiality;

24

4. Obedience;

25

5. Full disclosure;

26

6. Accounting for all funds;

27

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

28

8. Presenting all offers and counteroffers in a timely

29

manner, unless a party has previously directed the licensee

30

otherwise in writing; and-

31

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

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

6 Section 13. Section 475.279, Florida Statutes, is
7 created to read:

8 475.279 Facsimile signatures or writing
9 accepted.--When any act performed under this part must be
10 performed in writing or acknowledged with a signature, the
11 provision of an instrument or writing by electronic means or
12 facsimile, including a signature transmitted by electronic
13 means or facsimile, is binding and sufficient.

14 Section 14. Section 475.2801, Florida Statutes, is
15 amended to read:

16 475.2801 Rules.--The commission may adopt rules
17 establishing disciplinary guidelines, notices of
18 noncompliance, and citations for violations of ss. 475.2755,
19 475.276, and 475.278.

20 Section 15. Section 475.451, Florida Statutes, is
21 amended to read:

22 475.451 Schools teaching real estate practice.--

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

1 licensure ~~conducted by the department~~ shall, before commencing
2 or continuing further to offer or conduct such course or
3 courses, obtain a permit from the department and abide by the
4 regulations imposed upon such person, school, or institution
5 by this chapter and rules of the commission adopted pursuant
6 to this chapter. The exemption for colleges, universities,
7 community colleges, and area technical centers is limited to
8 transferable college credit courses offered by such
9 institutions.

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

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

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

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

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

13 a. Hold a bachelor's degree in a business-related
14 subject, such as real estate, finance, accounting, business
15 administration, or its equivalent and hold a valid broker's
16 license in this state.

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

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

22 2. Any requirement by the commission for a teaching
23 demonstration or practical examination must apply to all
24 school instructor applicants.

25 3. The department shall renew an instructor permit
26 upon receipt of a renewal application and fee. The renewal
27 application shall include proof that the permit holder has,
28 since the issuance or renewal of the current permit, ~~Every~~
29 ~~second year, each instructor must recertify her or his~~
30 ~~competency by presenting to the commission evidence of her or~~
31 ~~his having~~ successfully completed a minimum of 15 classroom

1 hours of instruction in real estate subjects or instructional
2 techniques, as prescribed by the commission. The commission
3 shall adopt rules providing for the renewal of instructor
4 permits at least every 2 years. Any permit which is not
5 renewed at the end of the permit period established by the
6 department shall automatically revert to involuntarily
7 inactive status.

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

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

30
31

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

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

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

29 (7) Any person holding a school instructor permit on
30 October 1, 1983, is exempt from the instructor examination
31 requirements of paragraph (2)(c) as long as the person

1 continuously holds such a permit and complies with all other
2 requirements of this chapter.

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

10 Section 16. Subsection (6) is added to section
11 475.452, Florida Statutes, to read:

12 475.452 Advance fees; deposit; accounting; penalty;
13 damages.--

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

22 Section 17. Subsection (7) of section 475.484, Florida
23 Statutes, is amended to read:

24 475.484 Payment from the fund.--

25 (7) Upon the payment of any amount from the Real
26 Estate Recovery Fund in settlement of a claim in satisfaction
27 of a judgment against a broker or salesperson as described in
28 s. 475.482(1), the license of such broker or salesperson shall
29 be automatically suspended upon the date of payment from the
30 fund. The license of such broker or salesperson may not be
31 reinstated until the licensee has repaid in full, plus

1 interest, the amount paid from the fund. No further
2 administrative action is necessary. A discharge of bankruptcy
3 does not relieve a licensee from the penalties and
4 disabilities provided in this section, except to the extent
5 that this subsection conflicts with 11 U.S.C. s. 525, in which
6 case the commission may order the license not to be suspended
7 or otherwise discriminated against.

8 Section 18. Section 475.5015, Florida Statutes, is
9 amended to read:

10 475.5015 Brokerage business records.--Each broker
11 shall keep and make available to the department such books,
12 accounts, and records as will enable the department to
13 determine whether such broker is in compliance with the
14 provisions of this chapter. Each broker shall preserve at
15 least one legible copy of all books, accounts, and records
16 pertaining to her or his real estate brokerage business for at
17 least 5 years from the date of receipt of any money, fund,
18 deposit, check, or draft entrusted to the broker or, in the
19 event no funds are entrusted to the broker, for at least 5
20 years from the date of execution by any party of any listing
21 agreement, offer to purchase, rental property management
22 agreement, rental or lease agreement, or any other written or
23 verbal agreement which engages the services of the broker. If
24 any brokerage record has been the subject of or has served as
25 evidence for litigation, relevant books, accounts, and records
26 must be retained for at least 2 years after the conclusion of
27 the civil action or the conclusion of any appellate
28 proceeding, whichever is later, but in no case less than a
29 total of 5 years as set above. Disclosure documents required
30 under ss. 475.2755, 475.276, and 475.278 shall be retained by
31

1 the real estate licensee in all transactions that result in a
2 written contract to purchase and sell real property.

3 Section 19. Section 475.5016, Florida Statutes, is
4 created to read:

5 475.5016 Authority to inspect and audit.--Duly
6 authorized agents and employees of the department shall have
7 the power to inspect and audit in a lawful manner at all
8 reasonable hours any broker or brokerage office licensed under
9 this chapter, for the purpose of determining if any of the
10 provisions of this chapter, chapter 455, or any rule
11 promulgated under authority of either chapter is being
12 violated.

13 Section 20. Paragraphs (a), (e), and (1) of subsection
14 (1) and subsection (2) of section 475.611, Florida Statutes,
15 are amended to read:

16 475.611 Definitions.--

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

18 (a) "Appraisal" or "appraisal services" means the
19 services provided by certified or~~7~~licensed appraisers~~7~~or
20 registered assistant appraisers, and includes:

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

28 2. "Analysis assignment" denotes appraisal services
29 that relate to the employer's or client's individual needs or
30 investment objectives and includes specialized marketing,
31 financing, and feasibility studies as well as analyses,

1 opinions, and conclusions given in connection with activities
2 such as real estate brokerage, mortgage banking, or real
3 estate counseling.

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

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

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

26 Section 21. Section 475.612, Florida Statutes, is
27 amended to read:

28 475.612 Certification, ~~or~~ licensure, or registration
29 required.--

30 (1) A person may not use the title "certified real
31 estate appraiser," "licensed real estate appraiser," or

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

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

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

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

29 (5) This section does ~~shall~~ not apply to any full-time
30 graduate student who is enrolled in a degree program in
31 appraising at a college or university in this state, if the

1 student is acting under the direct supervision of a certified
2 or licensed appraiser or licensed broker and is engaged only
3 in appraisal activities related to the approved degree
4 program. Any appraisal report by the student must be issued in
5 the name of the supervising individual.

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

12 Section 22. Section 475.6145, Florida Statutes, is
13 created to read:

14 475.6145 Seal.--The board shall adopt a seal by which
15 it shall authenticate its proceedings, records, and acts.
16 Copies of the proceedings, records, and acts of the board, and
17 certificates purporting to relate the facts concerning such
18 proceedings, records, and acts, which are signed by the board
19 chair, the custodian of such records, or any other person
20 authorized to make such certification and which are
21 authenticated by such seal, shall be prima facie evidence of
22 such proceedings, records, and acts in all courts of this
23 state.

24 Section 23. Section 475.6147, Florida Statutes, is
25 created to read:

26 475.6147 Fees.--

27 (1) The board by rule may establish fees to be paid
28 for application, licensing and renewal, certification and
29 recertification, reinstatement, and recordmaking and
30 recordkeeping. The fee for initial application may not exceed
31 \$150, and the combined cost of the application and examination

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

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

16 Section 24. Section 475.615, Florida Statutes, is
17 amended to read:

18 475.615 Qualifications for registration, licensure, or
19 certification.--

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

29 (2) The board is authorized to waive or modify any
30 education, experience, or examination requirements established
31 in this section in order to conform with any such requirements

1 established by the Appraisal Qualifications Board of the
2 Appraisal Foundation and recognized by the Appraisal
3 Subcommittee or any successor body recognized by federal law.

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

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

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

27 ~~(6)~~(5) All applicants must be competent and qualified
28 to make real estate appraisals with safety to those with whom
29 they may undertake a relationship of trust and confidence and
30 the general public. If any applicant has been denied
31 registration, licensure, or certification, or has been

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

18 | ~~(7)(6)~~ No applicant seeking to become registered,
19 | licensed, or certified under this part section may be rejected
20 | solely by virtue of membership or lack of membership in any
21 | particular appraisal organization.

22 | Section 25. Subsections (3) and (4) of section
23 | 475.616, Florida Statutes, are amended to read:

24 | 475.616 Examination requirements.--To be licensed or
25 | certified as an appraiser, the applicant must demonstrate, by
26 | passing a written examination, that she or he possesses:

27 | (3) An understanding of the standards for the
28 | development and communication of real estate appraisals as
29 | provided in this part section.

30 | (4) An understanding of the types of misconduct for
31 | which disciplinary proceedings may be initiated against a

1 licensed or certified appraiser, as set forth in this part
2 section.

3 Section 26. Section 475.617, Florida Statutes, is
4 amended to read:

5 475.617 Education and experience requirements.--

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

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

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

24 (b) Has successfully completed at least 90 ~~75~~
25 classroom hours, inclusive of examination, of approved
26 academic courses in subjects related to real estate appraisal,
27 which shall include coverage of the Uniform Standards of
28 Professional Appraisal Practice from a nationally recognized
29 or state-recognized appraisal organization, area technical
30 center, accredited community college, college, or university,
31 state or federal agency or commission, or proprietary real

1 estate school that holds a permit pursuant to s. 475.451. The
2 board may increase the required number of hours to not more
3 than 120 hours.A classroom hour is defined as 50 minutes out
4 of each 60-minute segment. Past courses may be approved by the
5 board and substituted on an hour-for-hour basis.

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

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

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

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

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

31

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

14 (5) Each applicant must furnish, under oath, a
15 detailed statement of the experience for each year of
16 experience she or he claims. Upon request, the applicant
17 shall furnish to the board, for its examination, copies of
18 appraisal reports or file memoranda to support the claim for
19 experience.

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

22 475.618 Renewal of registration, license,
23 certification, or instructor permit; continuing education.--

24 (4) At least 60 days prior to the end of the
25 registration, license, certification, or instructor permit
26 period, the department shall cause to be mailed a notice of
27 renewal and possible reversion to the last known address of
28 the registered assistant ~~registrant~~, licensee,
29 certificateholder, or permitholder.

30 Section 28. Subsection (2) of section 475.619, Florida
31 Statutes, is amended to read:

1 475.619 Inactive status.--

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

16 Section 29. Section 475.620, Florida Statutes, is
17 amended to read:

18 475.620 Corporations and partnerships ineligible for
19 licensure or certification.--

20 (1) A license or certification may not be issued under
21 this part ~~section~~ to a corporation, partnership, firm, or
22 group. However, an appraiser licensed or certified under this
23 part ~~section~~ may provide an appraisal report for or on behalf
24 of a corporation, partnership, firm, or group, if the report
25 is prepared by, or under the personal direction of, such
26 appraiser and is reviewed and signed by her or him.

27 (2) The term "state-registered assistant appraiser,"
28 "state-licensed appraiser," or "state-certified appraiser" may
29 only be used to refer to an individual who is registered,
30 licensed, or certified under this part ~~section~~ and may not be
31 used following or immediately in connection with the name or

1 signature of a corporation, partnership, firm, or group, or in
2 such manner that it could be interpreted as implying
3 registration, licensure, or certification under this part
4 ~~section~~ of a corporation, partnership, firm, or group, or
5 anyone other than an individual appraiser. Corporations,
6 partnerships, firms, or groups which employ certified or,
7 licensed appraisers, or registered assistant appraisers who
8 provide appraisal reports, as defined by this part section,
9 may represent to the public and advertise that they offer
10 appraisals performed by registered, licensed, or certified
11 appraisers.

12 Section 30. Section 475.622, Florida Statutes, is
13 amended to read:

14 475.622 Display and disclosure of licensure, or
15 certification, or registration.--

16 (1) Each appraiser registered, licensed, or certified
17 under this part section shall place her or his registration,
18 license, or certification number adjacent to or immediately
19 beneath the designation "state-registered assistant real
20 estate appraiser," "state-licensed real estate appraiser,"
21 "state-certified residential real estate appraiser," or
22 "state-certified general real estate appraiser," or their
23 appropriate abbreviations as defined by rule, as applicable,
24 when such term is used in an appraisal report or in a contract
25 or other instrument used by the appraiser in conducting real
26 property appraisal activities. The applicable designation
27 shall be included in any newspaper, telephone directory, or
28 other advertising medium, as defined by rule, used by the
29 appraiser.

30 (2) A registered assistant appraiser or, licensed, or
31 certified appraiser may not sign any appraisal report or

1 communicate same without disclosing in writing that she or he
2 is a state-registered assistant appraiser or, state-licensed,
3 state-certified residential, or state-certified general
4 appraiser, as applicable, even if the appraisal performed is
5 outside of the scope of the appraiser's registration,
6 licensure, or certification as an appraiser.

7 Section 31. Section 475.623, Florida Statutes, is
8 amended to read:

9 475.623 Registration of office location.--Each
10 appraiser registered, licensed, or certified under this part
11 ~~section~~ shall furnish in writing to the department each
12 business address from which she or he operates in the
13 performance of appraisal services. Each appraiser must notify
14 the department of any change of address within 10 days on a
15 form provided by the department.

16 Section 32. Section 475.624, Florida Statutes, is
17 amended to read:

18 475.624 Discipline.--The board may deny an application
19 for registration, licensure, or certification; may investigate
20 the actions of any appraiser registered, licensed, or
21 certified under this part section; ~~and~~ may reprimand or impose
22 an administrative fine not to exceed \$5,000 for each count or
23 separate offense against any such appraiser; and may ~~revoke,~~
24 or suspend, for a period not to exceed 10 years, the
25 registration, license, or certification of any such appraiser,
26 or place any such appraiser on probation, if it finds that the
27 registered assistant registrant, licensee, or
28 certificateholder:

29 (1) Has violated any provisions of this part or ~~of s.~~
30 455.227(1); however, licensees under this part are exempt from
31 the provisions of s. 455.227(1)(i).

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

21 (3) Has advertised services in a manner which is
22 fraudulent, false, deceptive, or misleading in form or
23 content.

24 (4) Has violated any of the provisions of this section
25 or any lawful order or rule issued under the provisions of
26 this section or chapter 455.

27 (5) Has been convicted or found guilty of, or entered
28 a plea of nolo contendere to, regardless of adjudication, a
29 crime in any jurisdiction which directly relates to the
30 activities of a registered assistant appraiser or ~~licensed~~,
31 or certified appraiser, or which involves moral turpitude or

1 fraudulent or dishonest conduct. The record of a conviction
2 certified or authenticated in such form as admissible in
3 evidence under the laws of the state shall be admissible as
4 prima facie evidence of such guilt.

5 (6) Has had a registration, license, or certification
6 as an appraiser revoked, suspended, or otherwise acted
7 against, or has been disbarred, or has had her or his
8 registration, license, or certificate to practice or conduct
9 any regulated profession, business, or vocation revoked or
10 suspended by this or any other state, any nation, or any
11 possession or district of the United States, or has had an
12 application for such registration, licensure, or certification
13 to practice or conduct any regulated profession, business, or
14 vocation denied by this or any other state, any nation, or any
15 possession or district of the United States.

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

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

27 (9) Has failed to inform the board in writing within
28 30 days after pleading guilty or nolo contendere to, or being
29 convicted or found guilty of, any felony.

30 (10) Has been found guilty, for a second time, of any
31 misconduct that warrants disciplinary action, or has been

1 found guilty of a course of conduct or practice which shows
2 that she or he is incompetent, negligent, dishonest, or
3 untruthful to an extent that those with whom she or he may
4 sustain a confidential relationship may not safely do so.

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

14 (12) Has obtained or attempted to obtain a
15 registration, license, or certification by means of knowingly
16 making a false statement, submitting false information,
17 refusing to provide complete information in response to an
18 application question, or engaging in fraud, misrepresentation,
19 or concealment.

20 (13) Has paid money or other valuable consideration,
21 except as required by this section, to any member or employee
22 of the board to obtain a registration, license, or
23 certification under this section.

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

27 (15) Has failed or refused to exercise reasonable
28 diligence in developing an appraisal or preparing an appraisal
29 report.

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

1 (17) Has accepted an appraisal assignment if the
2 employment itself is contingent upon the appraiser reporting a
3 predetermined result, analysis, or opinion, or if the fee to
4 be paid for the performance of the appraisal assignment is
5 contingent upon the opinion, conclusion, or valuation reached
6 upon the consequences resulting from the appraisal assignment.

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

12 Section 33. Paragraph (a) of subsection (1) of section
13 475.626, Florida Statutes, is amended to read:

14 475.626 Violations and penalties.--

15 (1) VIOLATIONS.--

16 (a) No person shall operate or attempt to operate as a
17 registered assistant appraiser or ~~licensed~~ or certified
18 appraiser without being the holder of a valid and current
19 registration, license, or certification.

20 Section 34. Subsections (1) and (2) of section
21 475.627, Florida Statutes, are amended to read:

22 475.627 Appraisal course instructors.--

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

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

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

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

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

16 (b) Pass an appraiser instructor's examination which
17 shall test knowledge of residential and nonresidential
18 appraisal topics.

19 Section 35. Section 475.628, Florida Statutes, is
20 amended to read:

21 475.628 Professional standards for ~~licensed and~~
22 ~~certified~~ appraisers registered, licensed, or certified under
23 this part.--Each appraiser registered, licensed, or certified
24 under this part ~~section~~ shall comply with the Uniform
25 Standards of Professional Appraisal Practice. Statements on
26 appraisal standards which may be issued for the purpose of
27 clarification, interpretation, explanation, or elaboration
28 through the Appraisal Foundation shall also be binding on any
29 appraiser registered, licensed, or certified under this part
30 section.

31

1 Section 36. Section 475.629, Florida Statutes, is
2 amended to read:

3 475.629 Retention of records.--An appraiser
4 registered, licensed, or certified under this part ~~section~~
5 shall retain, for at least 5 years, original or true copies of
6 any contracts engaging the appraiser's services, appraisal
7 reports, and supporting data assembled and formulated by the
8 appraiser in preparing appraisal reports. The period for
9 retention of the records applicable to each engagement of the
10 services of the appraiser runs from the date of the submission
11 of the appraisal report to the client. These records must be
12 made available by the appraiser for inspection and copying by
13 the department on reasonable notice to the appraiser. If an
14 appraisal has been the subject of or has served as evidence
15 for litigation, reports and records must be retained for at
16 least 2 years after the trial.

17 Section 37. Section 475.6295, Florida Statutes, is
18 created to read:

19 475.6295 Authority to inspect.--Duly authorized agents
20 and employees of the department shall have the power to
21 inspect in a lawful manner at all reasonable hours any
22 appraiser or appraisal office licensed under this chapter, for
23 the purpose of determining if any of the provisions of this
24 chapter, chapter 455, or any rule promulgated under authority
25 of either chapter is being violated.

26 Section 38. Paragraph (c) of subsection (2) of section
27 475.630, Florida Statutes, is amended to read:

28 475.630 Temporary practice.--

29 (2) In order to register with the board, the appraiser
30 must:

31

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

11 Section 39. Subsection (17) is added to section
12 489.103, Florida Statutes, to read:

13 489.103 Exemptions.--This part does not apply to:

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

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

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

31

1 Section 40. Subsection (17) is added to section
2 489.503, Florida Statutes, to read:

3 489.503 Exemptions.--This part does not apply to:

4 (17) Contracting for repair, maintenance, remodeling,
5 or improvement by any person licensed under part I of chapter
6 475 while acting as the owner's agent pursuant to that
7 license, where all work requiring a contractor is performed by
8 a contractor who has a current, valid certificate or
9 registration issued under this part to perform such work, and
10 where the aggregate contract for labor, materials, and all
11 other items is less than \$5,000; however, this exemption does
12 not apply:

13 (a) If the maintenance, repair, remodeling, or
14 improvement is a part of a larger or major operation, whether
15 undertaken by the same or a different contractor, or in which
16 a division of the operation is made in contracts of amounts
17 less than \$5,000 for the purpose of evading this part or
18 otherwise.

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

21 Section 41. Section 553.991, Florida Statutes, is
22 amended to read:

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

1 Section 42. Section 553.994, Florida Statutes, is
2 amended to read:

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

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

10 ~~(2) For existing residential buildings, by January 1,~~
11 ~~1995.~~

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

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

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

15 ~~(6) For existing commercial buildings, by January 1,~~
16 ~~1996.~~

17 Section 43. Section 553.996, Florida Statutes, is
18 amended to read:

19 553.996 Energy-efficiency ~~rating disclosure~~
20 information brochure.--

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

28 ~~(b) The energy-efficiency rating of a residential or~~
29 ~~commercial building shall be provided upon request of the~~
30 ~~prospective purchaser, in writing, at the time of, or prior~~
31

1 ~~to, the purchaser's execution of the contract for sale and~~
2 ~~purchase.~~

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

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

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

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

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

23 Section 44. This act shall take effect July 1 of the
24 year in which enacted.

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