

By Senators Clary, Harris, McKay, Williams and Kurth

7-463-98

See HB

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

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

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

31

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

2  
3 Section 1. Paragraph (a) of subsection (1) of section  
4 475.01, Florida Statutes, is amended to read:

5 475.01 Definitions.--

6 (1) As used in this part:

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

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

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

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

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

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

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

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

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

11           475.17 Qualifications for practice.--

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

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

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

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

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

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

22

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

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

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

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

8 475.183 Inactive status.--

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

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

22 475.25 Discipline.--

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



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

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

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

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

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

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

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

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

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

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

3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Section 7. For the purpose of incorporating the  
4 amendments to section 475.25, Florida Statutes, in references  
5 thereto, paragraph (b) of subsection (2) of section 475.180,  
6 Florida Statutes, is reenacted to read:

7 475.180 Nonresident licenses.--

8 (2)

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

14 Section 8. For the purpose of incorporating the  
15 amendments to section 475.25, Florida Statutes, in references  
16 thereto, subsection (2) of section 475.181, Florida Statutes,  
17 is reenacted to read:

18 475.181 Licensure.--

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

26 Section 9. For the purpose of incorporating the  
27 amendments to section 475.25, Florida Statutes, in references  
28 thereto, subsection (2) of section 475.22, Florida Statutes,  
29 is reenacted to read:

30  
31

1           475.22 Broker to maintain office and sign at entrance  
2 of office; registered office outside state; broker required to  
3 cooperate in investigation.--

4           (2) If a broker's registered office is located outside  
5 the State of Florida, prior to registering such office or  
6 branch office, the broker shall agree in writing to cooperate  
7 and shall cooperate with any investigation initiated in  
8 accordance with this chapter or commission rules including,  
9 but not limited to, the broker promptly supplying any  
10 documents requested by any authorized representative of the  
11 department and by personally appearing at any designated  
12 office of the department or other location in the state or  
13 elsewhere as reasonably requested by the department. If the  
14 department sends, by certified mail to the broker at the  
15 broker's last known business address as registered with the  
16 department, a notice or request to produce any documents or to  
17 appear for an interview with an authorized representative of  
18 the department and the broker fails to substantially comply  
19 with that request or notice, then such failure by the broker  
20 is a violation of the license law, subject to the penalties of  
21 s. 475.25.

22           Section 10. For the purpose of incorporating the  
23 amendments to section 475.25, Florida Statutes, in references  
24 thereto, subsection (2) of section 475.422, Florida Statutes,  
25 is reenacted to read:

26           475.422 Disclosure.--

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

29           Section 11. For the purpose of incorporating the  
30 amendments to section 475.25, Florida Statutes, in references  
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 12. 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 13. Section 475.278, Florida Statutes, is  
24 amended to read:

25 475.278 Authorized brokerage relationships; required  
26 disclosures.--

27 (1) AUTHORIZED BROKERAGE RELATIONSHIPS.--A real estate  
28 licensee in this state may enter into a brokerage relationship  
29 as either a single agent or as a transaction broker with  
30 potential buyers and sellers. A real estate licensee may not  
31 operate as a disclosed or nondisclosed dual agent. As used in

1 | this section, the term "dual agent" means a broker who  
2 | represents as a fiduciary both the prospective buyer and the  
3 | prospective seller in a real estate transaction. Once a  
4 | brokerage relationship is established, this part does not  
5 | prevent a licensee from changing from one brokerage  
6 | relationship to the other as long as the buyer or the seller,  
7 | or both, gives consent as required by subparagraph (3)(c)2.  
8 | before the change and the appropriate disclosure of duties as  
9 | provided in this part is made to the buyer or seller. This  
10 | part does not require a customer to enter into a brokerage  
11 | relationship with any real estate licensee.

12 |         (2) TRANSACTION BROKER RELATIONSHIP.--

13 |         (a) Transaction broker - duties of limited  
14 | representation.--A transaction broker provides a limited form  
15 | of representation to a buyer, a seller, or both in a real  
16 | estate transaction but does not represent either in a  
17 | fiduciary capacity or as a single agent. The duties of the  
18 | real estate licensee in this limited form of representation  
19 | include the following:

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

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

8           7. Any additional duties that are mutually agreed to  
9 with a party.

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

23           (c) Contents of disclosure.--The required notice given  
24 under paragraph (b) must include the following information in  
25 the following form:

26

27                                   TRANSACTION BROKER NOTICE

28

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

1  
2 As a transaction broker, ..... (insert name of Real  
3 Estate Firm and its Associates), provides to you a limited  
4 form of representation that includes the following duties:  
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 entered into by this  
25 or by separate written agreement.  
26  
27 Limited representation means that a buyer or seller is not  
28 responsible for the acts of the licensee. Additionally,  
29 parties are giving up their rights to the undivided loyalty of  
30 the licensee. This aspect of limited representation allows a  
31 licensee to facilitate a real estate transaction by assisting

1 both the buyer and the seller, but a licensee will not work to  
2 represent one party to the detriment of the other party when  
3 acting as a transaction broker to both parties.

4  
5  
6 .....  
7 Date Signature  
8  
9 .....  
10 Signature

11 (3) SINGLE AGENT RELATIONSHIP.--

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

- 15 1. Dealing honestly and fairly;
- 16 2. Loyalty;
- 17 3. Confidentiality;
- 18 4. Obedience;
- 19 5. Full disclosure;
- 20 6. Accounting for all funds;
- 21 7. Skill, care, and diligence in the transaction; ~~and~~
- 22 8. Presenting all offers and counteroffers in a timely  
23 manner, unless a party has previously directed the licensee  
24 otherwise in writing; ~~and-~~

25 9. Disclosing all known facts that materially affect  
26 the value of residential real property and are not readily  
27 observable.

28 (b) Disclosure requirements.--

29 1. Single agent disclosure.--Duties of a single agent  
30 must be fully described and disclosed in writing to a buyer or  
31 seller either as a separate and distinct disclosure document

1 or included as part of another document such as a listing  
2 agreement or other agreement for representation. The  
3 disclosure must be made before, or at the time of, entering  
4 into a listing agreement or an agreement for representation.  
5 When incorporated into other documents, the required notice  
6 must be of the same size type, or larger, as other provisions  
7 of the document and must be conspicuous in its placement so as  
8 to advise customers of the duties of a single agent, except  
9 that the first sentence of the information identified in  
10 paragraph (c) must be printed in uppercase and bold type.

11           2. Transition to transaction broker disclosure.--A  
12 single agent relationship may be changed to a transaction  
13 broker relationship at any time during the relationship  
14 between an agent and principal, provided the agent gives the  
15 disclosure required under paragraph (2)(b) and the principal  
16 gives to the agent consent as required under subparagraph  
17 (c)2. before a change in relationship. This disclosure must be  
18 in writing to the principal either as a separate and distinct  
19 document or included as part of other documents such as a  
20 listing agreement or other agreements for representation. When  
21 incorporated into other documents, the required notice must be  
22 of the same size type, or larger, as other provisions of the  
23 document and must be conspicuous in its placement so as to  
24 advise customers of the duties of limited representation,  
25 except that the first sentence of the information identified  
26 in subparagraph (c)2. must be printed in uppercase and bold  
27 type.

28           (c) Contents of disclosure.--

29           1. Single agent duties disclosure.--The notice  
30 required under subparagraph (b)1. must include the following  
31 information in the following form:

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SINGLE AGENT NOTICE

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

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

- 1. Dealing honestly and fairly;
- 2. Loyalty;
- 3. Confidentiality;
- 4. Obedience;
- 5. Full disclosure;
- 6. Accounting for all funds;
- 7. Skill, care, and diligence in the transaction; ~~and~~
- 8. Presenting all offers and counteroffers in a timely manner, unless a party has previously directed the licensee otherwise in writing; ~~and~~

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

.....	.....
Date	Signature

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):

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



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CONSENT TO TRANSITION TO TRANSACTION BROKER

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.

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

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

- (a) Dealing honestly and fairly;
- (b) Disclosing all known facts that materially affect the value of the residential real property which are not readily observable to the buyer; and
- (c) Accounting for all funds entrusted to the licensee.

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

475.451 Schools teaching real estate practice.--

- (1) Each person, school, or institution, except approved and accredited colleges, universities, community colleges, and area technical centers in this state, which offers or conducts any course of study in real estate 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 that is not renewed  
9 at the end of the permit period established by the department  
10 shall automatically revert to involuntarily inactive status.

11

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

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

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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 the  
24 broker's first having complied with the provisions of this  
25 subsection.

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

28           475.484 Payment from the fund.--

29           (7) Upon the payment of any amount from the Real  
30 Estate Recovery Fund in settlement of a claim in satisfaction  
31 of a judgment against a broker or salesperson as described in

1 s. 475.482(1), the license of such broker or salesperson shall  
2 be automatically suspended upon the date of payment from the  
3 fund. The license of such broker or salesperson may not be  
4 reinstated until the licensee has repaid in full, plus  
5 interest, the amount paid from the fund. No further  
6 administrative action is necessary. A discharge of bankruptcy  
7 does not relieve a licensee from the penalties and  
8 disabilities provided in this section, except to the extent  
9 that this subsection conflicts with 11 U.S.C. s. 525, in which  
10 case the commission may order the license not to be suspended  
11 or otherwise discriminated against.

12 Section 17. Section 475.5016, Florida Statutes, is  
13 created to read:

14 475.5016 Authority to inspect and audit.--Duly  
15 authorized agents and employees of the department shall have  
16 the power to inspect and audit in a lawful manner at all  
17 reasonable hours any broker or brokerage office licensed under  
18 this chapter, for the purpose of determining if any of the  
19 provisions of this chapter, chapter 455, or any rule adopted  
20 under authority of either chapter is being violated.

21 Section 18. Paragraphs (a), (e), and (l) of subsection  
22 (1) and subsection (2) of section 475.611, Florida Statutes,  
23 are amended to read:

24 475.611 Definitions.--

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

26 (a) "Appraisal" or "appraisal services" means the  
27 services provided by certified ~~or~~ licensed appraisers ~~or~~  
28 registered assistant appraisers, and includes:

29 1. "Appraisal assignment" denotes an engagement for  
30 which a person is employed or retained to act, or could be  
31 perceived by third parties or the public as acting, as an

1 agent or a disinterested third party in rendering an unbiased  
2 analysis, opinion, review, or conclusion relating to the  
3 nature, quality, value, or utility of specified interests in,  
4 or aspects of, identified real property.

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

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

17         (1) "Registered assistant appraiser" means a person  
18 who is registered with the department as qualified to perform  
19 appraisal services under the supervision of a licensed or  
20 certified appraiser.

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



1 within the meaning of this subsection ~~section~~, and each act,  
2 if prohibited herein, constitutes a separate offense.

3 Section 19. Section 475.612, Florida Statutes, is  
4 amended to read:

5 475.612 Certification, or licensure, or registration  
6 required.--

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

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

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

31

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

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

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

21           Section 20. Section 475.6145, Florida Statutes, is  
22 created to read:

23           475.6145 Seal.--The board shall adopt a seal by which  
24 it shall authenticate its proceedings, records, and acts.  
25 Copies of the proceedings, records, and acts of the board, and  
26 certificates purporting to relate the facts concerning such  
27 proceedings, records, and acts, which are signed by the board  
28 chair, the custodian of such records, or any other person  
29 authorized to make such certification and which are  
30 authenticated by such seal, shall be prima facie evidence of  
31

1 such proceedings, records, and acts in all courts of this  
2 state.

3 Section 21. Section 475.6147, Florida Statutes, is  
4 created to read:

5 475.6147 Fees.--

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

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

26 Section 22. Section 475.615, Florida Statutes, is  
27 amended to read:

28 475.615 Qualifications for registration, licensure, or  
29 certification.--

30 (1) Any person desiring to act as a registered  
31 assistant appraiser or as a licensed, or certified appraiser

1 must make application in writing to the department in such  
2 form and detail as the board shall prescribe. Each applicant  
3 must be at least 18 years of age and hold a high school  
4 diploma or its equivalent. At the time of application, a  
5 person must furnish evidence of successful completion of  
6 required education and evidence of required experience, if  
7 any.

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

14 (3) Appropriate fees, as set forth in the rules of the  
15 board pursuant to s. 475.6147, and fingerprints for processing  
16 through appropriate law enforcement agencies must accompany  
17 all applications for registration, licensure, and  
18 certification.

19 (4) In the event that the applicant is currently a  
20 registered assistant appraiser or a licensed or certified  
21 appraiser and is making application to obtain a different  
22 status of appraisal licensure, should such application be  
23 received by the department within 180 days prior to through  
24 180 days after the applicant's scheduled renewal, the charge  
25 for the application shall be established by the rules of the  
26 board pursuant to s. 475.6147.

27 (5)~~(4)~~ At the time of filing a notarized application  
28 for registration, licensure, or certification, the applicant  
29 must sign a pledge to comply with the Uniform Standards of  
30 Professional Appraisal Practice upon registration, licensure,  
31 or certification, and must indicate in writing that she or he

1 understands the types of misconduct for which disciplinary  
2 proceedings may be initiated. The application shall expire 1  
3 year from the date received, if the applicant for  
4 registration, licensure, or certification fails to take the  
5 appropriate examination.

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

28 ~~(7)(6)~~ No applicant seeking to become registered,  
29 licensed, or certified under this part section may be rejected  
30 solely by virtue of membership or lack of membership in any  
31 particular appraisal organization.

1           Section 23. Subsections (3) and (4) of section  
2 475.616, Florida Statutes, are amended to read:

3           475.616 Examination requirements.--To be licensed or  
4 certified as an appraiser, the applicant must demonstrate, by  
5 passing a written examination, that she or he possesses:

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

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

13           Section 24. Section 475.617, Florida Statutes, is  
14 amended to read:

15           475.617 Education and experience requirements.--

16           (1) To be registered as an assistant appraiser, an  
17 applicant must present evidence satisfactory to the board that  
18 she or he has successfully completed at least ~~up to~~ 75 hours  
19 of approved academic courses in subjects related to real  
20 estate appraisal, which shall include coverage of the Uniform  
21 Standards of Professional Appraisal Practice from a nationally  
22 recognized or state-recognized appraisal organization, area  
23 technical center, accredited community college, college, or  
24 university, state or federal agency or commission, or  
25 proprietary real estate school that holds a permit pursuant to  
26 s. 475.451. A classroom hour is defined as 50 minutes out of  
27 each 60-minute segment. Past courses may be approved on an  
28 hour-for-hour basis.

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

31

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

3           (b) Has successfully completed at least 75 classroom  
4 hours, inclusive of examination, of approved academic courses  
5 in subjects related to real estate appraisal, which shall  
6 include coverage of the Uniform Standards of Professional  
7 Appraisal Practice from a nationally recognized or  
8 state-recognized appraisal organization, area technical  
9 center, accredited community college, college, or university,  
10 state or federal agency or commission, or proprietary real  
11 estate school that holds a permit pursuant to s. 475.451. A  
12 classroom hour is defined as 50 minutes out of each 60-minute  
13 segment. Past courses may be approved by the board and  
14 substituted on an hour-for-hour basis.

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

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

20           (b) Has successfully completed at least 120 ~~up to 165~~  
21 classroom hours, inclusive of examination, of approved  
22 academic courses in subjects related to real estate appraisal,  
23 which shall include coverage of the Uniform Standards of  
24 Professional Appraisal Practice from a nationally recognized  
25 or state-recognized appraisal organization, area technical  
26 center, accredited community college, college, or university,  
27 state or federal agency or commission, or proprietary real  
28 estate school that holds a permit pursuant to s. 475.451. A  
29 classroom hour is defined as 50 minutes out of each 60-minute  
30 segment. Past courses may be approved by the board and  
31 substituted on an hour-for-hour basis.

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 at least 2 years of experience in real  
5 property appraisal as defined by rule.

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

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

24           Section 25. Subsection (4) of section 475.618, Florida  
25 Statutes, is amended to read:

26           475.618 Renewal of registration, license,  
27 certification, or instructor permit; continuing education.--

28           (4) At least 60 days prior to the end of the  
29 registration, license, certification, or instructor permit  
30 period, the department shall cause to be mailed a notice of  
31 renewal and possible reversion to the last known address of



1 the registered assistant ~~registrant~~, licensee,  
2 certificateholder, or permitholder.

3 Section 26. Subsection (2) of section 475.619, Florida  
4 Statutes, is amended to read:

5 475.619 Inactive status.--

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

20 Section 27. Section 475.620, Florida Statutes, is  
21 amended to read:

22 475.620 Corporations and partnerships ineligible for  
23 licensure or certification.--

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

31

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

17           Section 28. Section 475.622, Florida Statutes, is  
18 amended to read:

19           475.622 Display and disclosure of licensure, or  
20 certification, or registration.--

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

1 shall be included in any newspaper, telephone directory, or  
2 other advertising medium, as defined by rule, used by the  
3 appraiser.

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

12 Section 29. Section 475.623, Florida Statutes, is  
13 amended to read:

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

21 Section 30. Section 475.624, Florida Statutes, is  
22 amended to read:

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

1 registered assistant ~~registrant~~, licensee, or  
2 certificateholder:

3 (1) Has violated any provisions of this part or of s.  
4 455.227(1); however, licensees under this part are exempt from  
5 the provisions of s. 455.227(1)(i).

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

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

29 (4) Has violated any of the provisions of this section  
30 or any lawful order or rule issued under the provisions of  
31 this section or chapter 455.

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

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

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

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

1           (9) Has failed to inform the board in writing within  
2 30 days after pleading guilty or nolo contendere to, or being  
3 convicted or found guilty of, any felony.

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

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

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

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

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

1           (15) Has failed or refused to exercise reasonable  
2 diligence in developing an appraisal or preparing an appraisal  
3 report.

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

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

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

17           Section 31. Paragraph (a) of subsection (1) of section  
18 475.626, Florida Statutes, is amended to read:

19           475.626 Violations and penalties.--

20           (1) VIOLATIONS.--

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

25           Section 32. Subsections (1) and (2) of section  
26 475.627, Florida Statutes, are amended to read:

27           475.627 Appraisal course instructors.--

28           (1) Where the course or courses to be taught are  
29 prescribed by the board or approved precedent to registration,  
30 licensure, certification, or renewal as a registered assistant  
31 appraiser, licensed appraiser, or certified residential

1 appraiser, before commencing to instruct noncredit college  
2 courses in a college, university, or community college, or  
3 courses in an area technical center or proprietary real estate  
4 school, a person must certify her or his competency by meeting  
5 one of the following requirements:

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

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

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

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

21 (b) Pass an appraiser instructor's examination which  
22 shall test knowledge of residential and nonresidential  
23 appraisal topics.

24 Section 33. Section 475.628, Florida Statutes, is  
25 amended to read:

26 475.628 Professional standards for ~~licensed and~~  
27 ~~certified~~ appraisers registered, licensed, or certified under  
28 this part.--Each appraiser registered, licensed, or certified  
29 under this part ~~section~~ shall comply with the Uniform  
30 Standards of Professional Appraisal Practice. Statements on  
31 appraisal standards which may be issued for the purpose of



1 clarification, interpretation, explanation, or elaboration  
2 through the Appraisal Foundation shall also be binding on any  
3 appraiser registered, licensed, or certified under this part  
4 section.

5 Section 34. Section 475.629, Florida Statutes, is  
6 amended to read:

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

21 Section 35. Section 475.6295, Florida Statutes, is  
22 created to read:

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

30 Section 36. Paragraph (c) of subsection (2) of section  
31 475.630, Florida Statutes, is amended to read:

1           475.630 Temporary practice.--

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

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

14           Section 37. Section 553.991, Florida Statutes, is  
15 amended to read:

16           553.991 Purpose.--The purpose of this part is to  
17 provide for a statewide uniform system for rating the energy  
18 efficiency of buildings ~~and to ensure that those ratings are~~  
19 ~~disclosed to prospective purchasers at their request.~~ It is  
20 in the interest of the state to encourage the consideration of  
21 the energy-efficiency rating system in the market so as to  
22 provide market rewards for energy-efficient buildings and to  
23 those persons or companies designing, building, or selling  
24 energy-efficient buildings.

25           Section 38. Section 553.994, Florida Statutes, is  
26 amended to read:

27           553.994 Applicability.--The rating system shall apply  
28 to all public, commercial, and ~~existing~~ residential buildings  
29 in the state, ~~and may be applied to new residential buildings,~~  
30 ~~except as identified by the department by rule in accordance~~

31

1 ~~with the procedures of chapter 120, according to the following~~  
2 ~~schedule:~~

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

4 ~~(2) For existing residential buildings, by January 1,~~  
5 ~~1995.~~

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

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

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

9 ~~(6) For existing commercial buildings, by January 1,~~  
10 ~~1996.~~

11 Section 39. Section 553.996, Florida Statutes, is  
12 amended to read:

13 553.996 Energy-efficiency ~~rating disclosure~~  
14 information brochure.--

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

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

27 ~~(2) A prospective purchaser of real property with a~~  
28 ~~building for occupancy located thereon Concurrent with the~~  
29 ~~provisions of subsection (1), the prospective purchaser shall~~  
30 ~~be provided with a copy of an information brochure, at the~~  
31 ~~time of or prior to the purchaser's execution of the contract~~

1 for sale and purchase, notifying the purchaser of the option  
2 for an energy-efficiency rating on the building. Such brochure  
3 shall be prepared, made available for distribution, and  
4 provided at no cost by the department. Such brochure shall  
5 contain information relevant to that class of building,  
6 including, but not limited to:  
7       (1)~~(a)~~ How to analyze the building's energy-efficiency  
8 rating.  
9       (2)~~(b)~~ Comparisons to statewide averages for new and  
10 existing construction of that class.  
11       (3)~~(c)~~ Information concerning methods to improve the  
12 building's energy-efficiency rating.  
13       (4)~~(d)~~ A notice to residential purchasers that the  
14 energy-efficiency rating may qualify the purchaser for an  
15 energy-efficient mortgage from lending institutions.  
16       Section 40. This act shall take effect July 1 of the  
17 year in which enacted.  
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LEGISLATIVE SUMMARY

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

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

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

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