

By Representative Bilirakis

1 A bill to be entitled
2 An act relating to real estate brokers,
3 salespersons, schools, and appraisers; amending
4 s. 475.25, F.S.; authorizing licensees to
5 return escrowed property to a buyer of real
6 property without notifying the Real Estate
7 Commission or initiating a required escape
8 procedure if the buyer, in good faith, fails to
9 satisfy the terms contained in the financing
10 clause of the contract for sale and purchase of
11 the real property; amending s. 475.622, F.S.;
12 providing signature and disclosure requirements
13 of primary and secondary supervisors with
14 respect to signatures and disclosures required
15 of registered assistant appraisers; creating s.
16 475.6221, F.S.; providing requirements for
17 employment of registered assistant appraisers;
18 requiring designation of a primary supervisor;
19 authorizing designation of secondary
20 supervisors; requiring notice to the Department
21 of Business and Professional Regulation of such
22 designations and of termination of the
23 relationship with the primary sponsor;
24 prohibiting direct payment to a registered
25 assistant appraiser for an appraisal report
26 unless agreed to by the primary supervisor;
27 providing an effective date.
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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Paragraph (d) of subsection (1) of section
2 475.25, Florida Statutes, is amended to read:

3 475.25 Discipline.--

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

13 (d)1. Has failed to account or deliver to any person,
14 including a licensee under this chapter, at the time which has
15 been agreed upon or is required by law or, in the absence of a
16 fixed time, upon demand of the person entitled to such
17 accounting and delivery, any personal property such as money,
18 fund, deposit, check, draft, abstract of title, mortgage,
19 conveyance, lease, or other document or thing of value,
20 including a share of a real estate commission if a civil
21 judgment relating to the practice of the licensee's profession
22 has been obtained against the licensee and said judgment has
23 not been satisfied in accordance with the terms of the
24 judgment within a reasonable time, or any secret or illegal
25 profit, or any divisible share or portion thereof, which has
26 come into the licensee's hands and which is not the licensee's
27 property or which the licensee is not in law or equity
28 entitled to retain under the circumstances. However, if the
29 licensee, in good faith, entertains doubt as to what person is
30 entitled to the accounting and delivery of the escrowed
31 property, or if conflicting demands have been made upon the

1 licensee for the escrowed property, which property she or he
2 still maintains in her or his escrow or trust account, the
3 licensee shall promptly notify the commission of such doubts
4 or conflicting demands and shall promptly:

5 a. Request that the commission issue an escrow
6 disbursement order determining who is entitled to the escrowed
7 property;

8 b. With the consent of all parties, submit the matter
9 to arbitration;

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

12 d. With the written consent of all parties, submit the
13 matter to mediation. The department may conduct mediation or
14 may contract with public or private entities for mediation
15 services. However, the mediation process must be successfully
16 completed within 90 days following the last demand or the
17 licensee shall promptly employ one of the other escape
18 procedures contained in this section. Payment for mediation
19 will be as agreed to in writing by the parties. The
20 department may adopt rules to implement this section.

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22 If the licensee promptly employs one of the escape procedures
23 contained herein, and if she or he abides by the order or
24 judgment resulting therefrom, no administrative complaint may
25 be filed against the licensee for failure to account for,
26 deliver, or maintain the escrowed property. If the buyer of a
27 residential condominium unit delivers to a licensee written
28 notice of the buyer's intent to cancel the contract for sale
29 and purchase, as authorized by s. 718.503, or if the buyer of
30 real property, in good faith, fails to satisfy the terms
31 contained in the financing clause of the contract for sale and

1 purchase of the real property,the licensee may return the
2 escrowed property to the buyer ~~purchaser~~ without notifying the
3 commission or initiating any of the procedures listed in
4 sub-subparagraphs a.-d.

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

10 Section 2. Section 475.622, Florida Statutes, is
11 amended to read:

12 475.622 Display and disclosure of licensure,
13 certification, or registration.--

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

28 (b) Whenever a registered assistant appraiser is
29 required to display and disclose her or his designation and
30 number under this subsection, the assistant appraiser's
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1 primary supervisor must also disclose her or his designation
2 and number.

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

11 (b) Whenever a registered assistant appraiser signs an
12 appraisal report, the registered assistant appraiser's primary
13 or secondary supervisor must also sign the appraisal report.

14 Section 3. Section 475.6221, Florida Statutes, is
15 created to read:

16 475.6221 Employment of registered assistant
17 appraisers; primary and secondary supervisors.--

18 (1) A person who is a registered assistant appraiser
19 must perform appraisal services under the supervision of one
20 licensed or certified appraiser who shall be designated as the
21 registered assistant appraiser's primary supervisor. The
22 primary supervisor of a registered assistant appraiser may
23 also designate additional licensed or certified appraisers as
24 secondary supervisors of the registered assistant appraiser.
25 Each secondary supervisor must be affiliated with the same
26 firm or business as the primary supervisor, and either the
27 primary or secondary supervisor must have the same business
28 address as the registered assistant appraiser. The registered
29 assistant appraiser must notify the department of the name and
30 address of the designated primary supervisor and each
31 designated secondary supervisor for whom the registered

1 assistant appraiser will perform appraisal services. The
2 registered assistant appraiser must also notify the
3 department, within 10 days thereafter, of the termination of
4 the relationship between the registered assistant appraiser
5 and the primary supervisor. Termination of the relationship
6 with the primary supervisor automatically terminates the
7 relationship with every secondary supervisor.

8 (2) A registered assistant appraiser may not receive
9 payment directly from the recipient of an appraisal report,
10 unless the assistant appraiser's primary supervisor is aware
11 of and agrees to the payment arrangement.

12 Section 4. This act shall take effect October 1, 2001.

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14 HOUSE SUMMARY

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16 Authorizes licensees under ch. 475, F.S., relating to
17 real estate brokers, salespersons, schools, and
18 appraisers, to return escrowed property to the buyer of
19 real property without notifying the Real Estate
20 Commission or initiating a required escape procedure if
21 the buyer, in good faith, fails to satisfy the terms
22 contained in the financing clause of the contract for
23 sale and purchase of the real property. Provides
24 requirements for employment of registered assistant
25 appraisers. Requires designation of a primary supervisor
26 and authorizes designation of secondary supervisors.
27 Requires notice to the Department of Business and
28 Professional Regulation of such designations and of
29 termination of the relationship with the primary sponsor.
30 Prohibits direct payment to a registered assistant
31 appraiser for an appraisal report unless agreed to by the
primary supervisor. Provides signature and disclosure
requirements of primary and secondary supervisors with
respect to signatures and disclosures required of
registered assistant appraisers. See bill for details.