

HB 517

2012

1 A bill to be entitled
2 An act relating to reducing and streamlining
3 regulations; amending ss. 455.271, 468.4338, 468.8317,
4 468.8417, 475.615, 475.617, 475.6175, 477.0212,
5 481.217, 481.315, 489.116, and 489.519, F.S.; revising
6 the continuing education requirements for reactivating
7 a license, certificate, or registration to practice
8 certain professions and occupations regulated by the
9 Department of Business and Professional Regulation or
10 a board or council within the department, including
11 community association management, home inspection,
12 mold-related services, real estate appraisal,
13 cosmetology, architecture and interior design,
14 landscape architecture, construction contracting, and
15 electrical and alarm system contracting; amending s.
16 475.6235, F.S.; revising registration requirements for
17 appraisal management companies; amending ss. 468.391,
18 475.25, 475.42, 475.624, 475.6245, 475.626, 476.194,
19 and 477.0265, F.S., relating to auctioneering, real
20 estate brokering and appraisal, barbering, and
21 cosmetology; revising language with respect to certain
22 penalties; revising grounds for discipline to which
23 penalties apply; amending s. 475.628, F.S.; requiring
24 the Florida Real Estate Appraisal Board to adopt rules
25 establishing professional practice standards; amending
26 s. 373.461, F.S.; requiring certain appraisers to
27 follow specific standards of professional practice in

HB 517

2012

28 appraisals involving the restoration of the Lake
 29 Apopka Basin; providing an effective date.

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

32
 33 Section 1. Subsection (10) of section 455.271, Florida
 34 Statutes, is amended to read:

35 455.271 Inactive and delinquent status.—

36 (10) The board, or the department when there is no board,
 37 may not require Before reactivation, an inactive or delinquent
 38 licensee, except for a licensee under chapter 473 or chapter
 39 475, to complete more than one renewal cycle of shall meet the
 40 same continuing education to reactivate a license. requirements,
 41 if any, imposed on an active status licensee for all biennial
 42 licensure periods in which the licensee was inactive or
 43 delinquent. This subsection does not apply to persons regulated
 44 under chapter 473.

45 Section 2. Section 468.4338, Florida Statutes, is amended
 46 to read:

47 468.4338 Reactivation; continuing education.—The council
 48 shall prescribe by rule continuing education requirements for
 49 reactivating a license. The continuing education requirements
 50 for reactivating a license may not exceed more than one renewal
 51 cycle of continuing education exceed 10 classroom hours for each
 52 year the license was inactive.

53 Section 3. Subsection (2) of section 468.8317, Florida
 54 Statutes, is amended to read:

55 468.8317 Inactive license.—

56 (2) A license that becomes ~~has become~~ inactive may be
 57 reactivated upon application to the department. The department
 58 may prescribe by rule continuing education requirements as a
 59 condition of reactivating a license. The rules may not require
 60 more than one renewal cycle of continuing education to
 61 reactivate ~~requirements for reactivating~~ a license ~~may not~~
 62 ~~exceed 14 hours for each year the license was inactive.~~

63 Section 4. Subsection (2) of section 468.8417, Florida
 64 Statutes, is amended to read:

65 468.8417 Inactive license.—

66 (2) A license that becomes ~~has become~~ inactive may be
 67 reactivated upon application to the department. The department
 68 may prescribe by rule continuing education requirements as a
 69 condition of reactivating a license. The rules may not require
 70 more than one renewal cycle of continuing education to
 71 reactivate ~~requirements for reactivating~~ a license ~~may not~~
 72 ~~exceed 14 hours for each year the license was inactive.~~

73 Section 5. Subsection (5) of section 475.615, Florida
 74 Statutes, is amended to read:

75 475.615 Qualifications for registration or certification.—

76 (5) At the time of filing an application for registration
 77 or certification, the applicant must sign a pledge indicating
 78 that upon becoming registered or certified, she or he will
 79 comply with the standards of professional practice established
 80 by rule of the board, including standards for the development or
 81 communication of a real estate appraisal, to comply with the
 82 ~~Uniform Standards of Professional Appraisal Practice upon~~
 83 ~~registration or certification~~ and must indicate in writing that

HB 517

2012

84 she or he understands the types of misconduct for which
85 disciplinary proceedings may be initiated. The application shall
86 expire 1 year after the date received by the department.

87 Section 6. Subsection (1), paragraph (b) of subsection
88 (2), and paragraph (b) of subsection (3) of section 475.617,
89 Florida Statutes, are amended to read:

90 475.617 Education and experience requirements.—

91 (1) To be registered as a trainee appraiser, an applicant
92 must present evidence satisfactory to the board that she or he
93 has successfully completed at least 100 hours of approved
94 academic courses in subjects related to real estate appraisal,
95 which shall include coverage of the Uniform Standards of
96 Professional Appraisal Practice, or its equivalent, as
97 established by rule of the board, from a nationally recognized
98 or state-recognized appraisal organization, career center,
99 accredited community college, college, or university, state or
100 federal agency or commission, or proprietary real estate school
101 that holds a permit pursuant to s. 475.451. The board may
102 increase the required number of hours to not more than 125
103 hours. A classroom hour is defined as 50 minutes out of each 60-
104 minute segment. Past courses may be approved on an hour-for-hour
105 basis.

106 (2) To be certified as a residential appraiser, an
107 applicant must present satisfactory evidence to the board that
108 she or he has met the minimum education and experience
109 requirements prescribed by rule of the board. The board shall
110 prescribe by rule education and experience requirements that
111 meet or exceed the following real property appraiser

HB 517

2012

112 qualification criteria adopted on February 20, 2004, by the
 113 Appraisal Qualifications Board of the Appraisal Foundation:

114 (b) Has successfully completed at least 200 classroom
 115 hours, inclusive of examination, of approved academic courses in
 116 subjects related to real estate appraisal, which shall include a
 117 15-hour National Uniform Standards of Professional Appraisal
 118 Practice course, or its equivalent, as established by rule of
 119 the board, from a nationally recognized or state-recognized
 120 appraisal organization, career center, accredited community
 121 college, college, or university, state or federal agency or
 122 commission, or proprietary real estate school that holds a
 123 permit pursuant to s. 475.451. A classroom hour is defined as 50
 124 minutes out of each 60-minute segment. Past courses may be
 125 approved by the board and substituted on an hour-for-hour basis.

126 (3) To be certified as a general appraiser, an applicant
 127 must present evidence satisfactory to the board that she or he
 128 has met the minimum education and experience requirements
 129 prescribed by rule of the board. The board shall prescribe
 130 education and experience requirements that meet or exceed the
 131 following real property appraiser qualification criteria adopted
 132 on February 20, 2004, by the Appraisal Qualifications Board of
 133 the Appraisal Foundation:

134 (b) Has successfully completed at least 300 classroom
 135 hours, inclusive of examination, of approved academic courses in
 136 subjects related to real estate appraisal, which shall include a
 137 15-hour National Uniform Standards of Professional Appraisal
 138 Practice course, or its equivalent, as established by rule of
 139 the board, from a nationally recognized or state-recognized

HB 517

2012

140 appraisal organization, career center, accredited community
141 college, college, or university, state or federal agency or
142 commission, or proprietary real estate school that holds a
143 permit pursuant to s. 475.451. A classroom hour is defined as 50
144 minutes out of each 60-minute segment. Past courses may be
145 approved by the board and substituted on an hour-for-hour basis.

146 Section 7. Subsection (1) of section 475.6175, Florida
147 Statutes, is amended to read:

148 475.6175 Registered trainee appraiser; postlicensure
149 education required.—

150 (1) The board shall prescribe postlicensure educational
151 requirements in order for a person to maintain a valid
152 registration as a registered trainee appraiser. If prescribed,
153 the postlicensure educational requirements consist of one or
154 more courses which total no more than the total educational
155 hours required to qualify as a state certified residential
156 appraiser. Such courses must be in subjects related to real
157 estate appraisal and shall include coverage of the Uniform
158 Standards of Professional Appraisal Practice or its equivalent,
159 as established by rule of the board. Such courses are provided
160 by a nationally or state-recognized appraisal organization,
161 career center, accredited community college, college, or
162 university, state or federal agency or commission, or
163 proprietary real estate school that holds a permit pursuant to
164 s. 475.451.

165 Section 8. Subsection (2) of section 477.0212, Florida
166 Statutes, is amended to read:

167 477.0212 Inactive status.—

HB 517

2012

168 (2) The board shall adopt ~~promulgate~~ rules relating to
 169 licenses that ~~which have~~ become inactive and for the renewal of
 170 inactive licenses. The rules may not require more than one
 171 renewal cycle of continuing education to reactivate a license.
 172 The board shall prescribe by rule a fee not to exceed \$50 for
 173 the reactivation of an inactive license and a fee not to exceed
 174 \$50 for the renewal of an inactive license.

175 Section 9. Subsection (1) of section 481.217, Florida
 176 Statutes, is amended to read:

177 481.217 Inactive status.—

178 (1) The board may prescribe by rule continuing education
 179 requirements as a condition of reactivating a license. The rules
 180 may not require more than one renewal cycle of continuing
 181 education to reactivate ~~requirements for reactivating~~ a license
 182 for a registered architect or interior designer ~~may not exceed~~
 183 ~~12 contact hours for each year the license was inactive. The~~
 184 ~~minimum continuing education requirement for reactivating a~~
 185 ~~license for a registered interior designer shall be those of the~~
 186 ~~most recent biennium plus one half of the requirements in s.~~
 187 ~~481.215 for each year or part thereof during which the license~~
 188 ~~was inactive. The board may shall~~ only approve continuing
 189 education for an interior designer which ~~that~~ builds upon the
 190 basic knowledge of interior design.

191 Section 10. Subsection (1) of section 481.315, Florida
 192 Statutes, is amended to read:

193 481.315 Inactive status.—

194 (1) A license that has become inactive or delinquent may
 195 be reactivated under this section upon application to the

HB 517

2012

196 department and payment of any applicable biennial renewal or
 197 delinquency fee, or both, and a reactivation fee. The board may
 198 not require a licensee to complete more than one renewal cycle
 199 of continuing education requirements ~~The board may prescribe by~~
 200 ~~rule continuing education requirements as a condition of~~
 201 ~~reactivating the license. The continuing education requirements~~
 202 ~~for reactivating a license may not exceed 12 classroom hours for~~
 203 ~~each year the license was inactive.~~

204 Section 11. Subsections (3) and (6) of section 489.116,
 205 Florida Statutes, are amended to read:

206 489.116 Inactive and delinquent status; renewal and
 207 cancellation notices.—

208 (3) An inactive status certificateholder or registrant may
 209 change to active status at any time, if ~~provided~~ the
 210 certificateholder or registrant meets all requirements for
 211 active status, pays any additional licensure fees necessary to
 212 equal those imposed on an active status certificateholder or
 213 registrant, ~~and~~ pays any applicable late fees, and meets all
 214 continuing education requirements prescribed by the board.

215 (6) The board may not require an inactive
 216 certificateholder or registrant to complete more than one
 217 renewal cycle of ~~shall comply with the same~~ continuing education
 218 for reactivating a certificate or registration requirements, if
 219 ~~any, that are imposed on an active status certificateholder or~~
 220 ~~registrant.~~

221 Section 12. Subsection (1) of section 489.519, Florida
 222 Statutes, is amended to read:

223 489.519 Inactive status.—

HB 517

2012

224 (1) A certificate or registration that becomes ~~has become~~
225 inactive may be reactivated under s. 489.517 upon application to
226 the department. The board may not require a licensee to complete
227 more than one renewal cycle of ~~prescribe, by rule,~~ continuing
228 education to reactivate ~~requirements as a condition of~~
229 ~~reactivating~~ a certificate or registration. ~~The continuing~~
230 ~~education requirements for reactivating a certificate or~~
231 ~~registration may not exceed 12 classroom hours for each year the~~
232 ~~certificate or registration was inactive.~~

233 Section 13. Subsection (4) of section 475.6235, Florida
234 Statutes, is amended to read:

235 475.6235 Registration of appraisal management companies
236 required.—

237 (4) At the time of filing an application for registration
238 of an appraisal management company, each person listed in
239 paragraph (2) (f) must sign a pledge to comply with the standards
240 of professional practice established by rule of the board,
241 including standards for the development or communication of a
242 real estate appraisal, ~~Uniform Standards of Professional~~
243 ~~Appraisal Practice upon registration~~ and must indicate in
244 writing that she or he understands the types of misconduct for
245 which disciplinary proceedings may be initiated. The application
246 shall expire 1 year after the date received by the department.

247 Section 14. Section 468.391, Florida Statutes, is amended
248 to read:

249 468.391 Penalty.—Any auctioneer, apprentice, or auction
250 business or any owner or manager thereof, or, in the case of
251 corporate ownership, any substantial stockholder of the

HB 517

2012

252 corporation owning the auction business, who operates without an
 253 active license or violates any of the provisions ~~provision~~ of
 254 the prohibited acts listed under s. 468.389(1)(c), (e), (f),
 255 (h), and (i) commits a felony of the third degree, punishable as
 256 provided in s. 775.082 or s. 775.083.

257 Section 15. Paragraph (t) of subsection (1) of section
 258 475.25, Florida Statutes, is amended to read:

259 475.25 Discipline.—

260 (1) The commission may deny an application for licensure,
 261 registration, or permit, or renewal thereof; may place a
 262 licensee, registrant, or permittee on probation; may suspend a
 263 license, registration, or permit for a period not exceeding 10
 264 years; may revoke a license, registration, or permit; may impose
 265 an administrative fine not to exceed \$5,000 for each count or
 266 separate offense; and may issue a reprimand, and any or all of
 267 the foregoing, if it finds that the licensee, registrant,
 268 permittee, or applicant:

269 (t) Has violated any standard of professional practice
 270 established by rule of the Florida Real Estate Appraisal Board,
 271 including standards for the development or communication of a
 272 real estate appraisal ~~or other provision of the Uniform~~
 273 ~~Standards of Professional Appraisal Practice, as defined in s.~~
 274 ~~475.611,~~ as approved and adopted by the Appraisal Standards
 275 Board of the Appraisal Foundation, as defined in s. 475.611.

276 This paragraph does not apply to a real estate broker or sales
 277 associate who, in the ordinary course of business, performs a
 278 comparative market analysis, gives a broker price opinion, or
 279 gives an opinion of value of real estate. However, in no event

HB 517

2012

280 | may this comparative market analysis, broker price opinion, or
 281 | opinion of value of real estate be referred to as an appraisal,
 282 | as defined in s. 475.611.

283 | Section 16. Paragraphs (f) through (o) of subsection (1)
 284 | of section 475.42, Florida Statutes, are redesignated as
 285 | paragraphs (e) through (n), respectively, and present paragraph
 286 | (e) of that subsection is amended to read:

287 | 475.42 Violations and penalties.—

288 | (1) VIOLATIONS.—

289 | ~~(e) A person may not violate any lawful order or rule of~~
 290 | ~~the commission which is binding upon her or him.~~

291 | Section 17. Subsection (14) of section 475.624, Florida
 292 | Statutes, is amended to read:

293 | 475.624 Discipline of appraisers.—

294 | The board may deny an application for registration or
 295 | certification of an appraiser; may investigate the actions of
 296 | any appraiser registered, licensed, or certified under this
 297 | part; may reprimand or impose an administrative fine not to
 298 | exceed \$5,000 for each count or separate offense against any
 299 | such appraiser; and may revoke or suspend, for a period not to
 300 | exceed 10 years, the registration, license, or certification of
 301 | any such appraiser, or place any such appraiser on probation, if
 302 | the board finds that the registered trainee, licensee, or
 303 | certificateholder:

304 | (14) Has violated any standard of professional practice,
 305 | including standards for the development or communication of a
 306 | real estate appraisal, as established by rule of the board ~~or~~
 307 | ~~other provision of the Uniform Standards of Professional~~

HB 517

2012

308 ~~Appraisal Practice.~~

309 Section 18. Paragraph (n) of subsection (1) of section
310 475.6245, Florida Statutes, is amended to read:

311 475.6245 Discipline of appraisal management companies.—

312 (1) The board may deny an application for registration of
313 an appraisal management company; may investigate the actions of
314 any appraisal management company registered under this part; may
315 reprimand or impose an administrative fine not to exceed \$5,000
316 for each count or separate offense against any such appraisal
317 management company; and may revoke or suspend, for a period not
318 to exceed 10 years, the registration of any such appraisal
319 management company, or place any such appraisal management
320 company on probation, if the board finds that the appraisal
321 management company or any person listed in s. 475.6235(2)(f):

322 (n) Has instructed an appraiser to violate any standard of
323 professional practice established by rule of the board,
324 including standards for the development or communication of a
325 real estate appraisal or other provision of the Uniform
326 Standards of Professional Appraisal Practice.

327 Section 19. Paragraphs (d) through (h) of subsection (1)
328 of section 475.626, Florida Statutes, are redesignated as
329 paragraphs (b) through (f), respectively, and present paragraphs
330 (b) and (c) of that subsection are amended to read:

331 475.626 Violations and penalties.—

332 (1) A person may not:

333 ~~(b) Violate any lawful order or rule of the board which is~~
334 ~~binding upon her or him.~~

335 ~~(c) If a registered trainee appraiser or a licensed or~~

HB 517

2012

336 ~~certified appraiser, commit any conduct or practice set forth in~~
 337 ~~s. 475.624.~~

338 Section 20. Paragraphs (c) through (f) of subsection (1)
 339 of section 476.194, Florida Statutes, are redesignated as
 340 paragraphs (b) through (e), respectively, and present paragraph
 341 (b) of that subsection is amended to read:

342 476.194 Prohibited acts.—

343 (1) It is unlawful for any person to:

344 ~~(b) Engage in willful or repeated violations of this act~~
 345 ~~or of any of the rules adopted by the board.~~

346 Section 21. Paragraphs (d) through (h) of subsection (1)
 347 of section 477.0265, Florida Statutes, are redesignated as
 348 paragraphs (c) through (g), respectively, and present paragraph
 349 (c) of that subsection is amended to read:

350 477.0265 Prohibited acts.—

351 (1) It is unlawful for any person to:

352 ~~(c) Engage in willful or repeated violations of this~~
 353 ~~chapter or of any rule adopted by the board.~~

354 Section 22. Section 475.628, Florida Statutes, is amended
 355 to read:

356 475.628 Professional standards for appraisers registered,
 357 licensed, or certified under this part.—The board shall adopt
 358 rules establishing standards of professional practice that meet
 359 or exceed nationally recognized standards of appraisal practice,
 360 including standards adopted by the Appraisal Standards Board of
 361 the Appraisal Foundation. Each appraiser registered, licensed,
 362 or certified under this part must ~~shall~~ comply with the rules
 363 ~~Uniform Standards of Professional Appraisal Practice.~~ Statements

HB 517

2012

364 on appraisal standards which may be issued for the purpose of
 365 clarification, interpretation, explanation, or elaboration
 366 through the Appraisal Foundation shall also be binding on any
 367 appraiser registered, licensed, or certified under this part,
 368 upon adoption by rule of the board.

369 Section 23. Paragraph (c) of subsection (5) of section
 370 373.461, Florida Statutes, is amended to read:

371 373.461 Lake Apopka improvement and management.—

372 (5) PURCHASE OF AGRICULTURAL LANDS.—

373 (c) The district shall explore the availability of funding
 374 from all sources, including any federal, state, regional, and
 375 local land acquisition funding programs, to purchase the
 376 agricultural lands described in paragraph (a). It is the
 377 Legislature's intent that, if such funding sources can be
 378 identified, acquisition of the lands described in paragraph (a)
 379 may be undertaken by the district to purchase these properties
 380 from willing sellers. However, the purchase price paid for
 381 acquisition of such lands that were in active cultivation during
 382 1996 may ~~shall~~ not exceed the highest appraisal obtained by the
 383 district for these lands from a state-certified general
 384 appraiser following the standards of professional practice
 385 established by rule of the Florida Real Estate Appraisal Board,
 386 including standards for the development or communication of a
 387 real estate appraisal ~~Uniform Standards of Professional~~
 388 ~~Appraisal Practice~~. This maximum purchase price limitation may
 389 ~~shall~~ not include, nor be applicable to, that portion of the
 390 purchase price attributable to consideration of income described
 391 in paragraph (b), or that portion attributable to related

HB 517

2012

392 facilities, or closing costs.

393 Section 24. This act shall take effect July 1, 2012.