

1 A bill to be entitled
2 An act relating to real estate brokers and appraisers;
3 amending s. 120.574, F.S.; providing that specified
4 administrative procedures for summary hearings apply
5 to disciplinary cases involving certain real estate
6 appraisers; providing exceptions and conditions
7 relating to such procedures; amending s. 475.215,
8 F.S.; providing a qualifying condition for the
9 issuance of additional licenses to a licensed broker;
10 providing grounds for the Florida Real Estate
11 Commission to deny multiple license requests;
12 providing for applicability and effect of certain
13 final orders of discipline on primary and multiple
14 licenses held by a broker; amending s. 475.611, F.S.;
15 revising the definition of the term "supervisory
16 appraiser"; amending s. 475.615, F.S.; revising
17 certain exceptions from provisions specifying that
18 certain applicants for certification or registration
19 as an appraiser or trainee appraiser are not deemed to
20 be qualified for such certification or registration;
21 revising the dated version of certain requirements
22 adopted by the Appraiser Qualifications Board of the
23 Appraisal Foundation based upon which the Florida Real
24 Estate Appraisal Board is authorized to waive or
25 modify certain education, experience, or examination
26 requirements applicable to certified appraisers and
27 registered trainee appraisers; amending s. 475.6221,
28 F.S.; deleting authority for a licensed appraiser to

29 | act as the direct supervisor of a registered trainee
 30 | real estate appraiser; providing effective dates.

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 32 | Be It Enacted by the Legislature of the State of Florida:

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 34 | Section 1. Subsection (3) is added to section 120.574,
 35 | Florida Statutes, to read:

36 | 120.574 Summary hearing.—

37 | (3) The procedures in subsection (2) apply to disciplinary
 38 | cases involving real estate appraisers licensed in this state.

39 | However:

40 | (a) Final orders in such cases must be rendered within 90
 41 | days after the date the administrative complaint is filed.

42 | (b) The provisions of subparagraph (2) (a)5. do not apply.

43 | (c) Motions for continuance may not be granted absent
 44 | extraordinary circumstances.

45 | (d) The division may assign former administrative law
 46 | judges or, former circuit or county court judges, or may
 47 | designate special masters, to adjudicate the summary hearings
 48 | under this section.

49 | Section 2. Subsection (1) of section 475.215, Florida
 50 | Statutes, is amended to read:

51 | 475.215 Multiple licenses.—

52 | (1) A licensed broker may be issued upon request
 53 | additional licenses as a broker, but not as a sales associate or
 54 | as a broker associate, whenever it is clearly shown that the
 55 | requested additional licenses are necessary to the conduct of
 56 | real estate brokerage business and that the additional licenses

57 | will not be used in a manner likely to be prejudicial or harmful
 58 | to any person, including a licensee under this chapter. The
 59 | commission may also deny a multiple license request pursuant to
 60 | s. 475.17(1)(a). A final order of discipline rendered against a
 61 | broker for a violation of this part or s. 455.227(1) applies to
 62 | the primary license of the broker as well as any multiple
 63 | licenses held by that broker at the time the final order becomes
 64 | effective.

65 | Section 3. Paragraph (u) of subsection (1) of section
 66 | 475.611, Florida Statutes, is amended to read:

67 | 475.611 Definitions.—

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

69 | (u) "Supervisory appraiser" means ~~a licensed appraiser,~~ a
 70 | certified residential appraiser~~,~~ or a certified general
 71 | appraiser responsible for the direct supervision of one or more
 72 | registered trainee appraisers and fully responsible for
 73 | appraisals and appraisal reports prepared by those registered
 74 | trainee appraisers. The board, by rule, shall determine the
 75 | responsibilities of a supervisory appraiser, the geographic
 76 | proximity required, the minimum qualifications and standards
 77 | required of a ~~licensed or~~ certified appraiser before she or he
 78 | may act in the capacity of a supervisory appraiser, and the
 79 | maximum number of registered trainee appraisers to be supervised
 80 | by an individual supervisory appraiser.

81 | Section 4. Subsection (6) of section 475.615, Florida
 82 | Statutes, is amended to read:

83 | 475.615 Qualifications for registration or certification.—

84 | (6) All applicants must be competent and qualified to make

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85 | real estate appraisals with safety to those with whom they may
86 | undertake a relationship of trust and confidence and the general
87 | public. If any applicant has been denied registration,
88 | licensure, or certification, or has been disbarred, or the
89 | applicant's registration, license, or certificate to practice or
90 | conduct any regulated profession, business, or vocation has been
91 | revoked or suspended by this or any other state, any nation, or
92 | any possession or district of the United States, or any court or
93 | lawful agency thereof, because of any conduct or practices which
94 | would have warranted a like result under this part, or if the
95 | applicant has been guilty of conduct or practices in this state
96 | or elsewhere which would have been grounds for disciplining her
97 | or his registration, license, or certification under this part
98 | had the applicant then been a registered trainee appraiser or a
99 | licensed or certified appraiser, the applicant is ~~shall be~~
100 | deemed not to be qualified unless the applicant has met the
101 | conditions set forth by the Appraiser Qualifications Board of
102 | the Appraisal Foundation as prescribed by rule of the board and,
103 | ~~because of lapse of time and subsequent good conduct and~~
104 | ~~reputation, or other reason deemed sufficient,~~ it appears to the
105 | board that the interest of the public is not likely to be
106 | endangered by the granting of registration or certification.

107 | Section 5. Effective January 1, 2014, subsection (2) of
108 | section 475.615, Florida Statutes, is amended to read:

109 | 475.615 Qualifications for registration or certification.—

110 | (2) The board is authorized to waive or modify any
111 | education, experience, or examination requirements established
112 | in this part in order to conform with any such requirements

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113 established by the Appraiser ~~Appraisal~~ Qualifications Board of
114 the Appraisal Foundation or any successor body recognized by
115 federal law, including any requirements adopted on December 9,
116 2011 ~~February 20, 2004~~. The board shall implement this section
117 by rule.

118 Section 6. Subsection (1) of section 475.6221, Florida
119 Statutes, is amended to read:

120 475.6221 Employment of and by registered trainee real
121 estate appraisers.—

122 (1) A registered trainee real estate appraiser must
123 perform appraisal services under the direct supervision of a
124 ~~licensed or~~ certified appraiser who is designated as the primary
125 supervisory appraiser. The primary supervisory appraiser may
126 also designate additional ~~licensed or~~ certified appraisers as
127 secondary supervisory appraisers. A secondary supervisory
128 appraiser must be affiliated with the same firm or business as
129 the primary supervisory appraiser and the primary or secondary
130 supervisory appraiser must have the same business address as the
131 registered trainee real estate appraiser. The primary
132 supervisory appraiser must notify the Division of Real Estate of
133 the name and address of any primary and secondary supervisory
134 appraiser for whom the registered trainee will perform appraisal
135 services, and must also notify the division within 10 days after
136 terminating such relationship. Termination of the relationship
137 with a primary supervisory appraiser automatically terminates
138 the relationship with the secondary supervisory appraiser.

139 Section 7. Except as otherwise expressly provided in this
140 act, this act shall take effect upon becoming a law.