

By Senator Bean

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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

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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 additional
53 licenses as a broker, but not as a sales associate or as a
54 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

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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
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,

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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
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

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