

By Senator Stargel

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1 A bill to be entitled
2 An act relating to real estate brokers and appraisers;
3 amending s. 475.15, F.S.; requiring the Florida Real
4 Estate Commission to adopt certain rules pertaining to
5 broker registration on a temporary, emergency basis;
6 amending s. 475.17, F.S.; clarifying education
7 requirements that apply for postlicensure and initial
8 real estate licensure; amending s. 475.183, F.S.;
9 providing that the commission may reinstate the
10 license of an individual in certain circumstances;
11 amending s. 475.629, F.S.; requiring an appraiser to
12 prepare and retain a work file in certain
13 circumstances; requiring the work file to be retained
14 for a specified period; requiring the work file to
15 contain certain documents; requiring appraisal
16 management companies to retain certain items; removing
17 the prohibition that the Department of Business and
18 Professional Regulation may not inspect or copy the
19 records except in certain circumstances; amending s.
20 475.6295, F.S.; providing that duly authorized agents
21 and employees of the department may inspect an
22 appraisal management company at all reasonable hours;
23 amending s. 475.631, F.S.; removing the board's
24 authority to enter into written agreements with
25 similar licensing or certification authorities;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 475.15, Florida Statutes, is amended to
31 read:

32 475.15 Registration and licensing of general partners,
33 members, officers, and directors of a firm.—Each partnership,
34 limited liability partnership, limited liability company, or
35 corporation which acts as a broker shall register with the
36 commission and shall renew the licenses or registrations of its
37 members, officers, and directors for each license period.
38 However, if the partnership is a limited partnership, only the
39 general partners must be licensed brokers or brokerage
40 corporations registered pursuant to this part. If the license or
41 registration of at least one active broker member is not in
42 force, the registration of a corporation, limited liability
43 company, limited liability partnership, or partnership is
44 canceled automatically during that period of time. The
45 commission shall adopt rules that allow a brokerage to register
46 a broker on a temporary, emergency basis if a sole broker of a
47 brokerage dies or is unexpectedly unable to remain a broker.

48 Section 2. Subsection (6) of section 475.17, Florida
49 Statutes, is amended to read:

50 475.17 Qualifications for practice.—

51 (6) The postlicensure education requirements of this
52 section, and the education course requirements for one to become
53 initially licensed, do not apply to any applicant or licensee
54 who has received a 4-year degree, or higher, in real estate from
55 an accredited institution of higher education.

56 Section 3. Subsection (4) is added to section 475.183,
57 Florida Statutes, to read:

58 475.183 Inactive status.—

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59 (4) The commission may, at its discretion, reinstate the
60 license of an individual whose license has become void if the
61 commission determines that the individual failed to comply
62 because of illness or economic hardship, as defined by rule. The
63 individual must apply to the commission for reinstatement within
64 6 months after the date that the license becomes void. Such
65 individual must meet all continuing education requirements
66 prescribed by law, pay appropriate licensing fees, and otherwise
67 be eligible for renewal of licensure under this section.

68 Section 4. Section 475.629, Florida Statutes, is amended to
69 read:

70 475.629 Retention of records.—An appraiser registered,
71 licensed, or certified under this part or an appraisal
72 management company registered under this part shall prepare and
73 retain a work file for each appraisal, appraisal review, or
74 appraisal consulting assignment. This work file shall be
75 retained~~7~~ for 5 years or the period specified in the Uniform
76 Standards of Professional Appraisal Practice, whichever is
77 greater. The work file shall contain~~7~~ original or true copies of
78 any contracts engaging the appraiser's or appraisal management
79 company's services, appraisal reports, and supporting data
80 assembled and formulated by the appraiser or company in
81 preparing appraisal reports or engaging in appraisal management
82 services and all other documents required by the standards for
83 the development or communication of a real estate appraisal as
84 approved and adopted by the Appraisal Standards Board of The
85 Appraisal Foundation, as established by rule of the board.
86 Except as otherwise specified in the Uniform Standards of
87 Professional Appraisal Practice, the period for retention of the

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88 records applicable to each engagement of the services of the
89 appraiser or appraisal management company runs from the date of
90 the submission of the appraisal report to the client. Appraisal
91 management companies shall also retain the company accounts,
92 correspondence, memoranda, papers, books, and other records in
93 accordance with administrative rules adopted by the board. These
94 records must be made available by the appraiser or appraisal
95 management company for inspection and copying by the department
96 upon reasonable notice to the appraiser or company. ~~However, the~~
97 ~~department may not inspect or copy the records of an appraisal~~
98 ~~management company except in connection with a pending~~
99 ~~investigation or complaint.~~ If an appraisal has been the subject
100 of or has served as evidence for litigation, reports and records
101 must be retained for at least 2 years after the trial or the
102 period specified in the Uniform Standards of Professional
103 Appraisal Practice, whichever is greater.

104 Section 5. Section 475.6295, Florida Statutes, is amended
105 to read:

106 475.6295 Authority to inspect.—Duly authorized agents and
107 employees of the department shall have the power to inspect in a
108 lawful manner at all reasonable hours any appraisal management
109 company, appraiser or appraisal office certified, registered, or
110 licensed under this chapter, for the purpose of determining if
111 any of the provisions of this chapter, chapter 455, or any rule
112 promulgated under authority of either chapter is being violated.

113 Section 6. Section 475.631, Florida Statutes, is amended to
114 read:

115 475.631 Nonresident licenses and certifications.—

116 ~~(1) Notwithstanding the requirements for certification set~~

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117 ~~forth in ss. 475.615 and 475.616, the board may enter into~~
118 ~~written agreements with similar licensing or certification~~
119 ~~authorities of other states, territories, or jurisdictions of~~
120 ~~the United States to ensure for state-certified appraisers~~
121 ~~nonresident licensure or certification opportunities comparable~~
122 ~~to those afforded to nonresidents by this section. Whenever the~~
123 ~~board determines that another jurisdiction does not offer~~
124 ~~nonresident licensure or certification to state-certified~~
125 ~~appraisers substantially comparable to those afforded to~~
126 ~~certified appraisers or licensees of that jurisdiction by this~~
127 ~~section, the board shall require certified appraisers or~~
128 ~~licensees of that jurisdiction who apply for nonresident~~
129 ~~certification to meet education, experience, and examination~~
130 ~~requirements substantially comparable to those required by that~~
131 ~~jurisdiction with respect to state-certified appraisers who seek~~
132 ~~nonresident licensure or certification, not to exceed such~~
133 ~~requirements as are prescribed in ss. 475.615 and 475.616.~~

134 (1)~~(2)~~~~(a)~~ Any resident state-certified appraiser who
135 becomes a nonresident shall, within 60 days, notify the board of
136 the change in residency and comply with nonresident
137 requirements. Failure to notify and comply is a violation of the
138 license law, subject to the penalties in s. 475.624.

139 (2)~~(b)~~ All nonresident applicants, certified appraisers,
140 and licensees shall comply with all requirements of board rules
141 and this part. The board may adopt rules pursuant to ss.
142 120.536(1) and 120.54 necessary for the regulation of
143 nonresident certified appraisers and licensees.

144 Section 7. This act shall take effect July 1, 2015.