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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

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

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

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

455.271 Inactive and delinquent status.—

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

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

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

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

468.8317 Inactive license.—

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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

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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

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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

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

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

475.6175 Registered trainee appraiser; postlicensure education required.—

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

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

477.0212 Inactive status.—

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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

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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.—



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

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

475.6235 Registration of appraisal management companies required.—

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

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

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

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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

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

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

475.42 Violations and penalties.—

(1) VIOLATIONS.—

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

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

475.624 Discipline of appraisers.—

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

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

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~~Appraisal Practice.~~

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

475.6245 Discipline of appraisal management companies.—

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

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

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

475.626 Violations and penalties.—

(1) A person may not:

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

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

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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

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

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

373.461 Lake Apopka improvement and management.—

(5) PURCHASE OF AGRICULTURAL LANDS.—

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

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392 facilities, or closing costs.

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