A bill to be entitled
An act relating to reducing and streamlining
regulations; amending ss. 455.271, 468.4338, 468.8317,
468.8417, 475.615, 475.617, 475.6175, 477.0212,
481.217, 481.315, 489.116, and 489.519, F.S.; revising
the continuing education requirements for reactivating
a license, certificate, or registration to practice
certain professions and occupations regulated by the
Department of Business and Professional Regulation or
a board or council within the department, including
community association management, home inspection,
mold-related services, real estate appraisal,
cosmetology, architecture and interior design,
landscape architecture, construction contracting, and
electrical and alarm system contracting; amending s.
475.6235, F.S.; revising registration requirements for
appraisal management companies; amending ss. 468.391,
475.25, 475.42, 475.624, 475.6245, 475.626, 476.194,
and 477.0265, F.S., relating to auctioneering, real
estate brokering and appraisal, barbering, and
cosmetology; revising language with respect to certain
penalties; revising grounds for discipline to which
penalties apply; amending s. 475.628, F.S.; requiring
the Florida Real Estate Appraisal Board to adopt rules
establishing professional practice standards; amending
s. 373.461, F.S.; requiring certain appraisers to
follow specific standards of professional practice in
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.—
(2) A license that has become inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate requirements for reactivating a license may not exceed 14 hours for each year the license was inactive.

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

468.8417 Inactive license.—

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

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

475.615 Qualifications for registration or certification.—

(5) At the time of filing an application for registration or certification, the applicant must sign a pledge indicating that upon becoming registered or certified, she or he will 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, to comply with the Uniform Standards of Professional Appraisal Practice upon registration or certification 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 6. Subsection (1), paragraph (b) of subsection
(2), and paragraph (b) of subsection (3) of section 475.617,
Florida Statutes, are amended to read:

475.617 Education and experience requirements.—

(1) To be registered as a trainee appraiser, an applicant
must present evidence satisfactory to the board that she or he
has successfully completed at least 100 hours of approved
academic courses in subjects related to real estate appraisal,
which shall include coverage of the Uniform Standards of
Professional Appraisal Practice, or its equivalent, as
established by rule of the board, from a nationally recognized
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. The board may
increase the required number of hours to not more than 125
hours. A classroom hour is defined as 50 minutes out of each 60-
minute segment. Past courses may be approved on an hour-for-hour
basis.

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

(b) Has successfully completed at least 200 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which shall include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the board, from a nationally recognized 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. 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.

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

(b) Has successfully completed at least 300 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which shall include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the board, from a nationally recognized 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. 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.—
(2) The board shall adopt promulgate rules relating to licenses that which have become inactive and for the renewal of inactive licenses. The rules may not require more than one renewal cycle of continuing education to reactivate a license. The board shall prescribe by rule a fee not to exceed $50 for the reactivation of an inactive license and a fee not to exceed $50 for the renewal of an inactive license.

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

481.217 Inactive status.—

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

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

481.315 Inactive status.—

(1) A license that has become inactive or delinquent may be reactivated under this section upon application to the
department and payment of any applicable biennial renewal or
delinquency fee, or both, and a reactivation fee. The board may
not require a licensee to complete more than one renewal cycle
of continuing education requirements. The board may prescribe by
rule continuing education requirements as a condition of
reactivating the license. The continuing education requirements
for reactivating a license may not exceed 12 classroom hours for
each year the license was inactive.

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

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

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

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

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

489.519 Inactive status.—
(1) A certificate or registration that becomes 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 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
corporation owning the auction business, who operates without an
active license or violates any of the provisions provision of
the prohibited acts listed under s. 468.389(1)(c), (e), (f),
(h), and (i) commits a felony of the third degree, punishable as
provided in s. 775.082 or s. 775.083.

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

475.25 Discipline.—

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

(t) Has violated any standard standard 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 or other provision of the Uniform
Standards of Professional Appraisal Practice, as defined in s.
475.611, as approved and adopted by the Appraisal Standards
Board of the Appraisal Foundation, as defined in s. 475.611.

This paragraph does not apply to a real estate broker or sales
associate who, in the ordinary course of business, performs a
comparative market analysis, gives a broker price opinion, or
gives an opinion of value of real estate. However, in no event
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...
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
certified appraiser, commit any conduct or practice set forth in s. 475.624.

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

476.194 Prohibited acts.—

(1) It is unlawful for any person to:

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

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

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

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

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

475.628 Professional standards for appraisers registered, licensed, or certified under this part.—The board shall adopt rules establishing standards of professional practice that meet or exceed nationally recognized standards of appraisal practice, including standards adopted by the Appraisal Standards Board of the Appraisal Foundation. Each appraiser registered, licensed, or certified under this part must comply with the rules Uniform Standards of Professional Appraisal Practice. Statements
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 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
facilities, or closing costs.

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