

# Division of Real Estate

Florida Department of  
Business &  
Professional  
Regulation

License efficiently. Regulate fairly.

# Continuing Education Seminar

- Thank you for attending.
- The presentation will primarily concern two new pieces of legislation: HB 517 and HB 0667.
- Chapter 2013-144 – Committee Substitute for House Bill No. 667 (2013)
- [www.leg.state.fl.us](http://www.leg.state.fl.us)

# Brief Outline

- The two new laws make substantive amendments in the following areas:
  - licensing criteria;
  - real estate courses;
  - continuing education;
  - licensing standards;
  - definitions; and
  - rules regulating AMCs and multiple licensing.

# Fee Waivers for Veterans



The following fees are now waived under Section 455.213(12), F.S., for applicant-veterans who apply within 24 months of honorable discharge:

1. Initial Licensing Fee
2. Initial Application Fee
3. Initial Unlicensed and Activity Fee

# Real Estate School Courses



- Under amended Section 475.451(9), F.S., a real estate school may now offer “any course through distance learning if the course complies with Section 475.17.”

# Real Estate School Licensing

- The amendment also allows licensee-instructors to satisfy the continuing education requirements of 475.451(2)(b)3, F.S., by “distance learning.”



# Reinstatement of Void License (1 of 2)

- **Previously** under Section 455.271, F.S., a void license could only be reinstated by **the board**, if the licensee made a “**good faith effort**” to comply with the section but failed because of “**illness or unusual hardship.**”



# Reinstatement of Void License (2 of 2)



- Under new Section 455.271, to reinstate a void license, the department need only find non-compliance resulted from “illness or economic hardship.” The “good faith” language has been deleted and the word “unusual” replaced. Moreover, the decision has been given over to the department.



# Licensee's Contact Information

- Under **old** 455.275(1), F.S., the licensee was only required to notify the department of his or her **mailing address and place of practice.**
- Under new 455.275(1), F.S., the licensee is required to notify the department “in writing of the licensee’s current mailing address, e-mail address, and place of practice...”



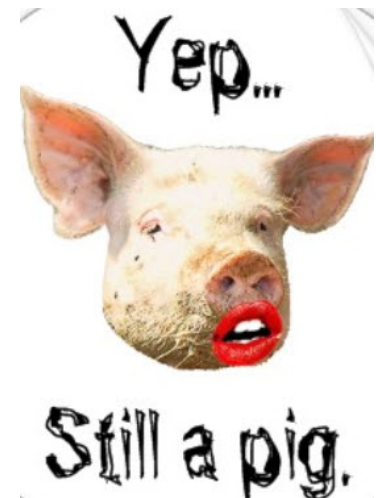
# Communication from Department to Licensee

- 455.275(1), F.S., was also amended to provide for service and/or notification by way of contacting the licensee at his or her “last known mailing address or e-mail address.”
- Accordingly, please be sure to maintain a current e-mail address with the department.

# Definition of AMC


Section 475.611(1)(c): “**Appraisal management company**” means a person who performs appraisal management services regardless of the use of the term “appraisal management company,” “appraiser cooperative,” “appraiser portal,” “mortgage technology company,” or other term.

## Substance over Form



# Definition of Subsidiary



**Bank of America**   
**Merrill Lynch**  
(Subsidiary)

- Section 475.611(1)(t) defines “**Subsidiary**” as being any organization that is owned and controlled by a financial institution that is regulated by a federal financial institution regulatory agency.

# Discipline of AMC

- Under new 475.6235(2)(f)(v), F.S., an AMC may now be subject to discipline for requiring or attempting to require an appraiser to sign an agreement that would insulate the AMC from liability for claims arising from its services.



# Definition of Supervisory Appraiser

- Under **old** 475.611(1)(u), F.S., “supervisory appraiser” was defined to include certified appraisers **and** licensed appraisers.
- Under new 475.611(1)(u), F.S., only a certified appraiser may be designated as a “supervisory appraiser.”

# Forgiving Applicants' Bad Acts

## 1 of 2

- Under the **old** version of 475.615,(6), F.S., an applicant with history of past crime or discipline could nevertheless be approved by FREAB on consideration of **subsequent passage of time and good behavior.**



# Forgiving Applicants' Bad Acts

## 2 of 2

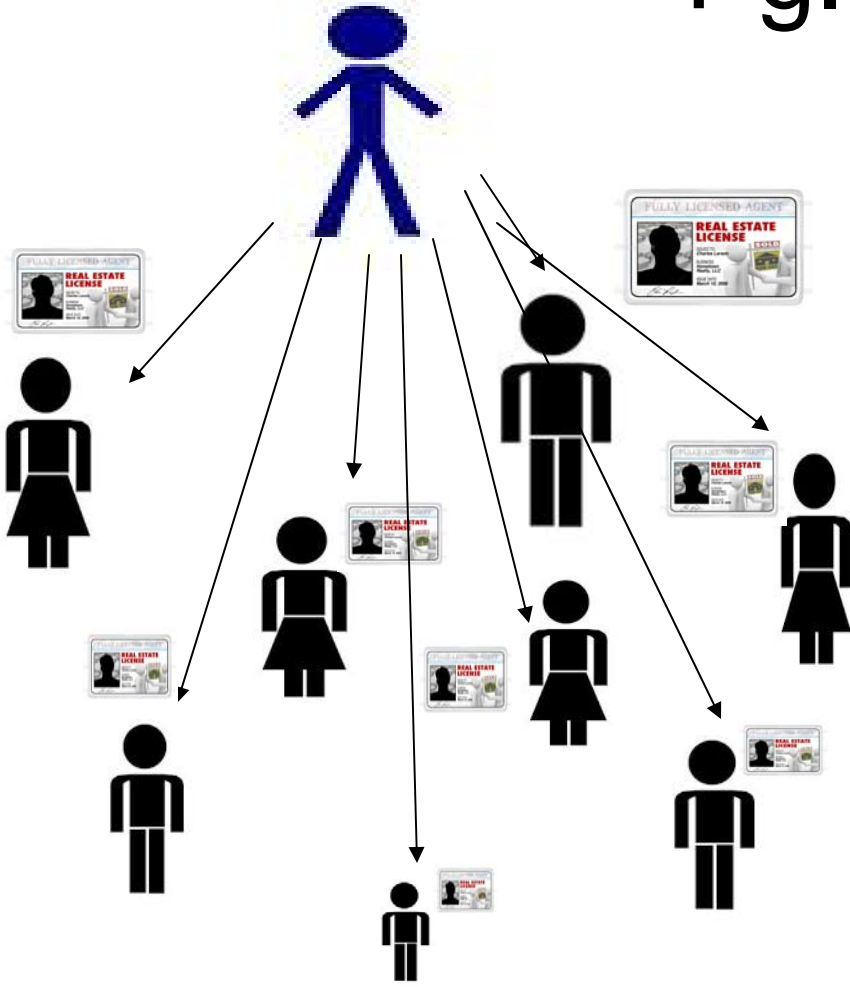
- Under the new version of 475.615(6), F.S., the FREAB must adhere to the fixed qualification criteria of AQC, which does not allow for consideration of past good behavior and passage of time.
  - Instead, certain offenses are either grounds for permanent disqualification of an applicant or not.

The qualification criteria takes effect January 1<sup>st</sup>, 2015.



# Multiple or Additional Licenses

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In response to the practice of farming out one's broker license, 475.215, F.S., was amended to better enable the Department to discipline negligent brokers having multiple licenses and protect the public.

# Multiple or Additional Licenses

## Pg. 2 of 4

- First, 475.215(1), F.S., was amended to make the Qualifications for Practice for a Real Estate Broker applicable to an application for a multiple or additional broker's license. The qualification criteria are outlined in 475.17(1)(a), F.S.



# Multiple or Additional Licenses

## Pg. 3 of 4

- Second, 475.215(1), F.S., now reads “A licensed broker may be issued upon request additional licenses as broker ... whenever it is clearly shown that the requested additional licenses are necessary to the conduct of real estate brokerage business and that the additional licenses will not be used in a manner likely to be prejudicial or harmful to any person.”

The underlined language is new.

# Additional or Multiple Licenses

## Pg. 4 of 4

- Finally, 475.215(1), F.S., now provides that disciplinary action taken against a broker's primary license also applies to all multiple licenses held by that broker.

