

## 61J2-24.002, Citation Authority

**SUMMARY** (inserted for descriptive purposes. The summary is not part of the amended rule.)

The revision affects discipline regarding failure to comply with the notice requirements placed on a real estate broker upon receiving conflicting demands for any trust funds being maintained in the broker's escrow account. The Commission substituted the old 7-hour escrow course penalty language with new 4-hour escrow course penalty language.

### CODED TEXT

61J2-24.002 Citation Authority, effective February 21, 2002

(1) No change.

(2) The following violations with accompanying fine or other conditions may be disposed of by citation:

(a) through (gg) No change.

(hh) 61J2-14.012(2) B failed to properly reconcile an escrow account when the account balances

\$100.00 and the 4 7 hour Instructional Program for Broker Management of Escrow Accounts to be completed within 6 months of the citation becoming a final order

(ii) 61J2-14.012 B failed to properly reconcile an escrow account when the account is no more than +\$200 out of balance

Instructional Program for Broker Management of Escrow Accounts to be completed within 6 months of the citation becoming a final order

(jj) 61J2-14.012(2) B failed to properly reconcile an escrow account when the account is out of balance by more than +\$200 but no more than +\$500

\$500.00 and the 4 7 hour Instructional Program for Broker Management of Escrow Accounts to be completed within 6 months of the citation becoming a final order

(kk) through (pp) No change.

(qq) 61J2-24.002(3)(y) B failed to complete the 4 7 hour Instructional Program for Broker Management of Escrow Accounts within six (6) months from the date

\$200.00 in addition to penalty in original citation

the citation becomes a final order  
but the course is completed no  
later than twelve (12) months  
from the date the citation becomes  
a final order

(3) through (5) No change.

Specific Authority: 475.05 FS. Law Implemented: 455.224 FS. History New: 12-29-91, Amended 4-16-92, 1-20-93, 6-28-93, Formerly 21V-24.002, Amended 8-23-93, 4-7-94, 4-12-95, 7-5-95, 2-13-96, 6-5-96, 7-23-96, 1-22-97, 3-30-97, 11-10-97, 3-24-98, 7-1-98, 10-25-98, 1-19-99, 1-18-00, 10-15-00, \_\_\_\_\_.

## **FINAL VERSION**

61J2-24.002 Citation Authority.

(1) Pursuant to Section 455.224, Florida Statutes (1999), the Commission sets forth violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a violation for which there is no substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the fine or other condition to be imposed.

(2) The following violations with accompanying fine or other conditions may be disposed of by citation:

- |   |          |
|---|----------|
| (a) 475.180(2)(a) – a nonresident failed to file the required irrevocable consent form; a resident licensee who failed to notify the Commission of becoming a nonresident as prescribed | \$100.00 |
| (b) 475.17(2)(a), 475.17(3)(a), 475.17(4)(a), 61J2-3.008 and 61J2-3.009 failed to provide the required number of classroom hours for an approved or prescribed course                   | \$500.00 |
| (c) 475.175(2) and 61J2-17.012(2) – failed to provide a course roster to the Division for each course   | \$100.00 |
| (d) 475.175(2) and 61J2-3.015 – failed to provide a course completion report to a student   | \$100.00 |
| (e) 475.22(1) and 61J2-10.022 – failed to maintain the required office as prescribed  | \$200.00 |
| (f) 475.22(1) and 61J2-10.024 – failed to maintain the required office entrance sign  | \$100.00 |
| (g) 475.22(2) – failed to register an out of state Florida broker's office  | \$100.00 |
| (h) 475.24, 61J2-8.003 and 61J2-10.023 – failed to register a location as a branch office   | \$200.00 |
| (i) 475.25(1)(b) and (d) – misconduct involving economic loss resulting in full restitution to the complainant  | \$300.00 |
| (j) 475.25(1)(k) and 61J2-14.008(1)(d) – failed to immediately deposit trust funds provided the deposit is not more than 3 days late  | \$200.00 |
| (k) 475.25(1)(m) and 61J2-3.009   |          |

1. Renewed a license without completing the continuing education requirement and the act is discovered by the BPR but the licensee has completed the continuing education requirements within thirty (30) days after his or her renewal date	\$200.00 and completion of the continuing education requirement for the previous renewal cycle
2. Renewed a license without completing the continuing education requirement and the act is discovered by the BPR but the licensee has completed the continuing education requirements within ninety (90) days after his or her renewal date	\$500.00 and completion of the continuing education requirement for the previous renewal cycle
3. Renewed a license without having complied with Rule 61J2-3.009 and voluntarily notified the BPR more than thirty (30) days but no more than 90 days after the renewal cycle ended	\$500.00 and completion of the continuing education requirement for the previous renewal cycle
(l) 475.25(1)(q) – failed to give the appropriate disclosure or notice at the appropriate time under the provisions of s. 475.2755 or 475.278, F.S., (A citation may only be given for a first time violation.)	\$300.00
(m) 475.25(1)(r) – failed to include the required information in a listing agreement; failed to give a copy to a principal within 24 hours; contains a self renewal clause	\$200.00
(n) 475.42(1)(b) – salesperson operating as a salesperson without a registered employer due to failure to renew or properly register	\$500.00
(o) 475.42(1)(j) – having a lis pendens placed by an attorney (Citation may be issued only if no other violation is present)	\$500.00
(p) 475.42(1)(k) and 61J2-10.034 – operated as a broker under a trade name without causing the trade name to be noted in the records of the Commission	\$100.00
(q) 475.451(3) – failed to obtain a multiple permit	\$500.00
(r) 475.4511(2) – advertised false, inaccurate, misleading, or exaggerated information	\$100.00
(s) 475.4511(4) – failed to have a distinctive separation in a joint advertisement of a school with an affiliated broker	\$100.00

(t) 475.4511(5) – advertised school passing rates	\$300.00
(u) 61J2-3.008(6) – failed to certify classroom attendance per occurrence	\$300.00
(v) 61J2-3.009(5)(e) – failed to have a correspondence study course instructor available during normal working hours	\$300.00
(w) 61J2-3.009(6) – failed to inform students of course standards and requirements	\$100.00
(x) 61J2-3.015(2) – failed to provide a course completion report to a student; if a licensee, as the result of an audit/inspection, failed to provide a course completion report to the BPR	\$200.00
(y) 61J2-5.016 – salesperson or broker-salesperson serving as an officer or director of a registered brokerage corporation	\$200.00
(z) 61J2-5.019(1) – failed to ensure that the corporation or partnership is properly registered; failed to ensure each officer, director and salesperson is properly licensed	\$200.00
(aa) 61J2-10.025 – advertised in a manner in which a reasonable person would not know one is dealing with a real estate licensee or brokerage; failed to include the registered name of the brokerage firm in the advertisement; failed to use the licensee's last name as registered with the Commission in an advertisement	\$200.00
(bb) 61J2-10.027 – used the name or identification of an association or organization when the licensee was not in good standing or otherwise not entitled to use same	\$300.00
(cc) 61J2-10.032(1) – broker failed to notify the Commission within the prescribed 15 business days but does so within 25 business days; or, if a Notice of Noncompliance has been issued pursuant to 61J2-24.003 and not timely complied with, failed to notify the Commission within 45 days but does so within 55 days	\$100.00
(dd) 61J2-10.032(1) and (2) – broker failed to institute a settlement procedure within the prescribed 30 business days but does so within 40 business days; or, if a Notice of Noncompliance has been issued pursuant to 61J2-24.003 and not timely complied with, failed to institute a settlement procedure within 60 days but does so within 70 days	\$100.00
(ee) 61J2-10.032(2) – broker failed to notify the Commission that the dispute settled or went to court, or of the final accounting and disbursement within the prescribed 10 business days but broker does so within 20 business days; or, if a Notice of Noncompliance has been issued pursuant to 61J2-24.003 and not timely complied with, failed to notify the Commission that the dispute settled or went to court, or of the final accounting and disbursement within 40 days but does so within 50 days	\$100.00
(ff) 61J2-10.035 – failed to obtain the seller's consent to place a "sold" sign on the property prior to closing	\$100.00
(gg) 61J2-10.038 – failed to notify the BPR of the current mailing address or any change in the current mailing address	\$100.00

(hh) 61J2-14.012(2) – failed to properly reconcile an escrow account when the account balances

\$100.00  
and the 4 hour  
Instructional  
Program  
for Broker  
Management  
of Escrow  
Accounts to  
be  
completed  
within 6  
months of  
the citation  
becoming a  
final order

(ii) 61J2-14.012 – failed to properly reconcile an escrow account when the account is no more than +\$200 out of balance

\$200.00  
and the 4 hour  
Instructional  
Program  
for Broker  
Management  
of Escrow  
Accounts to  
be  
completed  
within 6  
months of  
the citation  
becoming a  
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(jj) 61J2-14.012(2) – failed to properly reconcile an escrow account when the account is out of balance by more than +\$200 but no more than +\$500

\$500.00  
and the 4  
hour  
Instructional  
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(kk) 61J2-14.014(1) – failed to secure the written permission of all interested parties prior to placing trust funds in an interest bearing escrow account	\$300.00
(ll) 61J2-14.014(2) – failed to stop interest from accruing prior to disbursement	\$100.00
(mm) 61J2-17.012(1) and (3) – failed to maintain the course roster as required	\$300.00
(nn) 61J2-17.013(1) – guaranteed that a pupil would pass an examination; failed to register a school location	\$500.00
(oo) 61J2-17.014 – improper use of a guest lecturer	\$100.00
(pp) 61J2-17.015 – failed to post the required language regarding recruitment for employment; recruiting for employment opportunities during class time	\$300.00
(qq) 61J2-24.002(3)(y) – failed to complete the 4 hour Instructional Program for Broker Management of Escrow Accounts within six (6) months from the date the citation becomes a final order but the course is completed no later than twelve (12) months from the date the citation becomes a final order	\$200.00 in addition to penalty in original citation

(3) Citations may be issued to real estate licensees, permit holders, and registrants by the Division of Real Estate.

(4) Citations are to be served upon the subject either by personal service or certified mail, restricted delivery, to the subject's last known address.

(5) The subject has 30 days from the date the citation becomes a final order to pay the fine. All fines are to be made payable to the "Department of Business and Professional Regulation – R. E. Citations" and sent to the Division of Real Estate in Orlando. A copy of the citation shall accompany the payment of the fine.

*Specific Authority 475.05 FS. Law Implemented 455.224 FS. History–New 12-29-91, Amended 4-16-92, 1-20-93, 6-28-93, Formerly 21V-24.002, Amended 8-23-93, 4-7-94, 4-12-95, 7-5-95, 2-13-96, 6-5-96, 7-23-96, 1-22-97, 3-30-97, 11-10-97, 3-24-98, 7-1-98, 10-25-98, 1-19-99, 1-18-00, 10-15-00, 2-21-02.*