

## 61J2-24.001, DISCIPLINARY GUIDELINES

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

Rule 61J2-24.001, Disciplinary Guidelines, was amended effective February 4, 2004. The rule was amended to bring it into compliance with statutory changes.

### CODED TEXT

61J2-24.001: Disciplinary Guidelines, effective February 4, 2004

(1) No change.

(2) As provided in s. 475.25(1), Florida Statutes, the Commission may, in addition to other disciplinary penalties, place a licensee on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Commission may specify. Standard probationary conditions may include, but are not limited to, requiring the licensee: to attend pre-licensure courses; to satisfactorily complete a pre-licensure course; to attend post-licensure courses; to satisfactorily complete a post-licensure course; to attend continuing education courses; to submit to and successfully complete the state-administered examination; to be subject to periodic inspections and interviews by a DBPR investigator; if a broker, to place the license on a broker associate ~~broker-salesperson~~ status; or, if a broker, to file escrow account status reports with the Commission or with a DBPR investigator at such intervals as may be prescribed.

### VIOLATIONS

### RECOMMENDED RANGE OF PENALTY

(a) through (k) No change.

(1) 475.25(1)(k)

Has failed, if a broker, to deposit any money in an escrow account immediately upon receipt until disbursement is properly authorized. Has failed, if a sales associate ~~salesperson~~, to place any money to be escrowed with his registered employer

(m) No change.

(n) 475.25(1)(m)

Obtained a license by fraud, misrepresentation or concealment

(1) No change.

(n) In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C. and the act is discovered by the DBPR, the usual action of the Commission shall be to impose a penalty of revocation. In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the licensee brings the matter to the attention of the DBPR, the usual action of the Commission shall be to impose a penalty of a \$1,000 administrative fine. In all other cases, the usual action of the Commission shall be to impose a penalty of revocation and an administrative fine of \$1,000.

(o) through (q) No change.

(r) 475.25(1)(q)

Licensee has failed to give the Transaction Broker Notice or Single Agent Notice at the

(r) No Change.

requisite period of time under the provisions of ss. 475.278, F.S.; failed to properly secure the Consent to Transition to Transaction Broker or Designated Sales Associate Salesperson forms as required in ss. 475.2755 or 475.278, F.S.; failed to act in a manner as prescribed in ss. 475.2755 or 475.278.

(s) through (w) No Change.

(x) 475.42(1)(b)

(x) No change.

Practicing beyond scope as a sales associate salesperson

(y) 475.42 (1) (c)

(y) No change.

Broker employs a sales associate salesman who is not the holder of a valid and current license

(z) 475.42 (1) (d)

(z) No change.

A sales associate salesperson shall not collect any money in connection with any real estate brokerage transaction except in the name of the employer

(aa) through (dd) No change.

(ee) 475.42 (1) (j)

(ee) No change.

No broker or sales associate salesperson shall place upon the public records any false, void or unauthorized information that affects the title or encumbers any real property

(ff) through (gg) No change.

(hh) 475.42 (1) (m)

(hh) No change.

Fails to have a current license as a broker or sales associate salesperson while listing or selling one or more timeshare periods per year

(ii) No change.

(jj) 475.424 1(o)

(jj) No change.

Publication of false or misleading information; promotion of sales, leases and rentals

~~(kk) 475.422~~

~~(kk) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 3-year suspension~~

~~Failure to furnish copies of any termite and roof inspection reports~~

(ll) through (mm) renumbered (kk) through

(ll) No Change.

(mm) ~~(nn)~~ 475.453

(mm) ~~(nn)~~ No change.

Broker or sales associate salesperson participates in any rental information transaction that fails to follow the guidelines adopted by the Commission and Chapter 475, F.S.

(4) (a) No Change.

(b) Aggravating or mitigating circumstances may include, but are not limited to, the following:

1. ~~The severity of the offense.~~

2. through 3. renumbered 1. through 2. No change.

~~4. The number of times the offenses previously have been committed by the licensee.~~

5. through 8. renumbered 3. through 6. No change.

Specific Authority: 455.2273, 475.05 F.S. Law Implemented: 455.277, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 F.S. History—New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21v-24.001, Amended 11-16-93, 2-29-96, 12-30-97, 11-29-98, 1-18-00, .....