



West Virginia Real Estate Commission
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Division of Real Estate
400 West Robinson Street, N801
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**MUTUAL/RECIPROCAL LICENSING AGREEMENT BETWEEN
THE WEST VIRGINIA REAL ESTATE COMMISSION and
THE FLORIDA REAL ESTATE COMMISSION**

WHEREAS the parties to this Agreement desire to permit real estate license reciprocity for the economic benefit of their citizens, and the protection of their consumers, and

WHEREAS the parties to this Agreement are duly authorized to review requirements for real estate licensure, including education, experience, and character in each party's state, and

WHEREAS the parties to this Agreement have reviewed these requirements and agree that such requirements, in addition to any requirements set forth in this Agreement, are sufficient to permit licensees of the Original State to possess an equivalent real estate license in the Reciprocal State, and

WHEREAS each party signing this Agreement is authorized to enter this Agreement and establish terms and conditions necessary to fully protect the public of each state.

NOW BE IT RESOLVED that the parties hereby agree to reciprocate their equivalent real estate licenses pursuant to the following terms.

1. DEFINITIONS.

When used in this Agreement, the following words shall mean:

1.1 "Agreement" means this reciprocity Agreement between the State of Florida and the State of West Virginia, executed by the parties representing those States.

1.2 "Applicant" means a person who holds an active real estate license in good standing in the Original State and who is applying for equivalent licensure in the Reciprocal State.

1.3 "Original State" means the state in which the applicant currently holds a real estate license.

- 1.4 "Reciprocal State" means the state to which an applicant is applying for a license through reciprocity.
- 1.5 "Sales Associate/ Salesperson" means a person licensed to perform real estate brokerage pursuant to real estate licensure laws, at all times under the supervision of a brokerage manager.
- 1.6 "Broker" or "Broker Associate"/ "Associate Broker" means a person licensed to perform real estate brokerage services pursuant to real estate licensure laws. Broker Associates/Associate Brokers must be at all times under the supervision of a brokerage manager in order to be active.
- 1.7 In Florida "Principal Broker" or "Qualifying Broker" means the designated executive broker or manager of a real estate company, firm, or brokerage with supervisory responsibility at all times for all associates within that business. In West Virginia, "Designated Broker" means a person holding a Broker license who has been appointed by a partnership, associate, corporation, or other form of business organization engaged in the real estate brokerage business, to be responsible of the acts of the business and to whom the partners, members or board of directors have delegated full authority to conduct the real estate brokerage activities of the business organization.

2. CONDITIONS FOR LICENSURE

An applicant licensed in the Original State may be licensed in the Reciprocal State for a license of equivalent type upon submission of all forms, certifications, documents, payments or fees, background checks, and license history required by the Reciprocal State and meeting all other requirements established in this section. Applicants must agree to accept service of process in any civil action and provide an address for such service at the time of licensure. Applicants seeking a West Virginia real estate license in any category must submit an affidavit of residency form, submit an irrevocable consent of service form, submit a statement out of state form, and complete the state-specific portion of the licensing examination.

- 2.1 Applicants from the Original State must submit proof of licensure in good standing from every state in which they are, or have been, actively licensed to the Reciprocal State, in accordance with that state's requirements. Such proof of good standing will include, but not be limited to:
 - a. The Applicant's name, legal entity with whom he/she is affiliated, and the Applicant's residential address.
 - b. Type of license held by the Applicant, license number, commencement date, and expiration date of the current license.
 - c. A complete record of any disciplinary action taken against the Applicant, the outcome of that action, and a summary of any action which might be currently pending. A negative report may be submitted if there is no discipline history.
- 2.2 All Applicants shall comply with the Reciprocal State's requirements for background checks prior to taking the licensing exam and provide results of such background check prior to applying for a license.
- 2.3 Sales Associate/Salesperson – Applicants seeking a sales associate/Salesperson license from the Reciprocal State shall have held a similar type active license in the Original State in active status for a period of one (1) year prior to making the application to the Reciprocal State. Applicants must be 18 years of age or older and must have completed a high school education or an equivalent. The applicant must pass the Reciprocal State's law portion of the exam prior to a license being issued.
- 2.4 Broker or Broker Associate/Associate Broker – In addition to the minimum age requirement specified in 2.3 above, applicants seeking the non-managerial Broker or Broker

Associate/Associate Broker license must have held a license of similar type in the Original State in active status for a minimum of two (2) years prior to application. The applicant must pass the Reciprocal State's law exam prior to a license being issued.

- 2.5 A Qualifying Broker/Designated Broker providing real estate brokerage services in the Reciprocal State shall be required to maintain an active place of business in the Original state and may maintain escrow or trust accounts, in accordance with the Reciprocal State's laws. The place of business shall be a physical location at which an investigator from both the Original and the Reciprocal State may perform investigations, including the examination of documents and other records relative to activities in the Reciprocal State. Any investigation(s) originated from the Reciprocal State must not be unreasonably withheld. A post office box or "virtual office" is not acceptable. All documents related to real state services conducted in the Reciprocal State shall be maintained in accordance with the Laws and the Policies of the Reciprocal State and furnished upon request.
- 2.6 All Applicants shall file a statement with their application that they have read and will comply with all of the Reciprocal State's statutes, rules and regulations, including any and all post licensure and continuing education requirements from the Reciprocal State, and will cooperate fully with any investigation initiated by the Reciprocal State.
- 2.7 Applicants for a Salesperson license in West Virginia shall submit the name of the designated broker with whom the applicant will affiliate while performing services in the Reciprocal State. The designated broker named by the applicant shall already possess and active broker's license issued by the Reciprocal State. The provisions of this subsection shall not apply if the applicant for state salesperson's or affiliate/associate broker's license wishes to obtain an inactive license issued by the Reciprocal State and the Reciprocal State so authorizes the applicant to apply for an inactive license. An applicant applying for an inactive license shall not perform real estate services within the Reciprocal State until activating his or her license with the Reciprocal State and complying with the provisions of this subsection.
- 2.8 The Reciprocal State reserves the right to refuse an Applicant's application, for good cause shown, in accordance with the Reciprocal State's laws and procedures for denying licenses to any resident of the Reciprocal State.
- 2.9 Once a license is issued, the Applicant licensed by the Reciprocal State agrees to comply with that state's post license education, continuing education and agrees to be bound by the Reciprocal State's statutes and administrative regulations, including those requiring the Applicant to cooperate with any investigation initiated against the Applicant by the Reciprocal State.

3. TERMS OF AGREEMENT

- 3.1 This Agreement is effective on the date of the signatures of the authorized representatives of each state signing this Agreement.
- 3.2 This Agreement supersedes any agreement previously entered into by the parties and the states related to real estate license reciprocity and constitutes the full agreement between the parties.
- 3.3 This Agreement may be terminated by either party at will, with thirty (30) days' written notice being given to the signatories at their address of record in the Agreement. The parties also agree that any termination of this Agreement would render any litigation between the parties regarding this Agreement, regardless of when such litigation is commenced, moot.

MEMORIALIZED BY AUTHORIZED REPRESENTATIVES OF THE PARTIES as set forth below:

West Virginia Real Estate Commission



Jerry Foren

Executive Director

11-2-21

Date

Florida Division of Real Estate



Katy McGinnis

Director

12/15/2021

Date

West Virginia Real Estate Commission



Robert D. Kennen

Chairperson

11.2.21

Date

Florida Real Estate Commission



Randy J. Schwartz

Chairperson

12/15/2021

Date