

By the Committee on Regulated Industries and Senator Dyer

315-2146-98

1 A bill to be entitled
2 An act relating to real estate appraisals;
3 amending s. 475.25, F.S.; providing that
4 violations of certain standards of the
5 Appraisal Foundation are grounds for the
6 Florida Real Estate Commission to deny, revoke,
7 or suspend the license of, or to fine, real
8 estate brokers or salespersons; amending ss.
9 475.611 and 475.612, F.S.; redesignating
10 registered appraisers as registered assistant
11 appraisers; amending ss. 475.01, 475.011,
12 475.616, 475.618, 475.619, 475.620, 475.622,
13 475.623, 475.626, 475.627, 475.628, 475.629,
14 475.630, F.S., to conform and correct
15 references; creating s. 475.6145, F.S.;
16 providing for a seal for the Florida Real
17 Estate Appraisal Board to authenticate its
18 proceedings, records, and acts; creating s.
19 475.6147, F.S.; providing a separate section
20 relating to establishment of fees applicable to
21 the regulation of real estate appraisers;
22 amending s. 475.615, F.S.; revising provisions
23 relating to qualifications for registration,
24 licensure, or certification of appraisers;
25 providing for a charge for application for a
26 change in status of appraisal licensure;
27 amending s. 475.617, F.S.; revising continuing
28 education and experience requirements for real
29 estate appraisers; amending s. 475.624, F.S.;
30 revising a ground for disciplinary action to
31 exempt licensees from the reporting of certain

1 violators; creating s. 475.6295, F.S.; granting
2 the department authority to inspect appraisers
3 and appraisal offices; providing an effective
4 date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

8 Section 1. Paragraph (t) is added to subsection (1) of
9 section 475.25, Florida Statutes, to read:

10 475.25 Discipline.--

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

20 (t) Has violated any standard for the development or
21 communication of a real estate appraisal or other provision of
22 the Uniform Standards of Professional Appraisal Practice, as
23 defined in s. 475.611, as approved and adopted by the
24 Appraisal Standards Board of the Appraisal Foundation, as
25 defined in s. 475.611. This paragraph does not apply to a real
26 estate broker or salesperson who, in the ordinary course of
27 business, performs a comparative market analysis. However, in
28 no event may this comparative market analysis be referred to
29 as an appraisal, as defined in s. 475.611.
30
31

1 Section 2. Paragraphs (a), (e), and (l) of subsection
2 (1) and subsection (2) of section 475.611, Florida Statutes,
3 are amended to read:

4 475.611 Definitions.--

5 (1) As used in this part, the term:

6 (a) "Appraisal" or "appraisal services" means the
7 services provided by certified or licensed appraisers, or
8 registered assistant appraisers, and includes:

9 1. "Appraisal assignment" denotes an engagement for
10 which a person is employed or retained to act, or could be
11 perceived by third parties or the public as acting, as an
12 agent or a disinterested third party in rendering an unbiased
13 analysis, opinion, review, or conclusion relating to the
14 nature, quality, value, or utility of specified interests in,
15 or aspects of, identified real property.

16 2. "Analysis assignment" denotes appraisal services
17 that relate to the employer's or client's individual needs or
18 investment objectives and includes specialized marketing,
19 financing, and feasibility studies as well as analyses,
20 opinions, and conclusions given in connection with activities
21 such as real estate brokerage, mortgage banking, or real
22 estate counseling.

23 (e) "Appraiser" means any person who is a registered
24 assistant real estate appraiser, licensed real estate
25 appraiser, or a certified real estate appraiser. An appraiser
26 renders a professional service and is a professional within
27 the meaning of s. 95.11(4)(a).

28 (l) "Registered assistant appraiser" means a person
29 who is registered with the department as qualified to perform
30 appraisal services under the supervision of a licensed or
31 certified appraiser.

1 (2) Wherever the word "operate" or "operating" appears
2 in this part with respect to a registered assistant appraiser,
3 licensed appraiser, or certified appraiser; in any order,
4 rule, or regulation of the board; in any pleading, indictment,
5 or information under this part ~~section~~; in any court action or
6 proceeding; or in any order or judgment of a court, it shall
7 be deemed to mean the commission of one or more acts described
8 in this part ~~section~~ as constituting or defining a registered
9 assistant appraiser, licensed appraiser, or certified
10 appraiser, not including, however, any of the exceptions
11 stated therein. A single act is sufficient to bring a person
12 within the meaning of this subsection ~~section~~, and each act,
13 if prohibited herein, constitutes a separate offense.

14 Section 3. Section 475.612, Florida Statutes, is
15 amended to read:

16 475.612 Certification, ~~or licensure, or registration~~
17 required.--

18 (1) A person may not use the title "certified real
19 estate appraiser," "licensed real estate appraiser," or
20 "registered assistant real estate appraiser," or any
21 abbreviation or words to that effect, or issue an appraisal
22 report in connection with any federally related transaction,
23 unless such person is certified, licensed, or registered by
24 the department under ~~pursuant to~~ this part ~~section~~. However,
25 the work upon which an appraisal report is based may be
26 performed by a person who is not a certified ~~or~~ licensed
27 appraiser, ~~or~~ registered assistant appraiser if the report is
28 approved and signed by a certified or licensed appraiser.

29 (2) This section does not preclude a broker,
30 salesperson, or broker-salesperson who is not a certified ~~or~~
31 licensed real estate appraiser, ~~or~~ registered assistant real

1 estate appraiser from appraising real estate for compensation.
2 Such persons may continue to provide appraisals and appraisal
3 services for compensation so long as they do not represent
4 themselves as certified,~~or~~ licensed, or registered under this
5 part section.

6 (3) This section does ~~shall~~ not apply to a real estate
7 broker or salesperson who, in the ordinary course of business,
8 performs a comparative market analysis and/or gives an opinion
9 of the value of real estate. However, in no event may this
10 opinion be referred to or construed as an appraisal.

11 (4) This section does ~~shall~~ not prevent any state
12 court or administrative law judge from certifying as an expert
13 witness in any legal or administrative proceeding an appraiser
14 who is not certified, licensed, or registered; nor does ~~shall~~
15 it prevent any appraiser from testifying, with respect to the
16 results of an appraisal.

17 (5) This section does ~~shall~~ not apply to any full-time
18 graduate student who is enrolled in a degree program in
19 appraising at a college or university in this state, if the
20 student is acting under the direct supervision of a certified
21 or licensed appraiser or licensed broker and is engaged only
22 in appraisal activities related to the approved degree
23 program. Any appraisal report by the student must be issued in
24 the name of the supervising individual.

25 (6) This section does ~~shall~~ not apply to any employee
26 of a local, state, or federal agency who performs appraisal
27 services within the scope of her or his employment. However,
28 this exemption does ~~shall~~ not apply where any local, state, or
29 federal agency requires an employee to be registered,
30 licensed, or certified to perform appraisal services.

31

1 Section 4. Section 475.6145, Florida Statutes, is
2 created to read:

3 475.6145 Seal.--The board shall adopt a seal by which
4 it shall authenticate its proceedings, records, and acts.
5 Copies of the proceedings, records, and acts of the board, and
6 certificates purporting to relate the facts concerning such
7 proceedings, records, and acts, which are signed by the board
8 chair, the custodian of such records, or any other person
9 authorized to make such certification and which are
10 authenticated by such seal, shall be prima facie evidence of
11 such proceedings, records, and acts in all courts of this
12 state.

13 Section 5. Section 475.6147, Florida Statutes, is
14 created to read:

15 475.6147 Fees.--

16 (1) The board by rule may establish fees to be paid
17 for application, licensing and renewal, certification and
18 recertification, reinstatement, and recordmaking and
19 recordkeeping. The fee for initial application may not exceed
20 \$150, and the combined cost of the application and examination
21 may not exceed \$300. The initial license fee and the license
22 renewal fee may not exceed \$150 for each year of the duration
23 of the license. The board may also establish by rule a late
24 renewal penalty. The board shall establish fees that are
25 adequate to ensure its continued operation. Fees shall be
26 based on estimates made by the department of the revenue
27 required to implement this part and other provisions of law
28 relating to the regulation of real estate appraisers.

29 (2) Application and license fees shall be refunded
30 upon a determination by the board that the state is not
31 entitled to the fees or that only a portion of the resources

1 have been expended in the processing of the application or
2 shall be refunded if for any other reason the application is
3 not completely processed. The board shall implement this
4 subsection by rule.

5 Section 6. Section 475.615, Florida Statutes, is
6 amended to read:

7 475.615 Qualifications for registration, licensure, or
8 certification.--

9 (1) Any person desiring to act as a registered
10 assistant appraiser or as a~~licensed~~or certified appraiser
11 must make application in writing to the department in such
12 form and detail as the board shall prescribe. Each applicant
13 must be at least 18 years of age and hold a high school
14 diploma or its equivalent. At the time of application, a
15 person must furnish evidence of successful completion of
16 required education and evidence of required experience, if
17 any.

18 (2) The board is authorized to waive or modify any
19 education, experience, or examination requirements established
20 in this section in order to conform with any such requirements
21 established by the Appraisal Qualifications Board of the
22 Appraisal Foundation and recognized by the Appraisal
23 Subcommittee or any successor body recognized by federal law.

24 (3) Appropriate fees, as set forth in the rules of the
25 board pursuant to s. 475.6147, and fingerprints for processing
26 through appropriate law enforcement agencies must accompany
27 all applications for registration, licensure, and
28 certification.

29 (4) In the event that the applicant is currently a
30 registered assistant appraiser or a licensed or certified
31 appraiser and is making application to obtain a different

1 status of appraisal licensure, should such application be
2 received by the department within 180 days prior to through
3 180 days after the applicant's scheduled renewal, the charge
4 for the application shall be established by the rules of the
5 board pursuant to s. 475.6147.

6 (5)~~(4)~~ At the time of filing a notarized application
7 for registration, licensure, or certification, the applicant
8 must sign a pledge to comply with the Uniform Standards of
9 Professional Appraisal Practice upon registration, licensure,
10 or certification, and must indicate in writing that she or he
11 understands the types of misconduct for which disciplinary
12 proceedings may be initiated. The application shall expire 1
13 year from the date received, if the applicant for
14 registration, licensure, or certification fails to take the
15 appropriate examination.

16 (6)~~(5)~~ All applicants must be competent and qualified
17 to make real estate appraisals with safety to those with whom
18 they may undertake a relationship of trust and confidence and
19 the general public. If any applicant has been denied
20 registration, licensure, or certification, or has been
21 disbarred, or the applicant's registration, license, or
22 certificate to practice or conduct any regulated profession,
23 business, or vocation has been revoked or suspended by this or
24 any other state, any nation, or any possession or district of
25 the United States, or any court or lawful agency thereof,
26 because of any conduct or practices which would have warranted
27 a like result under this part ~~section~~, or if the applicant has
28 been guilty of conduct or practices in this state or elsewhere
29 which would have been grounds for disciplining her or his
30 registration, license, or certification under this part
31 ~~section~~ had the applicant then been a registered assistant

1 appraiser or a~~licensed~~ or certified appraiser, the
2 applicant shall be deemed not to be qualified unless, because
3 of lapse of time and subsequent good conduct and reputation,
4 or other reason deemed sufficient, it appears to the board
5 that the interest of the public is not likely to be endangered
6 by the granting of registration, licensure, or certification.

7 ~~(7)(6)~~ No applicant seeking to become registered,
8 licensed, or certified under this part section may be rejected
9 solely by virtue of membership or lack of membership in any
10 particular appraisal organization.

11 Section 7. Subsections (3) and (4) of section 475.616,
12 Florida Statutes, are amended to read:

13 475.616 Examination requirements.--To be licensed or
14 certified as an appraiser, the applicant must demonstrate, by
15 passing a written examination, that she or he possesses:

16 (3) An understanding of the standards for the
17 development and communication of real estate appraisals as
18 provided in this part section.

19 (4) An understanding of the types of misconduct for
20 which disciplinary proceedings may be initiated against a
21 licensed or certified appraiser, as set forth in this part
22 section.

23 Section 8. Section 475.617, Florida Statutes, is
24 amended to read:

25 475.617 Education and experience requirements.--

26 (1) To be registered as an assistant appraiser, an
27 applicant must present evidence satisfactory to the board that
28 she or he has successfully completed at least ~~up to~~ 75 hours
29 of approved academic courses in subjects related to real
30 estate appraisal, which shall include coverage of the Uniform
31 Standards of Professional Appraisal Practice from a nationally

1 recognized or state-recognized appraisal organization, area
2 technical center, accredited community college, college, or
3 university, state or federal agency or commission, or
4 proprietary real estate school that holds a permit pursuant to
5 s. 475.451. The board may increase the required number of
6 hours to no more than 100 hours. A classroom hour is defined
7 as 50 minutes out of each 60-minute segment. Past courses may
8 be approved on an hour-for-hour basis.

9 (2) To be licensed as an appraiser, an applicant must
10 present evidence satisfactory to the board that she or he:

11 (a) Has 2 years of experience in real property
12 appraisal as defined by rule.

13 (b) Has successfully completed at least 90 ~~75~~
14 classroom hours, inclusive of examination, of approved
15 academic courses in subjects related to real estate appraisal,
16 which shall include coverage of the Uniform Standards of
17 Professional Appraisal Practice from a nationally recognized
18 or state-recognized appraisal organization, area technical
19 center, accredited community college, college, or university,
20 state or federal agency or commission, or proprietary real
21 estate school that holds a permit pursuant to s. 475.451. The
22 board may increase the required number of hours to no more
23 than 120 hours. A classroom hour is defined as 50 minutes out
24 of each 60-minute segment. Past courses may be approved by
25 the board and substituted on an hour-for-hour basis.

26 (3) To be certified as a residential appraiser, an
27 applicant must present satisfactory evidence to the board that
28 she or he:

29 (a) Has 2,500 hours ~~2 years~~ of experience obtained
30 over a 24-month period in real property appraisal as defined
31 by rule.

1 (b) Has successfully completed at least 120 ~~up to 165~~
2 classroom hours, inclusive of examination, of approved
3 academic courses in subjects related to real estate appraisal,
4 which shall include coverage of the Uniform Standards of
5 Professional Appraisal Practice from a nationally recognized
6 or state-recognized appraisal organization, area technical
7 center, accredited community college, college, or university,
8 state or federal agency or commission, or proprietary real
9 estate school that holds a permit pursuant to s. 475.451. The
10 board may increase the required number of hours to no more
11 than 165 hours. A classroom hour is defined as 50 minutes out
12 of each 60-minute segment. Past courses may be approved by
13 the board and substituted on an hour-for-hour basis.

14 (4) To be certified as a general appraiser, an
15 applicant must present evidence satisfactory to the board that
16 she or he:

17 (a) Has 3,000 hours ~~2 years~~ of experience obtained
18 over a 30-month period in real property appraisal as defined
19 by rule.

20 (b) Has successfully completed at least 180 ~~165~~
21 classroom hours, inclusive of examination, of approved
22 academic courses in subjects related to real estate appraisal,
23 which shall include coverage of the Uniform Standards of
24 Professional Appraisal Practice from a nationally recognized
25 or state-recognized appraisal organization, area technical
26 center, accredited community college, college, or university,
27 state or federal agency or commission, or proprietary real
28 estate school that holds a permit pursuant to s. 475.451. The
29 board may increase the required number of hours to no more
30 than 225 hours. A classroom hour is defined as 50 minutes out
31

1 of each 60-minute segment. Past courses may be approved by
2 the board and substituted on an hour-for-hour basis.

3 (5) Each applicant must furnish, under oath, a
4 detailed statement of the experience for each year of
5 experience she or he claims. Upon request, the applicant
6 shall furnish to the board, for its examination, copies of
7 appraisal reports or file memoranda to support the claim for
8 experience.

9 Section 9. Subsection (4) of section 475.618, Florida
10 Statutes, is amended to read:

11 475.618 Renewal of registration, license,
12 certification, or instructor permit; continuing education.--

13 (4) At least 60 days prior to the end of the
14 registration, license, certification, or instructor permit
15 period, the department shall cause to be mailed a notice of
16 renewal and possible reversion to the last known address of
17 the registered assistant ~~registrant~~, licensee,
18 certificateholder, or permitholder.

19 Section 10. Subsection (2) of section 475.619, Florida
20 Statutes, is amended to read:

21 475.619 Inactive status.--

22 (2) Any registration, license, or certification which
23 has been inactive for more than 4 years shall automatically
24 expire. Once a registration, license, or certification
25 expires, it becomes null and void without any further action
26 by the board or department. Two years prior to the expiration
27 of the registration, license, or certification, the department
28 shall give notice by mail to the registered assistant
29 ~~registrant~~, licensee, or certificateholder at her or his last
30 known address. The board shall prescribe by rule a fee not to
31 exceed \$100 for the late renewal of an inactive registration,

1 license, or certification. The department shall collect the
2 current renewal fee for each renewal period in which the
3 registration, license, or certification was inactive, in
4 addition to any applicable late renewal fee.

5 Section 11. Section 475.620, Florida Statutes, is
6 amended to read:

7 475.620 Corporations and partnerships ineligible for
8 licensure or certification.--

9 (1) A license or certification may not be issued under
10 this part section to a corporation, partnership, firm, or
11 group. However, an appraiser licensed or certified under this
12 part section may provide an appraisal report for or on behalf
13 of a corporation, partnership, firm, or group, if the report
14 is prepared by, or under the personal direction of, such
15 appraiser and is reviewed and signed by her or him.

16 (2) The term "state-registered assistant appraiser,"
17 "state-licensed appraiser," or "state-certified appraiser" may
18 only be used to refer to an individual who is registered,
19 licensed, or certified under this part section and may not be
20 used following or immediately in connection with the name or
21 signature of a corporation, partnership, firm, or group, or in
22 such manner that it could be interpreted as implying
23 registration, licensure, or certification under this part
24 section of a corporation, partnership, firm, or group, or
25 anyone other than an individual appraiser. Corporations,
26 partnerships, firms, or groups which employ certified or
27 licensed appraisers, or registered assistant appraisers who
28 provide appraisal reports, as defined by this part section,
29 may represent to the public and advertise that they offer
30 appraisals performed by registered, licensed, or certified
31 appraisers.

1 Section 12. Section 475.622, Florida Statutes, is
2 amended to read:

3 475.622 Display and disclosure of licensure,or
4 certification, or registration.--

5 (1) Each appraiser registered, licensed, or certified
6 under this part ~~section~~ shall place her or his registration,
7 license, or certification number adjacent to or immediately
8 beneath the designation "state-registered assistant real
9 estate appraiser," "state-licensed real estate appraiser,"
10 "state-certified residential real estate appraiser," or
11 "state-certified general real estate appraiser," or their
12 appropriate abbreviations as defined by rule, as applicable,
13 when such term is used in an appraisal report or in a contract
14 or other instrument used by the appraiser in conducting real
15 property appraisal activities. The applicable designation
16 shall be included in any newspaper, telephone directory, or
17 other advertising medium, as defined by rule, used by the
18 appraiser.

19 (2) A registered assistant appraiser or~~licensed, or~~
20 certified appraiser may not sign any appraisal report or
21 communicate same without disclosing in writing that she or he
22 is a state-registered assistant appraiser or~~state-licensed,~~
23 state-certified residential, or state-certified general
24 appraiser, as applicable, even if the appraisal performed is
25 outside of the scope of the appraiser's registration,
26 licensure, or certification as an appraiser.

27 Section 13. Section 475.623, Florida Statutes, is
28 amended to read:

29 475.623 Registration of office location.--Each
30 appraiser registered, licensed, or certified under this part
31 ~~section~~ shall furnish in writing to the department each

1 business address from which she or he operates in the
2 performance of appraisal services. Each appraiser must notify
3 the department of any change of address within 10 days on a
4 form provided by the department.

5 Section 14. Section 475.624, Florida Statutes, is
6 amended to read:

7 475.624 Discipline.--The board may deny an application
8 for registration, licensure, or certification; may investigate
9 the actions of any appraiser registered, licensed, or
10 certified under this part section; ~~and~~ may reprimand or impose
11 an administrative fine not to exceed \$5,000 for each count or
12 separate offense against any such appraiser; and may ~~revoke,~~
13 or suspend, for a period not to exceed 10 years, the
14 registration, license, or certification of any such appraiser,
15 or place any such appraiser on probation, if it finds that the
16 registered assistant registrant, licensee, or
17 certificateholder:

18 (1) Has violated any provisions of this part or ~~of~~ s.
19 455.227(1); however, licensees under this part are exempt from
20 the provisions of s. 455.227(1)(i).

21 (2) Has been guilty of fraud, misrepresentation,
22 concealment, false promises, false pretenses, dishonest
23 conduct, culpable negligence, or breach of trust in any
24 business transaction in this state or any other state, nation,
25 or territory; has violated a duty imposed upon her or him by
26 law or by the terms of a contract, whether written, oral,
27 express, or implied, in an appraisal assignment; has aided,
28 assisted, or conspired with any other person engaged in any
29 such misconduct and in furtherance thereof; or has formed an
30 intent, design, or scheme to engage in such misconduct and
31 committed an overt act in furtherance of such intent, design,

1 or scheme. It is immaterial to the guilt of the registered
2 assistant ~~registrant~~, licensee, or certificateholder that the
3 victim or intended victim of the misconduct has sustained no
4 damage or loss; that the damage or loss has been settled and
5 paid after discovery of the misconduct; or that such victim or
6 intended victim was a customer or a person in confidential
7 relation with the registered assistant ~~registrant~~, licensee,
8 or certificateholder, or was an identified member of the
9 general public.

10 (3) Has advertised services in a manner which is
11 fraudulent, false, deceptive, or misleading in form or
12 content.

13 (4) Has violated any of the provisions of this section
14 or any lawful order or rule issued under the provisions of
15 this section or chapter 455.

16 (5) Has been convicted or found guilty of, or entered
17 a plea of nolo contendere to, regardless of adjudication, a
18 crime in any jurisdiction which directly relates to the
19 activities of a registered assistant appraiser ~~or licensed,~~
20 or certified appraiser, or which involves moral turpitude or
21 fraudulent or dishonest conduct. The record of a conviction
22 certified or authenticated in such form as admissible in
23 evidence under the laws of the state shall be admissible as
24 prima facie evidence of such guilt.

25 (6) Has had a registration, license, or certification
26 as an appraiser revoked, suspended, or otherwise acted
27 against, or has been disbarred, or has had her or his
28 registration, license, or certificate to practice or conduct
29 any regulated profession, business, or vocation revoked or
30 suspended by this or any other state, any nation, or any
31 possession or district of the United States, or has had an

1 application for such registration, licensure, or certification
2 to practice or conduct any regulated profession, business, or
3 vocation denied by this or any other state, any nation, or any
4 possession or district of the United States.

5 (7) Has become temporarily incapacitated from acting
6 as an appraiser with safety to those in a fiduciary
7 relationship with her or him because of drunkenness, use of
8 drugs, or temporary mental derangement; however, suspension of
9 a license, or certification, or registration in such cases
10 shall only be for the period of such incapacity.

11 (8) Is confined in any county jail, postadjudication;
12 is confined in any state or federal prison or mental
13 institution; or, through mental disease or deterioration, can
14 no longer safely be entrusted to deal with the public or in a
15 confidential capacity.

16 (9) Has failed to inform the board in writing within
17 30 days after pleading guilty or nolo contendere to, or being
18 convicted or found guilty of, any felony.

19 (10) Has been found guilty, for a second time, of any
20 misconduct that warrants disciplinary action, or has been
21 found guilty of a course of conduct or practice which shows
22 that she or he is incompetent, negligent, dishonest, or
23 untruthful to an extent that those with whom she or he may
24 sustain a confidential relationship may not safely do so.

25 (11) Has made or filed a report or record, either
26 written or oral, which the registered assistant, licensee, or
27 certificateholder knows to be false; has willfully failed to
28 file a report or record required by state or federal law; has
29 willfully impeded or obstructed such filing, or has induced
30 another person to impede or obstruct such filing. However,
31 such reports or records shall include only those which are

1 signed or presented in the capacity of a registered assistant
2 appraiser or licensed or certified appraiser.

3 (12) Has obtained or attempted to obtain a
4 registration, license, or certification by means of knowingly
5 making a false statement, submitting false information,
6 refusing to provide complete information in response to an
7 application question, or engaging in fraud, misrepresentation,
8 or concealment.

9 (13) Has paid money or other valuable consideration,
10 except as required by this section, to any member or employee
11 of the board to obtain a registration, license, or
12 certification under this section.

13 (14) Has violated any standard for the development or
14 communication of a real estate appraisal or other provision of
15 the Uniform Standards of Professional Appraisal Practice.

16 (15) Has failed or refused to exercise reasonable
17 diligence in developing an appraisal or preparing an appraisal
18 report.

19 (16) Has failed to communicate an appraisal without
20 good cause.

21 (17) Has accepted an appraisal assignment if the
22 employment itself is contingent upon the appraiser reporting a
23 predetermined result, analysis, or opinion, or if the fee to
24 be paid for the performance of the appraisal assignment is
25 contingent upon the opinion, conclusion, or valuation reached
26 upon the consequences resulting from the appraisal assignment.

27 (18) Has failed to timely notify the department of any
28 change in business location, or has failed to fully disclose
29 all business locations from which she or he operates as a
30 registered assistant real estate appraiser or, licensed, or
31 certified real estate appraiser.

1 Section 15. Paragraph (a) of subsection (1) of section
2 475.626, Florida Statutes, is amended to read:

3 475.626 Violations and penalties.--

4 (1) VIOLATIONS.--

5 (a) No person shall operate or attempt to operate as a
6 registered assistant appraiser or~~licensed~~~~or certified~~
7 appraiser without being the holder of a valid and current
8 registration, license, or certification.

9 Section 16. Subsections (1) and (2) of section
10 475.627, Florida Statutes, are amended to read:

11 475.627 Appraisal course instructors.--

12 (1) Where the course or courses to be taught are
13 prescribed by the board or approved precedent to registration,
14 licensure, certification, or renewal as a registered assistant
15 appraiser, licensed appraiser, or certified residential
16 appraiser, before commencing to instruct noncredit college
17 courses in a college, university, or community college, or
18 courses in an area technical center or proprietary real estate
19 school, a person must certify her or his competency by meeting
20 one of the following requirements:

21 (a) Hold a valid certification as a residential real
22 estate appraiser in this or any other state.

23 (b) Pass an appraiser instructor's examination which
24 shall test knowledge of residential appraisal topics.

25 (2) Where the course or courses to be taught are
26 prescribed by the board or approved precedent to registration,
27 licensure, certification, or renewal as a registered assistant
28 appraiser, licensed appraiser, or certified appraiser, before
29 commencing to instruct noncredit college courses in a college,
30 university, or community college, or courses in an area
31 technical center or proprietary real estate school, a person

1 must certify her or his competency by meeting one of the
2 following requirements:

3 (a) Hold a valid certification as a general real
4 estate appraiser in this or any other state.

5 (b) Pass an appraiser instructor's examination which
6 shall test knowledge of residential and nonresidential
7 appraisal topics.

8 Section 17. Section 475.628, Florida Statutes, is
9 amended to read:

10 475.628 Professional standards for ~~licensed and~~
11 ~~certified~~ appraisers registered, licensed, or certified under
12 this part.--Each appraiser registered, licensed, or certified
13 under this part ~~section~~ shall comply with the Uniform
14 Standards of Professional Appraisal Practice. Statements on
15 appraisal standards which may be issued for the purpose of
16 clarification, interpretation, explanation, or elaboration
17 through the Appraisal Foundation shall also be binding on any
18 appraiser registered, licensed, or certified under this part
19 ~~section~~.

20 Section 18. Section 475.629, Florida Statutes, is
21 amended to read:

22 475.629 Retention of records.--An appraiser
23 registered, licensed, or certified under this part ~~section~~
24 shall retain, for at least 5 years, original or true copies of
25 any contracts engaging the appraiser's services, appraisal
26 reports, and supporting data assembled and formulated by the
27 appraiser in preparing appraisal reports. The period for
28 retention of the records applicable to each engagement of the
29 services of the appraiser runs from the date of the submission
30 of the appraisal report to the client. These records must be
31 made available by the appraiser for inspection and copying by

1 the department on reasonable notice to the appraiser. If an
2 appraisal has been the subject of or has served as evidence
3 for litigation, reports and records must be retained for at
4 least 2 years after the trial.

5 Section 19. Section 475.6295, Florida Statutes, is
6 created to read:

7 475.6295 Authority to inspect.--Duly authorized agents
8 and employees of the department shall have the power to
9 inspect in a lawful manner at all reasonable hours any
10 appraiser or appraisal office licensed under this chapter, for
11 the purpose of determining if any of the provisions of this
12 chapter, chapter 455, or any rule adopted under authority of
13 either chapter is being violated.

14 Section 20. Paragraph (c) of subsection (2) of section
15 475.630, Florida Statutes, is amended to read:

16 475.630 Temporary practice.--

17 (2) In order to register with the board, the appraiser
18 must:

19 (c) Agree in writing to cooperate with any
20 investigation initiated under this part ~~section~~ by promptly
21 supplying such documents that any authorized representative of
22 the department may request. If the department sends a notice
23 by certified mail to the last known address of a nonresident
24 appraiser to produce documents or to appear in conjunction
25 with an investigation and the nonresident appraiser fails to
26 comply with that request, the board may impose on that
27 nonresident appraiser any disciplinary action or penalty
28 authorized under this part ~~section~~.

29 Section 21. This act shall take effect July 1, 1998.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 318

Conforms education requirements for real estate appraisers to federal law, so that Florida may continue to certify new appraisers.

Authorizes inspections and audits of real estate appraisers' offices.

Renames registered appraisers as assistant appraisers.

Allows the board to adjust the fee for a change of status within 180 days of renewal.