



CHAMBER ACTION

The Committee on Business Regulation recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to real estate appraisers; amending s. 475.611, F.S.; revising and providing definitions applicable to regulation of real estate appraisers; providing that licenses for the category of licensed appraiser shall not be issued after a specified date; redesignating registered assistant appraisers as registered trainee appraisers; amending s. 475.612, F.S.; conforming terminology; authorizing real estate brokers, broker-salespersons, and salespersons to provide valuation services without being regulated as appraisers; authorizing brokers and salespersons to give price opinions without being regulated as appraisers; removing authorization for graduate students in appraising to be supervised by licensed brokers; amending s. 475.613, F.S.; granting the Florida Real Estate Appraisal Board power by rule to establish standards for and regulate supervisory appraisers; removing obsolete language; amending s. 475.6147, F.S.; clarifying applicability of fee provisions



29 | to certification and registration; amending s. 475.617,
30 | F.S.; clarifying experience requirements for certification
31 | of residential and general appraisers; conforming
32 | terminology; creating s. 475.6175, F.S.; requiring
33 | postlicensure education for registered trainee appraisers
34 | to maintain registration; requiring completion of such
35 | education prior to the second renewal following initial
36 | registration; requiring requalification for subsequent
37 | registration as a trainee appraiser; authorizing a
38 | physical hardship extension; amending s. 475.618, F.S.;
39 | revising continuing education requirements to authorize
40 | and provide for certification of distance learning courses
41 | by independent certification organizations; conforming
42 | terminology; amending s. 475.6221, F.S.; requiring a
43 | registered trainee appraiser to perform appraisal services
44 | under the direct supervision of a licensed or certified
45 | appraiser; providing that a registered trainee appraiser
46 | may only receive compensation through or from the primary
47 | supervisory appraiser; creating s. 475.6222, F.S.;
48 | providing requirements for supervision of registered
49 | trainee appraisers; amending s. 475.6295, F.S.; clarifying
50 | authority to inspect appraisers and appraisal offices;
51 | creating s. 475.631, F.S.; providing for reciprocity for
52 | nonresident appraisers; requiring an irrevocable consent
53 | to suits and actions and providing for service of process
54 | or pleading; requiring resident appraisers who become
55 | nonresidents to notify the board and comply with
56 | nonresident requirements; providing penalties; authorizing



57 | the board to adopt rules for regulation of nonresident
 58 | appraisers; amending ss. 475.01, 475.011, 475.615,
 59 | 475.619, 475.620, 475.622, 475.624, 475.626, and 475.627,
 60 | F.S.; conforming terminology; providing an effective date.

61

62 | Be It Enacted by the Legislature of the State of Florida:

63

64 | Section 1. Paragraph (a) of subsection (1) of section
 65 | 475.01, Florida Statutes, is amended to read:

66 | 475.01 Definitions.--

67 | (1) As used in this part:

68 | (a) "Broker" means a person who, for another, and for a
 69 | compensation or valuable consideration directly or indirectly
 70 | paid or promised, expressly or impliedly, or with an intent to
 71 | collect or receive a compensation or valuable consideration
 72 | therefor, appraises, auctions, sells, exchanges, buys, rents, or
 73 | offers, attempts or agrees to appraise, auction, or negotiate
 74 | the sale, exchange, purchase, or rental of business enterprises
 75 | or business opportunities or any real property or any interest
 76 | in or concerning the same, including mineral rights or leases,
 77 | or who advertises or holds out to the public by any oral or
 78 | printed solicitation or representation that she or he is engaged
 79 | in the business of appraising, auctioning, buying, selling,
 80 | exchanging, leasing, or renting business enterprises or business
 81 | opportunities or real property of others or interests therein,
 82 | including mineral rights, or who takes any part in the procuring
 83 | of sellers, purchasers, lessors, or lessees of business
 84 | enterprises or business opportunities or the real property of



HB 1395

2003
CS

85 another, or leases, or interest therein, including mineral
86 rights, or who directs or assists in the procuring of prospects
87 or in the negotiation or closing of any transaction which does,
88 or is calculated to, result in a sale, exchange, or leasing
89 thereof, and who receives, expects, or is promised any
90 compensation or valuable consideration, directly or indirectly
91 therefor; and all persons who advertise rental property
92 information or lists. A broker renders a professional service
93 and is a professional within the meaning of s. 95.11(4)(a).
94 Where the term "appraise" or "appraising" appears in the
95 definition of the term "broker," it specifically excludes those
96 appraisal services which must be performed only by a state-
97 licensed or state-certified appraiser, and those appraisal
98 services which may be performed by a registered trainee
99 ~~assistant~~ appraiser as defined in part II. The term "broker"
100 also includes any person who is a general partner, officer, or
101 director of a partnership or corporation which acts as a broker.
102 The term "broker" also includes any person or entity who
103 undertakes to list or sell one or more timeshare periods per
104 year in one or more timeshare plans on behalf of any number of
105 persons, except as provided in ss. 475.011 and 721.20.

106 Section 2. Subsection (9) of section 475.011, Florida
107 Statutes, is amended to read:

108 475.011 Exemptions.--This part does not apply to:

109 (9) Any person registered, licensed, or certified by the
110 department under part II as an appraiser or trainee ~~assistant~~
111 appraiser performing appraisals in accordance with that part.



112 Section 3. Subsections (1) and (2) of section 475.611,
113 Florida Statutes, are amended to read:

114 475.611 Definitions.--

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

116 (a) "Appraisal" or "appraisal services" means the services
117 provided by certified or licensed appraisers or registered
118 trainee ~~assistant~~ appraisers, and includes:

119 1. "Appraisal assignment" denotes an engagement for which
120 a person is employed or retained to act, or could be perceived
121 by third parties or the public as acting, as an agent or a
122 disinterested third party in rendering an unbiased analysis,
123 opinion, review, or conclusion relating to the nature, quality,
124 value, or utility of specified interests in, or aspects of,
125 identified real property.

126 2. "Analysis assignment" denotes appraisal services that
127 relate to the employer's or client's individual needs or
128 investment objectives and includes specialized marketing,
129 financing, and feasibility studies as well as analyses,
130 opinions, and conclusions given in connection with activities
131 such as real estate brokerage, mortgage banking, ~~or~~ real estate
132 counseling, or real estate consulting.

133 3. "Appraisal review assignment" denotes an engagement for
134 which an appraiser is employed or retained to develop and
135 communicate an opinion about the quality of another appraiser's
136 appraisal, appraisal report, or work. An appraisal review may or
137 may not contain the reviewing appraiser's opinion of value.



138 (b) "Appraisal Foundation" or "foundation" means the
139 Appraisal Foundation established on November 20, 1987, as a not-
140 for-profit corporation under the laws of Illinois.

141 (c) "Appraisal report" means any communication, written or
142 oral, of an appraisal, appraisal review, appraisal consulting
143 service, analysis, opinion, or conclusion ~~issued by an appraiser~~
144 relating to the nature, quality, value, or utility of a
145 specified interest in, or aspect of, identified real property,
146 and includes any a report communicating an appraisal analysis,
147 opinion, or conclusion of value, regardless of title. However,
148 in order to be recognized in a federally related transaction, an
149 appraisal report must be written.

150 (d) "Appraisal review" means the act or process of
151 developing and communicating an opinion about the quality of
152 another appraiser's appraisal, appraisal report, or work.

153 (e)~~(d)~~ "Appraisal subcommittee" means the designees of the
154 heads of the federal financial institutions regulatory agencies
155 established by the Federal Financial Institutions Examination
156 Council Act of 1978 (12 U.S.C. ss. 3301 et seq.), as amended.

157 (f)~~(e)~~ "Appraiser" means any person who is a registered
158 trainee ~~assistant~~ real estate appraiser, licensed real estate
159 appraiser, or a certified real estate appraiser. An appraiser
160 renders a professional service and is a professional within the
161 meaning of s. 95.11(4)(a).

162 (g)~~(f)~~ "Board" means the Florida Real Estate Appraisal
163 Board established under this section.



164 ~~(h)(g)~~ "Certified general appraiser" means a person who is
165 certified by the department as qualified to issue appraisal
166 reports for any type of real property.

167 ~~(i)(h)~~ "Certified residential appraiser" means a person
168 who is certified by the department as qualified to issue
169 appraisal reports for residential real property of one to four
170 residential units, without regard to transaction value or
171 complexity, or real property as may be authorized by federal
172 regulation.

173 ~~(j)(i)~~ "Department" means the Department of Business and
174 Professional Regulation.

175 ~~(k)(j)~~ "Federally related transaction" means any real
176 estate-related financial transaction which a federal financial
177 institutions regulatory agency or the Resolution Trust
178 Corporation engages in, contracts for, or regulates, and which
179 requires the services of a state-licensed or state-certified
180 appraiser.

181 ~~(l)(k)~~ "Licensed appraiser" means a person who is licensed
182 by the department as qualified to issue appraisal reports for
183 residential real property of one to four residential units or on
184 such real estate or real property as may be authorized by
185 federal regulation. After July 1, 2003, the department shall no
186 longer issue licenses for the category of licensed appraiser.

187 ~~(m)(l)~~ "Registered trainee ~~assistant~~ appraiser" means a
188 person who is registered with the department as qualified to
189 perform appraisal services only under the direct supervision of
190 a licensed or certified appraiser. A registered trainee



191 appraiser may accept appraisal assignments only from her or his
 192 primary or secondary supervisory appraiser.

193 (n) "Supervisory appraiser" means a licensed appraiser, a
 194 certified residential appraiser, or a certified general
 195 appraiser responsible for the direct supervision of one or more
 196 registered trainee appraisers and fully responsible for
 197 appraisals and appraisal reports prepared by those registered
 198 trainee appraisers. The board, by rule, shall determine the
 199 responsibilities of a supervisory appraiser, the geographic
 200 proximity required, and the maximum number of registered trainee
 201 appraisers to be supervised by an individual supervisory
 202 appraiser.

203 (o)~~(m)~~ "Uniform Standards of Professional Appraisal
 204 Practice" means the most recent standards approved and adopted
 205 by the Appraisal Standards Board of the Appraisal Foundation.

206 (p) "Valuation services" means services pertaining to
 207 aspects of property value and includes such services performed
 208 by certified appraisers, registered trainee appraisers, and
 209 others.

210 (q) "Work file" means the documentation necessary to
 211 support an appraiser's analysis, opinions, and conclusions.

212 (2) Wherever the word "operate" or "operating" appears in
 213 this part with respect to a registered trainee ~~assistant~~
 214 appraiser, licensed appraiser, or certified appraiser; in any
 215 order, rule, or regulation of the board; in any pleading,
 216 indictment, or information under this part; in any court action
 217 or proceeding; or in any order or judgment of a court, it shall
 218 be deemed to mean the commission of one or more acts described



HB 1395

2003
CS

219 in this part as constituting or defining a registered trainee
 220 ~~assistant~~ appraiser, licensed appraiser, or certified appraiser,
 221 not including, however, any of the exceptions stated therein. A
 222 single act is sufficient to bring a person within the meaning of
 223 this subsection, and each act, if prohibited herein, constitutes
 224 a separate offense.

225 Section 4. Subsections (1), (2), (3), and (5) of section
 226 475.612, Florida Statutes, are amended to read:

227 475.612 Certification, licensure, or registration
 228 required.--

229 (1) A person may not use the title "certified real estate
 230 appraiser," "licensed real estate appraiser," or "registered
 231 trainee ~~assistant~~ real estate appraiser," or any abbreviation or
 232 words to that effect, or issue an appraisal report in connection
 233 with any federally related transaction, unless such person is
 234 certified, licensed, or registered by the department under this
 235 part. However, the work upon which an appraisal report is based
 236 may be performed by a person who is not a certified or licensed
 237 appraiser or registered trainee ~~assistant~~ appraiser if the
 238 report is approved and signed by a certified or licensed
 239 appraiser.

240 (2) This section does not preclude a broker, salesperson,
 241 or broker-salesperson who is not a certified or licensed real
 242 estate appraiser or registered trainee ~~assistant~~ real estate
 243 appraiser from providing valuation services ~~appraising real~~
 244 ~~estate~~ for compensation. Such persons may continue to provide
 245 valuation ~~appraisals and appraisal~~ services for compensation so



246 long as they do not represent themselves as certified, licensed,
247 or registered under this part.

248 (3) This section does not apply to a real estate broker or
249 salesperson who, in the ordinary course of business, performs a
250 comparative market analysis, gives a ~~broker~~ price opinion, or
251 gives an opinion of the value of real estate. However, in no
252 event may this comparative market analysis, ~~broker~~ price
253 opinion, or opinion of value of real estate be referred to or
254 construed as an appraisal.

255 (5) This section does not apply to any full-time graduate
256 student who is enrolled in a degree program in appraising at a
257 college or university in this state, if the student is acting
258 under the direct supervision of a certified or licensed
259 appraiser ~~or licensed broker~~ and is engaged only in appraisal
260 activities related to the approved degree program. Any appraisal
261 report by the student must be issued in the name of the
262 supervising individual.

263 Section 5. Section 475.613, Florida Statutes, is amended
264 to read:

265 475.613 Florida Real Estate Appraisal Board.--

266 (1) There is created the Florida Real Estate Appraisal
267 Board, which shall consist of seven members appointed by the
268 Governor, subject to confirmation by the Senate. Four members of
269 the board must be real estate appraisers who have been engaged
270 in the general practice of appraising real property in this
271 state for at least 5 years immediately preceding appointment. In
272 appointing real estate appraisers to the board, while not
273 excluding other appraisers, the Governor shall give preference



HB 1395

2003
CS

274 to real estate appraisers who are not primarily engaged in real
275 estate brokerage or mortgage lending activities. One member of
276 the board must represent organizations that use appraisals for
277 the purpose of eminent domain proceedings, financial
278 transactions, or mortgage insurance. Two members of the board
279 shall be representatives of the general public and shall not be
280 connected in any way with the practice of real estate appraisal,
281 real estate brokerage, or mortgage lending. The appraiser
282 members shall be as representative of the entire industry as
283 possible, and membership in a nationally recognized or state-
284 recognized appraisal organization shall not be a prerequisite to
285 membership on the board. To the extent possible, no more than
286 two members of the board shall be primarily affiliated with any
287 one particular national or state appraisal association. ~~After~~
288 ~~July 1, 1992,~~ Two of the members must be licensed or certified
289 residential real estate appraisers and two of the members must
290 be certified general real estate appraisers at the time of their
291 appointment.

292 (a) ~~Initially, four members of the board shall be~~
293 ~~appointed for 3-year terms, and three members shall be appointed~~
294 ~~for 4-year terms. Thereafter, all~~ Members of the board shall be
295 appointed for 4-year terms. Any vacancy occurring in the
296 membership of the board shall be filled by appointment by the
297 Governor for the unexpired term. Upon expiration of her or his
298 ~~or her~~ term, a member of the board shall continue to hold office
299 until the appointment and qualification of the member's
300 successor. A member may not be appointed for more than two
301 consecutive terms. The Governor may remove any member for cause.



302 (b) The headquarters for the board shall be in Orlando.

303 (c) The board shall meet at least once each calendar
304 quarter to conduct its business.

305 (d) The members of the board shall elect a chairperson at
306 the first meeting each year.

307 (e) Each member of the board is entitled to per diem and
308 travel expenses as set by legislative appropriation for each day
309 that the member engages in the business of the board.

310 (2) The board shall have, through its rules, full power to
311 regulate the issuance of licenses, certifications,
312 registrations, and permits; to discipline appraisers in any
313 manner permitted under this section; to establish qualifications
314 for licenses, certifications, registrations, and permits
315 consistent with this section; to regulate approved courses; ~~and~~
316 to establish standards for real estate appraisals; and to
317 establish standards for and regulate supervisory appraisers.

318 Section 6. Section 475.6147, Florida Statutes, is amended
319 to read:

320 475.6147 Fees.--

321 (1) The board by rule may establish fees to be paid for
322 application, licensing and renewal, certification and
323 recertification, registration and reregistration, reinstatement,
324 and recordmaking and recordkeeping. The fee for initial
325 application may not exceed \$150, and the combined cost of the
326 application and examination may not exceed \$300. The initial
327 certification, registration, or license fee and the
328 certification, registration, or license renewal fee may not
329 exceed \$150 for each year of the duration of the certification,



HB 1395

2003
CS

330 registration, or license. The board may also establish by rule a
331 late renewal penalty. The board shall establish fees which are
332 adequate to ensure its continued operation. Fees shall be based
333 on estimates made by the department of the revenue required to
334 implement this part and other provisions of law relating to the
335 regulation of real estate appraisers.

336 (2) Application and certification, registration, and
337 license fees shall be refunded upon a determination by the board
338 that the state is not entitled to the fees or that only a
339 portion of the resources have been expended in the processing of
340 the application or shall be refunded if for any other reason the
341 application is not completely processed. The board shall
342 implement this subsection by rule.

343 Section 7. Subsections (1), (4), and (6) of section
344 475.615, Florida Statutes, are amended to read:

345 475.615 Qualifications for registration, licensure, or
346 certification.--

347 (1) Any person desiring to act as a registered trainee
348 ~~assistant~~ appraiser or as a licensed or certified appraiser must
349 make application in writing to the department in such form and
350 detail as the board shall prescribe. Each applicant must be at
351 least 18 years of age and hold a high school diploma or its
352 equivalent. At the time of application, a person must furnish
353 evidence of successful completion of required education and
354 evidence of required experience, if any.

355 (4) In the event that the applicant is currently a
356 registered trainee ~~assistant~~ appraiser or a licensed or
357 certified appraiser and is making application to obtain a



HB 1395

2003
CS

358 different status of appraisal licensure, should such application
359 be received by the department within 180 days prior to through
360 180 days after the applicant's scheduled renewal, the charge for
361 the application shall be established by the rules of the board
362 pursuant to s. 475.6147.

363 (6) All applicants must be competent and qualified to make
364 real estate appraisals with safety to those with whom they may
365 undertake a relationship of trust and confidence and the general
366 public. If any applicant has been denied registration,
367 licensure, or certification, or has been disbarred, or the
368 applicant's registration, license, or certificate to practice or
369 conduct any regulated profession, business, or vocation has been
370 revoked or suspended by this or any other state, any nation, or
371 any possession or district of the United States, or any court or
372 lawful agency thereof, because of any conduct or practices which
373 would have warranted a like result under this part, or if the
374 applicant has been guilty of conduct or practices in this state
375 or elsewhere which would have been grounds for disciplining her
376 or his registration, license, or certification under this part
377 had the applicant then been a registered trainee ~~assistant~~
378 appraiser or a licensed or certified appraiser, the applicant
379 shall be deemed not to be qualified unless, because of lapse of
380 time and subsequent good conduct and reputation, or other reason
381 deemed sufficient, it appears to the board that the interest of
382 the public is not likely to be endangered by the granting of
383 registration, licensure, or certification.



HB 1395

2003
CS

384 Section 8. Subsection (1), paragraph (a) of subsection
385 (3), and paragraph (a) of subsection (4) of section 475.617,
386 Florida Statutes, are amended to read:

387 475.617 Education and experience requirements.--

388 (1) To be registered as a trainee ~~an assistant~~ appraiser,
389 an applicant must present evidence satisfactory to the board
390 that she or he has successfully completed at least 75 hours of
391 approved academic courses in subjects related to real estate
392 appraisal, which shall include coverage of the Uniform Standards
393 of Professional Appraisal Practice from a nationally recognized
394 or state-recognized appraisal organization, area technical
395 center, accredited community college, college, or university,
396 state or federal agency or commission, or proprietary real
397 estate school that holds a permit pursuant to s. 475.451. The
398 board may increase the required number of hours to not more than
399 100 hours. A classroom hour is defined as 50 minutes out of each
400 60-minute segment. Past courses may be approved on an hour-for-
401 hour basis.

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

405 (a) Has at least 2,500 hours of experience obtained over a
406 24-month period in real property appraisal as defined by rule.

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

409 (a) Has at least 3,000 hours of experience obtained over a
410 30-month period in real property appraisal as defined by rule.



HB 1395

2003
CS

411 Section 9. Section 475.6175, Florida Statutes, is created
412 to read:

413 475.6175 Registered trainee appraiser; postlicensure
414 education required.--

415 (1) The board shall prescribe postlicensure educational
416 requirements in order for a person to maintain a valid
417 registration as a registered trainee appraiser. If prescribed,
418 the postlicensure educational requirements shall consist of one
419 or more courses which total no more than the total educational
420 hours required to qualify as a state certified residential
421 appraiser. Such courses must be in subjects related to real
422 estate appraisal and shall include coverage of the Uniform
423 Standards of Professional Appraisal Practice. Such courses shall
424 be provided by a nationally or state-recognized appraisal
425 organization, area technical center, accredited community
426 college, college, or university, state or federal agency or
427 commission, or proprietary real estate school that holds a
428 permit pursuant to s. 475.451.

429 (2) The registration of any registered trainee appraiser
430 who does not complete the board-prescribed postlicensure
431 educational requirements prior to the second renewal following
432 initial registration shall become void without further
433 administrative action. Such person may requalify to practice as
434 a registered trainee appraiser only by retaking the required
435 education and complying with all other requirements of law to be
436 registered as a registered trainee appraiser. Any registered
437 trainee appraiser registered prior to July 1, 2003, shall comply
438 with the board-prescribed postlicensure educational requirements



439 within the next two biennial renewal cycles following July 1,
 440 2003.

441 (3) The board may allow an additional 6-month period after
 442 the second renewal following initial licensure or the effective
 443 date of this act for completing the postlicensure education
 444 courses for registered trainee appraisers who cannot, due to
 445 individual physical hardship, as defined by rule, complete the
 446 courses within the required time.

447 Section 10. Subsections (1) and (4) of section 475.618,
 448 Florida Statutes, are amended to read:

449 475.618 Renewal of registration, license, certification,
 450 or instructor permit; continuing education.--

451 (1)(a) The department shall renew a registration, license,
 452 certification, or instructor permit upon receipt of the renewal
 453 application and proper fee. Such application shall include proof
 454 satisfactory to the board that the individual has satisfactorily
 455 completed any continuing education that has been prescribed by
 456 the board.

457 (b) A distance learning course or courses shall be
 458 approved by the board as an option to classroom hours as
 459 satisfactory completion of the course or courses as required by
 460 this section. The schools authorized by this section have the
 461 option of providing classroom courses, distance learning
 462 courses, or both. ~~However, satisfactory completion of a distance~~
 463 ~~learning course requires the satisfactory completion of a timed~~
 464 ~~distance learning course examination. Such examination shall not~~
 465 ~~be required to be monitored or given at a centralized location.~~



HB 1395

2003
CS

466 (c) The board in its discretion may authorize independent
467 certification organizations to certify or approve the delivery
468 method of distance learning courses. Certification from such
469 authorized organizations must be provided at the time a distance
470 learning course is submitted to the board by an accredited
471 college, university, community college, area technical center,
472 proprietary real estate school, or board-approved sponsor for
473 content approval.

474 (4) At least 60 days prior to the end of the registration,
475 license, certification, or instructor permit period, the
476 department shall cause to be mailed a notice of renewal and
477 possible reversion to the last known address of the registered
478 trainee assistant, licensee, certificateholder, or permitholder.

479 Section 11. Subsection (2) of section 475.619, Florida
480 Statutes, is amended to read:

481 475.619 Inactive status.--

482 (2) Any registration, license, or certification which has
483 been inactive for more than 4 years shall automatically expire.
484 Once a registration, license, or certification expires, it
485 becomes null and void without any further action by the board or
486 department. Two years prior to the expiration of the
487 registration, license, or certification, the department shall
488 give notice by mail to the registered trainee assistant,
489 licensee, or certificateholder at her or his last known address.
490 The board shall prescribe by rule a fee not to exceed \$100 for
491 the late renewal of an inactive registration, license, or
492 certification. The department shall collect the current renewal
493 fee for each renewal period in which the registration, license,



494 or certification was inactive, in addition to any applicable
495 late renewal fee.

496 Section 12. Subsection (2) of section 475.620, Florida
497 Statutes, is amended to read:

498 475.620 Corporations and partnerships ineligible for
499 licensure or certification.--

500 (2) The term "state-registered trainee ~~assistant~~
501 appraiser," "state-licensed appraiser," or "state-certified
502 appraiser" may only be used to refer to an individual who is
503 registered, licensed, or certified under this part and may not
504 be used following or immediately in connection with the name or
505 signature of a corporation, partnership, firm, or group, or in
506 such manner that it could be interpreted as implying
507 registration, licensure, or certification under this part of a
508 corporation, partnership, firm, or group, or anyone other than
509 an individual appraiser. Corporations, partnerships, firms, or
510 groups which employ certified or licensed appraisers or
511 registered trainee ~~assistant~~ appraisers who provide appraisal
512 reports, as defined by this part, may represent to the public
513 and advertise that they offer appraisals performed by
514 registered, licensed, or certified appraisers.

515 Section 13. Section 475.622, Florida Statutes, is amended
516 to read:

517 475.622 Display and disclosure of licensure,
518 certification, or registration.--

519 (1) Each appraiser registered, licensed, or certified
520 under this part shall place her or his registration, license, or
521 certification number adjacent to or immediately beneath the



HB 1395

2003
CS

522 designation "state-registered trainee ~~assistant~~ real estate
523 appraiser," "state-licensed real estate appraiser," "state-
524 certified residential real estate appraiser," or "state-
525 certified general real estate appraiser," or their appropriate
526 abbreviations as defined by rule, as applicable, when such term
527 is used in an appraisal report or in a contract or other
528 instrument used by the appraiser in conducting real property
529 appraisal activities. The applicable designation shall be
530 included in any newspaper, telephone directory, or other
531 advertising medium, as defined by rule, used by the appraiser.

532 (2) A registered trainee ~~assistant~~ appraiser or licensed
533 or certified appraiser may not sign any appraisal report or
534 certification or communicate same without disclosing in writing
535 that she or he is a state-registered trainee ~~assistant~~ appraiser
536 or state-licensed, state-certified residential, or state-
537 certified general appraiser, as applicable, even if the
538 appraisal performed is outside of the scope of the appraiser's
539 registration, licensure, or certification as an appraiser.

540 (3) The primary or secondary supervisory ~~supervising~~
541 ~~licensed or certified~~ appraiser of a registered trainee
542 ~~assistant~~ real estate appraiser must sign each ~~any~~ appraisal
543 report and certification signed by the registered trainee
544 ~~assistant~~.

545 (4) The supervisory ~~supervising~~ appraiser of a registered
546 trainee ~~assistant~~ real estate appraiser must disclose her or his
547 ~~or her~~ appropriate designation and number any time the
548 registered trainee ~~assistant~~ is required to make such
549 disclosures.



550 Section 14. Section 475.6221, Florida Statutes, is amended
551 to read:

552 475.6221 Employment of registered trainee ~~assistant~~ real
553 estate appraisers.--

554 (1) A registered trainee ~~assistant~~ real estate appraiser
555 must perform appraisal services under the direct supervision of
556 a licensed or certified appraiser who is designated as the
557 primary supervisory appraiser ~~supervisor~~. The primary
558 supervisory appraiser ~~supervisor~~ may also designate additional
559 licensed or certified appraisers as secondary supervisory
560 appraisers ~~supervisors~~. A secondary supervisory appraiser
561 ~~supervisor~~ must be affiliated with the same firm or business as
562 the primary supervisory appraiser ~~supervisor~~ and the primary or
563 secondary supervisory appraiser ~~supervisor~~ must have the same
564 business address as the registered trainee ~~assistant~~ real estate
565 appraiser. The primary supervisory ~~A registered assistant real~~
566 ~~estate~~ appraiser must notify the Division of Real Estate of the
567 name and address of any primary and secondary supervisory
568 appraiser ~~supervisor~~ for whom the registered trainee ~~assistant~~
569 will perform appraisal services, and must also notify the
570 division within 10 days after terminating such relationship.
571 Termination of the relationship with a primary supervisory
572 appraiser ~~supervisor~~ automatically terminates the relationship
573 with the secondary supervisory appraiser ~~supervisor~~.

574 (2) A registered trainee ~~assistant~~ real estate appraiser
575 may only ~~not~~ receive compensation through or from ~~payment~~
576 ~~directly from the recipient of an appraisal report, unless the~~



HB 1395

2003
CS

577 | primary supervisory ~~supervising licensed or certified~~ appraiser
578 | ~~agrees to the payment arrangement.~~

579 | Section 15. Section 475.6222, Florida Statutes, is created
580 | to read:

581 | 475.6222 Supervision of registered trainee
582 | appraisers.--The primary or secondary supervisory appraiser of a
583 | registered trainee appraiser must provide direct supervision to
584 | the registered trainee appraiser. The role and responsibility of
585 | the supervisory appraiser shall be determined by rule of the
586 | board.

587 | Section 16. Section 475.624, Florida Statutes, is amended
588 | to read:

589 | 475.624 Discipline.--The board may deny an application for
590 | registration, licensure, or certification; may investigate the
591 | actions of any appraiser registered, licensed, or certified
592 | under this part; may reprimand or impose an administrative fine
593 | not to exceed \$5,000 for each count or separate offense against
594 | any such appraiser; and may revoke or suspend, for a period not
595 | to exceed 10 years, the registration, license, or certification
596 | of any such appraiser, or place any such appraiser on probation,
597 | if it finds that the registered trainee ~~assistant~~, licensee, or
598 | certificateholder:

599 | (1) Has violated any provisions of this part or s.
600 | 455.227(1); however, certificateholders, registrants, and
601 | licensees under this part are exempt from the provisions of s.
602 | 455.227(1)(i).

603 | (2) Has been guilty of fraud, misrepresentation,
604 | concealment, false promises, false pretenses, dishonest conduct,



HB 1395

2003
CS

605 culpable negligence, or breach of trust in any business
606 transaction in this state or any other state, nation, or
607 territory; has violated a duty imposed upon her or him by law or
608 by the terms of a contract, whether written, oral, express, or
609 implied, in an appraisal assignment; has aided, assisted, or
610 conspired with any other person engaged in any such misconduct
611 and in furtherance thereof; or has formed an intent, design, or
612 scheme to engage in such misconduct and committed an overt act
613 in furtherance of such intent, design, or scheme. It is
614 immaterial to the guilt of the registered trainee ~~assistant~~,
615 licensee, or certificateholder that the victim or intended
616 victim of the misconduct has sustained no damage or loss; that
617 the damage or loss has been settled and paid after discovery of
618 the misconduct; or that such victim or intended victim was a
619 customer or a person in confidential relation with the
620 registered trainee ~~assistant~~, licensee, or certificateholder, or
621 was an identified member of the general public.

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

624 (4) Has violated any of the provisions of this section or
625 any lawful order or rule issued under the provisions of this
626 section or chapter 455.

627 (5) Has been convicted or found guilty of, or entered a
628 plea of nolo contendere to, regardless of adjudication, a crime
629 in any jurisdiction which directly relates to the activities of
630 a registered trainee ~~assistant~~ appraiser or licensed or
631 certified appraiser, or which involves moral turpitude or
632 fraudulent or dishonest conduct. The record of a conviction



633 certified or authenticated in such form as admissible in
634 evidence under the laws of the state shall be admissible as
635 prima facie evidence of such guilt.

636 (6) Has had a registration, license, or certification as
637 an appraiser revoked, suspended, or otherwise acted against, or
638 has been disbarred, or has had her or his registration, license,
639 or certificate to practice or conduct any regulated profession,
640 business, or vocation revoked or suspended by this or any other
641 state, any nation, or any possession or district of the United
642 States, or has had an application for such registration,
643 licensure, or certification to practice or conduct any regulated
644 profession, business, or vocation denied by this or any other
645 state, any nation, or any possession or district of the United
646 States.

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

653 (8) Is confined in any county jail, postadjudication; is
654 confined in any state or federal prison or mental institution;
655 or, through mental disease or deterioration, can no longer
656 safely be entrusted to deal with the public or in a confidential
657 capacity.

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



HB 1395

2003
CS

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

667 (11) Has made or filed a report or record, either written
668 or oral, which the registered trainee ~~assistant~~, licensee, or
669 certificateholder knows to be false; has willfully failed to
670 file a report or record required by state or federal law; has
671 willfully impeded or obstructed such filing, or has induced
672 another person to impede or obstruct such filing. However, such
673 reports or records shall include only those which are signed or
674 presented in the capacity of a registered trainee ~~assistant~~
675 appraiser or licensed or certified appraiser.

676 (12) Has obtained or attempted to obtain a registration,
677 license, or certification by means of knowingly making a false
678 statement, submitting false information, refusing to provide
679 complete information in response to an application question, or
680 engaging in fraud, misrepresentation, or concealment.

681 (13) Has paid money or other valuable consideration,
682 except as required by this section, to any member or employee of
683 the board to obtain a registration, license, or certification
684 under this section.

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



HB 1395

2003
CS

688 (15) Has failed or refused to exercise reasonable
689 diligence in developing an appraisal or preparing an appraisal
690 report.

691 (16) Has failed to communicate an appraisal without good
692 cause.

693 (17) Has accepted an appraisal assignment if the
694 employment itself is contingent upon the appraiser reporting a
695 predetermined result, analysis, or opinion, or if the fee to be
696 paid for the performance of the appraisal assignment is
697 contingent upon the opinion, conclusion, or valuation reached
698 upon the consequences resulting from the appraisal assignment.

699 (18) Has failed to timely notify the department of any
700 change in business location, or has failed to fully disclose all
701 business locations from which she or he operates as a registered
702 trainee ~~assistant~~ real estate appraiser or licensed or certified
703 real estate appraiser.

704 Section 17. Paragraph (a) of subsection (1) of section
705 475.626, Florida Statutes, is amended to read:

706 475.626 Violations and penalties.--

707 (1) VIOLATIONS.--

708 (a) No person shall operate or attempt to operate as a
709 registered trainee ~~assistant~~ appraiser or licensed or certified
710 appraiser without being the holder of a valid and current
711 registration, license, or certification.

712 Section 18. Subsections (1) and (2) of section 475.627,
713 Florida Statutes, are amended to read:

714 475.627 Appraisal course instructors.--



HB 1395

2003
CS

715 (1) Where the course or courses to be taught are
716 prescribed by the board or approved precedent to registration,
717 licensure, certification, or renewal as a registered trainee
718 ~~assistant~~ appraiser, licensed appraiser, or certified
719 residential appraiser, before commencing to instruct noncredit
720 college courses in a college, university, or community college,
721 or courses in an area technical center or proprietary real
722 estate school, a person must certify her or his competency by
723 meeting one of the following requirements:

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

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

728 (2) Where the course or courses to be taught are
729 prescribed by the board or approved precedent to registration,
730 licensure, certification, or renewal as a registered trainee
731 ~~assistant~~ appraiser, licensed appraiser, or certified appraiser,
732 before commencing to instruct noncredit college courses in a
733 college, university, or community college, or courses in an area
734 technical center or proprietary real estate school, a person
735 must certify her or his competency by meeting one of the
736 following requirements:

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

739 (b) Pass an appraiser instructor's examination which shall
740 test knowledge of residential and nonresidential appraisal
741 topics.



742 Section 19. Section 475.6295, Florida Statutes, is amended
743 to read:

744 475.6295 Authority to inspect.--Duly authorized agents and
745 employees of the department shall have the power to inspect in a
746 lawful manner at all reasonable hours any appraiser or appraisal
747 office certified, registered, or licensed under this chapter,
748 for the purpose of determining if any of the provisions of this
749 chapter, chapter 455, or any rule promulgated under authority of
750 either chapter is being violated.

751 Section 20. Section 475.631, Florida Statutes, is created
752 to read:

753 475.631 Nonresident licenses and certifications.--
754 (1) Notwithstanding the requirements for certification set
755 forth in ss. 475.615 and 475.616, the board in its discretion
756 may enter into written agreements with similar licensing or
757 certification authorities of other states, territories, or
758 jurisdictions of the United States to ensure for state-certified
759 appraisers nonresident licensure or certification opportunities
760 comparable to those afforded to nonresidents by this section.
761 Whenever the board determines that another jurisdiction does not
762 offer nonresident licensure or certification to state-certified
763 appraisers substantially comparable to those afforded to
764 certified appraisers or licensees of that jurisdiction by this
765 section, the board shall require certified appraisers or
766 licensees of that jurisdiction who apply for nonresident
767 certification to meet education, experience, and examination
768 requirements substantially comparable to those required by that
769 jurisdiction with respect to state-certified appraisers who seek



770 nonresident licensure or certification, not to exceed such
771 requirements as are prescribed in ss. 475.615 and 475.616.

772 (2)(a) An applicant who is not a resident of this state
773 shall file an irrevocable consent that suits and actions may be
774 commenced against her or him in any county of this state in
775 which a plaintiff having a cause of action or suit against her
776 or him resides and that service of any process or pleading in
777 suits or actions against her or him may be made by delivering
778 the process or pleading to the director of the Division of Real
779 Estate by certified mail, return receipt requested, and also to
780 the certified appraiser or licensee by registered mail addressed
781 to the certified appraiser or licensee at her or his designated
782 principal place of business. Service, when so made, must be
783 taken and held in all courts to be as valid and binding upon the
784 certified appraiser or licensee as if made upon her or him in
785 this state within the jurisdiction of the court in which the
786 suit or action is filed. The irrevocable consent must be in a
787 form prescribed by the department and be acknowledged before a
788 notary public.

789 (b) Any resident state-certified appraiser who becomes a
790 nonresident shall, within 60 days, notify the board of the
791 change in residency and comply with nonresident requirements.
792 Failure to notify and comply is a violation of the license law,
793 subject to the penalties in s. 475.624.

794 (c) All nonresident applicants, certified appraisers, and
795 licensees shall comply with all requirements of board rules and
796 this part. The board may adopt rules pursuant to ss. 120.536(1)



HB 1395

2003
CS

797 | and 120.54 necessary for the regulation of nonresident certified
798 | appraisers and licensees.

799 | Section 21. This act shall take effect July 1, 2003.