

By Senator Constantine

22-1024-03

1 A bill to be entitled
2 An act relating to real estate appraisers;
3 amending ss. 475.611 and 475.612, F.S.;
4 substituting the term "assistant" for
5 "trainee"; defining new terms; expanding the
6 definition of the term "appraisal report";
7 deleting the definition of "licensed
8 appraiser"; substituting the term "valuation
9 services" for "appraisals"; amending s.
10 475.613, F.S.; deleting obsolete provisions
11 concerning terms of appointment for members of
12 the Florida Real Estate Appraisal Board;
13 authorizing the board to establish standards
14 for and regulate supervisory appraisers;
15 amending s. 475.615, F.S., relating to
16 qualifications for registration or
17 certification; conforming provisions to changes
18 made by the act; amending s. 475.617, F.S.;
19 deleting the licensing qualifications for an
20 appraiser; amending s. 475.618, F.S.;
21 permitting the board to authorize independent
22 certification organizations to approve the
23 delivery method of distance learning courses;
24 providing for the renewal of registered trainee
25 licenses; amending ss. 475.619, 475.620, and
26 475.621, F.S.; deleting the terms "license" and
27 "licensed"; substituting the term "assistant"
28 for "trainee"; amending s. 475.622, F.S.;
29 deleting the term "state-licensed real estate
30 appraiser"; providing that a registered trainee
31 appraiser or certified appraiser may not sign

1 any appraisal report or certification or
2 communicate such appraisal report or
3 certification without making certain
4 disclosures; amending s. 475.6221, F.S.;
5 providing that the primary supervisor must
6 notify the Division of Real Estate of the
7 Department of Business and Professional
8 Regulation of the name and address of any
9 primary and secondary supervisor for whom the
10 registered trainee will perform appraisal
11 services; providing that the registered trainee
12 real estate appraiser may only receive
13 compensation from the primary supervising
14 certified appraiser; creating s. 475.6222,
15 F.S.; providing that the primary or secondary
16 supervisor must directly supervise the
17 registered trainee appraiser; amending ss.
18 475.623, 475.624, 475.626, and 475.627, F.S.;
19 deleting the term "license"; substituting the
20 term "assistant" for "trainee"; creating s.
21 475.631, F.S.; providing for nonresident
22 licensure or certification opportunities for
23 state-certified appraisers; providing that
24 nonresident applicants must file an irrevocable
25 consent to be sued; providing for service of
26 process in lawsuits; providing that resident
27 state-certified appraisers who become
28 nonresidents must notify the board of a change
29 in residency and comply with nonresident
30 requirements within 60 days; providing an
31 effective date.

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Section 475.611, Florida Statutes, is
4 amended to read:

5 475.611 Definitions.--

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

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

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

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

24 3. "Appraisal review assignment" denotes an engagement
25 for which an appraiser is employed or retained to develop and
26 communicate an opinion about the quality of another
27 appraiser's appraisal, appraisal report, or work. An
28 appraisal review may or may not contain the reviewing
29 appraiser's opinion of value.

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

4 (c) "Appraisal report" means any communication,
5 written or oral, of an appraisal, appraisal review, appraisal
6 consulting service, analysis, opinion, or conclusion ~~issued by~~
7 ~~an appraiser~~ relating to the nature, quality, value, or
8 utility of a specified interest in, or aspect of, identified
9 real property, and includes any ~~a~~ report communicating an
10 appraisal analysis, opinion, or conclusion of value,
11 regardless of title. However, in order to be recognized in a
12 federally related transaction, an appraisal report must be
13 written.

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

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

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

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

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

1 (i)~~(h)~~ "Certified residential appraiser" means a
2 person who is certified by the department as qualified to
3 issue appraisal reports for residential real property of one
4 to four residential units, without regard to transaction value
5 or complexity, or real property as may be authorized by
6 federal regulation.

7 (j)~~(i)~~ "Department" means the Department of Business
8 and Professional Regulation.

9 (k)~~(j)~~ "Federally related transaction" means any real
10 estate-related financial transaction which a federal financial
11 institutions regulatory agency or the Resolution Trust
12 Corporation engages in, contracts for, or regulates, and which
13 requires the services of a state-licensed or state-certified
14 appraiser.

15 ~~(k) "Licensed appraiser" means a person who is
16 licensed by the department as qualified to issue appraisal
17 reports for residential real property of one to four
18 residential units or on such real estate or real property as
19 may be authorized by federal regulation.~~

20 (l) "Registered assistant appraiser" means a person
21 who is registered with the department as qualified to perform
22 appraisal services under the supervision of a licensed or
23 certified appraiser. Registered trainee appraisers may accept
24 appraisal assignments only from their primary or secondary
25 supervisor.

26 (m) "Supervisor appraiser" means a certified
27 residential appraiser or a certified general appraiser
28 responsible for the direct supervision of one or more
29 registered trainee appraisers and fully responsible for
30 appraisals and appraisal reports prepared by those registered
31 trainee appraisers. The board, by rule, shall determine the

1 responsibilities of a supervisory appraiser, the geographic
2 proximity required, and the maximum number of registered
3 trainee appraisers to be supervised by an individual
4 supervisory appraiser.

5 (n)~~(m)~~ "Uniform Standards of Professional Appraisal
6 Practice" means the most recent standards approved and adopted
7 by the Appraisal Standards Board of the Appraisal Foundation.

8 (o) "Valuation services" means services pertaining to
9 aspects of property value and includes services performed by
10 certified appraisers, registered trainee appraisers, and
11 others.

12 (p) "Work file" means the documentation necessary to
13 support an appraiser's analysis, opinions, and conclusions.

14 (2) Wherever the word "operate" or "operating" appears
15 in this part with respect to a registered trainee ~~assistant~~
16 ~~appraiser, licensed appraiser,~~ or certified appraiser; in any
17 order, rule, or regulation of the board; in any pleading,
18 indictment, or information under this part; in any court
19 action or proceeding; or in any order or judgment of a court,
20 it shall be deemed to mean the commission of one or more acts
21 described in this part as constituting or defining a
22 registered trainee ~~assistant~~ appraiser, ~~licensed appraiser,~~ or
23 certified appraiser, not including, however, any of the
24 exceptions stated therein. A single act is sufficient to
25 bring a person within the meaning of this subsection, and each
26 act, if prohibited herein, constitutes a separate offense.

27 (3) For the purposes of service on any probable cause
28 panel appointed pursuant to s. 455.225(4), the term "former
29 board member" includes any person who is a former member of
30 the Appraisal Subcommittee of the Florida Real Estate
31 Commission.

1 Section 2. Section 475.612, Florida Statutes, is
2 amended to read:

3 475.612 Certification,~~licensure,~~or registration
4 required.--

5 (1) A person may not use the title "certified real
6 estate appraiser,"~~"licensed real estate appraiser,"~~or
7 "registered trainee assistant real estate appraiser," or any
8 abbreviation or words to that effect, or issue an appraisal
9 report in connection with any federally related transaction,
10 unless such person is certified, licensed, or registered by
11 the department under this part. However, the work upon which
12 an appraisal report is based may be performed by a person who
13 is not a certified ~~or licensed~~ appraiser or registered trainee
14 ~~assistant~~ appraiser if the report is approved and signed by a
15 certified ~~or licensed~~ appraiser.

16 (2) This section does not preclude a broker,
17 salesperson, or broker-salesperson who is not a certified ~~or~~
18 ~~licensed~~ real estate appraiser or registered trainee assistant
19 real estate appraiser from providing valuation services
20 ~~appraising real estate~~ for compensation. Such persons may
21 ~~continue to provide valuation appraisals and appraisal~~
22 services for compensation so long as they do not represent
23 themselves as certified, licensed, or registered under this
24 part.

25 (3) This section does not apply to a real estate
26 broker or salesperson who, in the ordinary course of business,
27 performs a comparative market analysis, gives a broker price
28 opinion, or gives an opinion of the value of real estate for
29 the purpose of advising a bona fide buyer or seller. However,
30 in no event may this comparative market analysis, broker price
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1 opinion, or opinion of value of real estate be referred to or
2 construed as an appraisal.

3 (4) This section does not prevent any state court or
4 administrative law judge from certifying as an expert witness
5 in any legal or administrative proceeding an appraiser who is
6 not certified, licensed, or registered; nor does it prevent
7 any appraiser from testifying, with respect to the results of
8 an appraisal.

9 (5) This section does not apply to any full-time
10 graduate student who is enrolled in a degree program in
11 appraising at a college or university in this state, if the
12 student is acting under the direct supervision of a certified
13 ~~or licensed~~ appraiser ~~or licensed broker~~ and is engaged only
14 in appraisal activities related to the approved degree
15 program. Any appraisal report by the student must be issued in
16 the name of the supervising individual.

17 (6) This section does not apply to any employee of a
18 local, state, or federal agency who performs appraisal
19 services within the scope of her or his employment. However,
20 this exemption does not apply where any local, state, or
21 federal agency requires an employee to be registered,
22 licensed, or certified to perform appraisal services.

23 Section 3. Section 475.613, Florida Statutes, is
24 amended to read:

25 475.613 Florida Real Estate Appraisal Board.--

26 (1) There is created the Florida Real Estate Appraisal
27 Board, which shall consist of seven members appointed by the
28 Governor, subject to confirmation by the Senate. Four members
29 of the board must be real estate appraisers who have been
30 engaged in the general practice of appraising real property in
31 this state for at least 5 years immediately preceding

1 appointment. In appointing real estate appraisers to the
2 board, while not excluding other appraisers, the Governor
3 shall give preference to real estate appraisers who are not
4 primarily engaged in real estate brokerage or mortgage lending
5 activities. One member of the board must represent
6 organizations that use appraisals for the purpose of eminent
7 domain proceedings, financial transactions, or mortgage
8 insurance. Two members of the board shall be representatives
9 of the general public and shall not be connected in any way
10 with the practice of real estate appraisal, real estate
11 brokerage, or mortgage lending. The appraiser members shall
12 be as representative of the entire industry as possible, and
13 membership in a nationally recognized or state-recognized
14 appraisal organization shall not be a prerequisite to
15 membership on the board. To the extent possible, no more than
16 two members of the board shall be primarily affiliated with
17 any one particular national or state appraisal association.
18 ~~After July 1, 1992,~~Two of the members must be ~~licensed or~~
19 certified residential real estate appraisers and two of the
20 members must be certified general real estate appraisers at
21 the time of their appointment.

22 (a) ~~Initially, four members of the board shall be~~
23 ~~appointed for 3-year terms, and three members shall be~~
24 ~~appointed for 4-year terms. Thereafter,~~All members shall be
25 appointed for 4-year terms. Any vacancy occurring in the
26 membership of the board shall be filled by appointment by the
27 Governor for the unexpired term. Upon expiration of his or her
28 term, a member of the board shall continue to hold office
29 until the appointment and qualification of the member's
30 successor. A member may not be appointed for more than two
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1 consecutive terms. The Governor may remove any member for
2 cause.

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

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

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

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

12 (2) The board shall have, through its rules, full
13 power to regulate the issuance of licenses, certifications,
14 registrations, and permits; to discipline appraisers in any
15 manner permitted under this section; to establish
16 qualifications for ~~licenses~~, certifications, registrations,
17 and permits consistent with this section; to regulate approved
18 courses; ~~and~~ to establish standards for real estate
19 appraisals; and to establish standards for and regulate
20 supervisory appraisers.

21 Section 4. Section 475.615, Florida Statutes, is
22 amended to read:

23 475.615 Qualifications for registration, ~~licensure~~, or
24 certification.--

25 (1) Any person desiring to act as a registered trainee
26 ~~assistant~~ appraiser or ~~as a licensed or~~ certified appraiser
27 must make application in writing to the department in such
28 form and detail as the board shall prescribe. Each applicant
29 must be at least 18 years of age and hold a high school
30 diploma or its equivalent. At the time of application, a
31 person must furnish evidence of successful completion of

1 required education and evidence of required experience, if
2 any.

3 (2) The board is authorized to waive or modify any
4 education, experience, or examination requirements established
5 in this section in order to conform with any such requirements
6 established by the Appraisal Qualifications Board of the
7 Appraisal Foundation and recognized by the Appraisal
8 Subcommittee or any successor body recognized by federal law.

9 (3) Appropriate fees, as set forth in the rules of the
10 board pursuant to s. 475.6147, and a fingerprint card must
11 accompany all applications for registration, certification, or
12 licensure. The fingerprint card shall be forwarded to the
13 Division of Criminal Justice Information Systems within the
14 Department of Law Enforcement for purposes of processing the
15 fingerprint card to determine if the applicant has a criminal
16 history record. The fingerprint card shall also be forwarded
17 to the Federal Bureau of Investigation for purposes of
18 processing the fingerprint card to determine if the applicant
19 has a criminal history record. The information obtained by the
20 processing of the fingerprint card by the Florida Department
21 of Law Enforcement and the Federal Bureau of Investigation
22 shall be sent to the department for the purpose of determining
23 if the applicant is statutorily qualified for registration,
24 certification, or licensure.

25 (4) In the event that the applicant is currently a
26 registered trainee ~~assistant~~ appraiser ~~or a licensed~~ or
27 certified appraiser and is making application to obtain a
28 different status of appraisal licensure, should such
29 application be received by the department within 180 days
30 prior to through 180 days after the applicant's scheduled
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1 renewal, the charge for the application shall be established
2 by the rules of the board pursuant to s. 475.6147.

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

13 (6) All applicants must be competent and qualified to
14 make real estate appraisals with safety to those with whom
15 they may undertake a relationship of trust and confidence and
16 the general public. If any applicant has been denied
17 registration, licensure, or certification, or has been
18 disbarred, or the applicant's registration, license, or
19 certificate to practice or conduct any regulated profession,
20 business, or vocation has been revoked or suspended by this or
21 any other state, any nation, or any possession or district of
22 the United States, or any court or lawful agency thereof,
23 because of any conduct or practices that ~~which~~ would have
24 warranted a like result under this part, or if the applicant
25 has been guilty of conduct or practices in this state or
26 elsewhere which would have been grounds for disciplining her
27 or his registration, license, or certification under this part
28 had the applicant then been a registered trainee ~~assistant~~
29 appraiser ~~or a licensed~~ or certified appraiser, the applicant
30 shall be deemed not to be qualified unless, because of lapse
31 of time and subsequent good conduct and reputation, or other

1 reason deemed sufficient, it appears to the board that the
2 interest of the public is not likely to be endangered by the
3 granting of registration, licensure, or certification.

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

8 Section 5. Section 475.617, Florida Statutes, is
9 amended to read:

10 475.617 Education and experience requirements.--

11 (1) To be registered as a trainee ~~an assistant~~
12 appraiser, an applicant must present evidence satisfactory to
13 the board that she or he has successfully completed at least
14 75 hours of approved academic courses in subjects related to
15 real estate appraisal, which shall include coverage of the
16 Uniform Standards of Professional Appraisal Practice from a
17 nationally recognized or state-recognized appraisal
18 organization, area technical center, accredited community
19 college, college, or university, state or federal agency or
20 commission, or proprietary real estate school that holds a
21 permit pursuant to s. 475.451. The board may increase the
22 required number of hours to not more than 100 hours. A
23 classroom hour is defined as 50 minutes out of each 60-minute
24 segment. Past courses may be approved on an hour-for-hour
25 basis.

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

28 ~~(a) Has 2 years of experience in real property~~
29 ~~appraisal as defined by rule.~~

30 ~~(b) Has successfully completed at least 90 classroom~~
31 ~~hours, inclusive of examination, of approved academic courses~~

1 ~~in subjects related to real estate appraisal, which shall~~
2 ~~include coverage of the Uniform Standards of Professional~~
3 ~~Appraisal Practice from a nationally recognized or~~
4 ~~state-recognized appraisal organization, area technical~~
5 ~~center, accredited community college, college, or university,~~
6 ~~state or federal agency or commission, or proprietary real~~
7 ~~estate school that holds a permit pursuant to s. 475.451. The~~
8 ~~board may increase the required number of hours to not more~~
9 ~~than 120 hours. A classroom hour is defined as 50 minutes out~~
10 ~~of each 60-minute segment. Past courses may be approved by the~~
11 ~~board and substituted on an hour-for-hour basis.~~

12 ~~(2)(3)~~ To be certified as a residential appraiser, an
13 applicant must present satisfactory evidence to the board that
14 she or he:

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

18 (b) Has successfully completed at least 120 classroom
19 hours, inclusive of examination, of approved academic courses
20 in subjects related to real estate appraisal, which shall
21 include coverage of the Uniform Standards of Professional
22 Appraisal Practice from a nationally recognized or
23 state-recognized appraisal organization, area technical
24 center, accredited community college, college, or university,
25 state or federal agency or commission, or proprietary real
26 estate school that holds a permit pursuant to s. 475.451. The
27 board may increase the required number of hours to not more
28 than 165 hours. A classroom hour is defined as 50 minutes out
29 of each 60-minute segment. Past courses may be approved by the
30 board and substituted on an hour-for-hour basis.

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1 ~~(3)(4)~~ To be certified as a general appraiser, an
2 applicant must present evidence satisfactory to the board that
3 she or he:

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

7 (b) Has successfully completed at least 180 classroom
8 hours, inclusive of examination, of approved academic courses
9 in subjects related to real estate appraisal, which shall
10 include coverage of the Uniform Standards of Professional
11 Appraisal Practice from a nationally recognized or
12 state-recognized appraisal organization, area technical
13 center, accredited community college, college, or university,
14 state or federal agency or commission, or proprietary real
15 estate school that holds a permit pursuant to s. 475.451. The
16 board may increase the required number of hours to not more
17 than 225 hours. A classroom hour is defined as 50 minutes out
18 of each 60-minute segment. Past courses may be approved by the
19 board and substituted on an hour-for-hour basis.

20 ~~(4)(5)~~ Each applicant must furnish, under oath, a
21 detailed statement of the experience for each year of
22 experience she or he claims. Upon request, the applicant
23 shall furnish to the board, for its examination, copies of
24 appraisal reports or file memoranda to support the claim for
25 experience.

26 Section 6. Section 475.618, Florida Statutes, is
27 amended to read:

28 475.618 Renewal of registration, ~~license,~~
29 certification, or instructor permit; continuing education.--

30 (1) The department shall renew a registration,
31 ~~license,~~certification, or instructor permit upon receipt of

1 the renewal application and proper fee. Such application shall
2 include proof satisfactory to the board that the individual
3 has satisfactorily completed any continuing education that has
4 been prescribed by the board.

5 (a) A distance learning course or courses ~~may~~ shall be
6 approved by the board as an option to classroom hours as
7 satisfactory completion of the course or courses as required
8 by this section. The schools authorized by this section have
9 the option of providing classroom courses, distance learning
10 courses, or both. ~~However, satisfactory completion of a~~
11 ~~distance learning course requires the satisfactory completion~~
12 ~~of a timed distance learning course examination. Such~~
13 ~~examination shall not be required to be monitored or given at~~
14 ~~a centralized location.~~

15 (b) The board may authorize independent certification
16 organizations to certify or approve the delivery method of
17 distance learning courses. Certification from such authorized
18 organizations must be provided at the time a distance learning
19 course is submitted to the board by an accredited college,
20 university, community college, area technical center,
21 proprietary real estate school, or board-approved sponsor for
22 content approval.

23 (2) The department shall adopt rules establishing a
24 procedure for the renewal of registration, ~~licenses,~~
25 certifications, and instructor permits at least every 4 years.
26 Registered trainee licenses may be renewed for two biennial
27 terms only. After 6 years, the registered trainee appraiser
28 is not eligible for renewal but must qualify as a new
29 applicant.

30 (3) Any registration, license, certification, or
31 instructor permit which is not renewed at the end of the

1 registration, license, certification, or instructor permit
2 period prescribed by the department shall automatically revert
3 to inactive status.

4 (4) At least 60 days prior to the end of the
5 registration, license, certification, or instructor permit
6 period, the department shall cause to be mailed a notice of
7 renewal and possible reversion to the last known address of
8 the registered trainee ~~assistant~~, licensee, certificateholder,
9 or permitholder.

10 Section 7. Section 475.619, Florida Statutes, is
11 amended to read:

12 475.619 Inactive status.--

13 (1) A registration, ~~license~~, or certification that
14 ~~which~~ has become inactive may be renewed upon application to
15 the department. The board shall prescribe by rule continuing
16 education requirements for each year the registration,
17 ~~license~~, or certification was inactive, as a condition of
18 renewing an inactive registration, ~~license~~, or certification.

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

3 (3) The board shall adopt rules relating to inactive
4 registrations,~~licenses~~,and certifications and for the
5 renewal of such registrations,~~licenses~~,and certifications.

6 Section 8. Section 475.620, Florida Statutes, is
7 amended to read:

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

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

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

1 Section 9. Section 475.621, Florida Statutes, is
2 amended to read:

3 475.621 Registry of ~~licensed and~~ certified
4 appraisers.--

5 (1) The department shall transmit to the appraisal
6 subcommittee, no less than annually, a roster listing
7 individuals who hold a valid state ~~license or~~ certification as
8 an appraiser.

9 (2) The department shall collect from such individuals
10 who perform or seek to perform appraisals in federally related
11 transactions, an annual fee as set by the appraisal
12 subcommittee to be transmitted to the Federal Financial
13 Institutions Examinations Council on an annual basis.

14 Section 10. Section 475.622, Florida Statutes, is
15 amended to read:

16 475.622 Display and disclosure of ~~licensure,~~
17 certification, or registration.--

18 (1) Each appraiser registered, ~~licensed,~~ or certified
19 under this part shall place her or his registration, ~~license,~~
20 or certification number adjacent to or immediately beneath the
21 designation "state-registered trainee assistant real estate
22 appraiser," "~~state-licensed real estate appraiser,~~"
23 "state-certified residential real estate appraiser," or
24 "state-certified general real estate appraiser," or their
25 appropriate abbreviations as defined by rule, as applicable,
26 when such term is used in an appraisal report or in a contract
27 or other instrument used by the appraiser in conducting real
28 property appraisal activities. The applicable designation
29 shall be included in any newspaper, telephone directory, or
30 other advertising medium, as defined by rule, used by the
31 appraiser.

1 (2) A registered trainee ~~assistant~~ appraiser ~~or~~
2 ~~licensed~~ or certified appraiser may not sign any appraisal
3 report or certification or communicate any appraisal report or
4 certification ~~same~~ without disclosing in writing that she or
5 he is a state-registered trainee ~~assistant~~ appraiser or
6 ~~state-licensed, state-certified residential, or~~
7 state-certified general appraiser, as applicable, even if the
8 appraisal performed is outside of the scope of the appraiser's
9 registration, ~~licensure, or~~ certification as an appraiser.

10 (3) The primary or secondary supervising ~~licensed or~~
11 certified appraiser of a registered trainee ~~assistant~~ real
12 estate appraiser must sign any appraisal report and
13 certification signed by the registered trainee ~~assistant~~.

14 (4) The supervising appraiser of a registered trainee
15 ~~assistant~~ real estate appraiser must disclose his or her
16 appropriate designation and number any time the registered
17 trainee ~~assistant~~ is required to make such disclosures.

18 Section 11. Section 475.6221, Florida Statutes, is
19 amended to read:

20 475.6221 Employment of registered trainee ~~assistant~~
21 real estate appraisers.--

22 (1) A registered trainee ~~assistant~~ real estate
23 appraiser must perform appraisal services under the direct
24 supervision of a ~~licensed or~~ certified appraiser who is
25 designated as the primary supervisor. The primary supervisor
26 may also designate additional ~~licensed or~~ certified appraisers
27 as secondary supervisors. A secondary supervisor must be
28 affiliated with the same firm or business as the primary
29 supervisor and the primary or secondary supervisor must have
30 the same business address as the registered trainee ~~assistant~~
31 real estate appraiser. The primary supervisor ~~A registered~~

1 ~~assistant real estate~~ appraiser must notify the Division of
2 Real Estate of the name and address of any primary and
3 secondary supervisor for whom the registered trainee ~~assistant~~
4 will perform appraisal services, and must also notify the
5 division within 10 days after terminating such relationship.
6 Termination of the relationship with a primary supervisor
7 automatically terminates the relationship with the secondary
8 supervisor.

9 (2) A registered trainee ~~assistant~~ real estate
10 appraiser may only not receive compensation from payment
11 ~~directly from the recipient of an appraisal report, unless the~~
12 primary supervising ~~licensed or certified~~ appraiser ~~agrees to~~
13 ~~the payment arrangement.~~

14 Section 12. Section 475.6222, Florida Statutes, is
15 created to read:

16 475.6222 Supervision of registered trainee
17 appraisers.--The primary or secondary supervisor of a
18 registered trainee appraiser must provide direct supervision
19 to the registered trainee appraiser. The role and
20 responsibility of the supervising appraiser shall be
21 determined by rule of the board.

22 Section 13. Section 475.623, Florida Statutes, is
23 amended to read:

24 475.623 Registration of office location.--Each
25 appraiser registered, ~~licensed,~~ or certified under this part
26 shall furnish in writing to the department each business
27 address from which she or he operates in the performance of
28 appraisal services. Each appraiser must notify the department
29 of any change of address within 10 days on a form provided by
30 the department.

31

1 Section 14. Section 475.624, Florida Statutes, is
2 amended to read:

3 475.624 Discipline.--The board may deny an application
4 for registration, licensure, or certification; may investigate
5 the actions of any appraiser registered, ~~licensed,~~ or
6 certified under this part; may reprimand or impose an
7 administrative fine not to exceed \$5,000 for each count or
8 separate offense against any such appraiser; and may revoke or
9 suspend, for a period not to exceed 10 years, the
10 registration, ~~license,~~ or certification of any such appraiser,
11 or place any such appraiser on probation, if it finds that the
12 registered trainee assistant, ~~licensee,~~ or certificateholder:

13 (1) Has violated any provisions of this part or s.
14 455.227(1); however, licensees under this part are exempt from
15 the provisions of s. 455.227(1)(i).

16 (2) Has been guilty of fraud, misrepresentation,
17 concealment, false promises, false pretenses, dishonest
18 conduct, culpable negligence, or breach of trust in any
19 business transaction in this state or any other state, nation,
20 or territory; has violated a duty imposed upon her or him by
21 law or by the terms of a contract, whether written, oral,
22 express, or implied, in an appraisal assignment; has aided,
23 assisted, or conspired with any other person engaged in any
24 such misconduct and in furtherance thereof; or has formed an
25 intent, design, or scheme to engage in such misconduct and
26 committed an overt act in furtherance of such intent, design,
27 or scheme. It is immaterial to the guilt of the registered
28 trainee assistant, ~~licensee,~~ or certificateholder that the
29 victim or intended victim of the misconduct has sustained no
30 damage or loss; that the damage or loss has been settled and
31 paid after discovery of the misconduct; or that such victim or

1 intended victim was a customer or a person in confidential
2 relation with the registered trainee ~~assistant, licensee, or~~
3 certificateholder, or was an identified member of the general
4 public.

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

8 (4) Has violated any of the provisions of this section
9 or any lawful order or rule issued under the provisions of
10 this section or chapter 455.

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

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

31

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

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

12 (9) Has failed to inform the board in writing within
13 30 days after pleading guilty or nolo contendere to, or being
14 convicted or found guilty of, any felony.

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

21 (11) Has made or filed a report or record, either
22 written or oral, which the registered trainee ~~assistant,~~
23 ~~licensee,~~ or certificateholder knows to be false; has
24 willfully failed to file a report or record required by state
25 or federal law; has willfully impeded or obstructed such
26 filing, or has induced another person to impede or obstruct
27 such filing. However, such reports or records shall include
28 only those which are signed or presented in the capacity of a
29 registered trainee ~~assistant~~ appraiser ~~or licensed~~ or
30 certified appraiser.

31

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

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

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

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

17 (16) Has failed to communicate an appraisal without
18 good cause.

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

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

30 Section 15. Paragraph (a) of subsection (1) of section
31 475.626, Florida Statutes, is amended to read:

1 475.626 Violations and penalties.--

2 (1) VIOLATIONS.--

3 (a) A ~~No~~ person may not ~~shall~~ operate or attempt to
4 operate as a registered trainee ~~assistant~~ appraiser ~~or~~
5 ~~licensed~~ or certified appraiser without being the holder of a
6 valid and current registration, license, or certification.

7 Section 16. Section 475.627, Florida Statutes, is
8 amended to read:

9 475.627 Appraisal course instructors.--

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

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

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

23 (2) Where the course or courses to be taught are
24 prescribed by the board or approved precedent to registration,
25 licensure, certification, or renewal as a registered trainee
26 ~~assistant~~ appraiser, licensed appraiser, or certified
27 appraiser, before commencing to instruct noncredit college
28 courses in a college, university, or community college, or
29 courses in an area technical center or proprietary real estate
30 school, a person must certify her or his competency by meeting
31 one of the following requirements:

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

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

6 (3) Possession of a permit to teach prescribed or
7 approved appraisal courses does not entitle the permit holder
8 to teach any courses outside the scope of the permit.

9 Section 17. Section 475.631, Florida Statutes, is
10 created to read:

11 475.631 Nonresident licenses and certifications.--

12 (1) Notwithstanding the pre-certification requirements
13 under ss. 475.615 and 475.616, the board may enter into
14 written agreements with similar licensing or certification
15 authorities of other states, territories, or jurisdictions of
16 the United States to ensure nonresident licensure or
17 certification opportunities for Florida certified appraisers
18 comparable to those afforded to nonresidents by this section.
19 Whenever the board determines that another jurisdiction does
20 not offer nonresident certification or licensure to
21 state-certified appraisers, licensees, or certificateholders
22 substantially comparable to those afforded to licensed or
23 certified appraisers of that jurisdiction by this section, the
24 board shall require certified appraisers or licensees of that
25 jurisdiction who apply for nonresident certification in this
26 state to meet education, experience, and examination
27 requirements substantially comparable to those required by
28 that jurisdiction with respect to Florida-certified appraisers
29 who seek nonresident licensure or certification, not to exceed
30 the requirements prescribed in s. 475.615 and s. 475.616.

31

1 (2)(a) Any applicant who is not a resident of this
2 state must file an irrevocable consent that suits and actions
3 may be commenced against her or him in any county of this
4 state in which a plaintiff having a cause of action against
5 her or him resides, and that service of process or pleading
6 may be made by delivering the process or pleading to the
7 director of the Division of Real Estate by certified mail,
8 return receipt requested, and also to the licensee or
9 certified appraiser by registered mail addressed to the
10 licensee or certified appraiser at her or his designated
11 principal place of business. Service is valid and binding upon
12 the licensee or certified appraiser as if made upon her or him
13 in this state within the jurisdiction of the court in which
14 the suit or action is filed. The irrevocable consent must be
15 in a form prescribed by the department and be acknowledged
16 before a notary public.

17 (b) Any resident state-certified appraiser who becomes
18 a nonresident must notify the board of the change in residency
19 and comply with nonresident requirements within 60 days.
20 Failure to notify and comply is a violation of the license
21 law, subject to the penalties in s. 475.624.

22 (c) Each nonresident applicant, licensee, or certified
23 appraiser must comply with all requirements of board rules and
24 this part. The board may adopt rules necessary for the
25 regulation of nonresident licensees and certificateholders.

26 Section 18. This act shall take effect upon becoming a
27 law.

SENATE SUMMARY

Deletes the words "license," "licensed," and "licensure," and substitutes the term "assistant" for "trainee." Defines new terms such as "appraisal review assignment," "appraisal review," "supervisor appraiser," "valuation services," and "work file." Expands the definition of the term "appraisal report." Deletes the definition of "licensed appraiser." Substitutes the term "valuation services" for "appraisals." Authorizes the board to establish standards and regulations for supervisory appraisers. Deletes the licensing qualifications for an appraiser. Permits the board to authorize independent certification organizations to approve of the delivery method of distance learning courses. Provides for the renewal of registered trainee licenses. Deletes the term "state-licensed real estate appraiser." Provides that a registered trainee appraiser or certified appraiser may not sign any appraisal report or certification or communicate such appraisal report or certification without disclosure. Provides that the primary supervisor must notify the Division of Real Estate of the name and address of any primary and secondary supervisor for whom the registered trainee will perform appraisal services. Provides that the registered trainee real estate appraiser may only receive compensation from the primary supervising certified appraiser. Provides that the primary or secondary supervisor must directly supervise the registered trainee appraiser. Provides for nonresident licensure or certification opportunities for state certified appraisers. Provides that nonresident applicants for licensure or certification must file an irrevocable consent to be sued. Provides for service of process in lawsuits. Provides that resident state certified appraisers who become nonresidents must notify the board of a change in residency and comply with nonresident requirements within 60 days.