

CHAMBER ACTION

1 The Business Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to regulation of real estate appraisers;
7 amending s. 475.611, F.S.; revising and providing
8 definitions; amending s. 475.612, F.S.; revising
9 requirements relating to work performed by persons who are
10 not certified, licensed, or registered; providing
11 requirements relating to issuance of appraisal reports and
12 compensation of appraisers, including trainees; amending
13 s. 475.615, F.S.; removing obsolete language relating to
14 qualifications for registration, licensure, or
15 certification; revising education and experience
16 requirements; amending s. 475.616, F.S.; removing obsolete
17 language relating to examination requirements; amending s.
18 475.617, F.S.; revising the minimum and maximum course
19 hour requirements for trainee appraiser registration;
20 removing obsolete provisions establishing education and
21 experience requirements for licensure as an appraiser;
22 revising education and experience requirements for
23 certification as a residential appraiser or general

24 appraiser; requiring applicants for certification to
 25 maintain certain application documents; providing
 26 rulemaking authority; creating s. 475.6171, F.S.;
 27 providing for the issuance of registration and
 28 certification upon receipt of proper documentation;
 29 providing rulemaking authority; amending s. 475.6221,
 30 F.S.; prohibiting supervisory appraisers from certain
 31 employment; amending s. 475.6222, F.S.; requiring
 32 supervisory appraisers to provide direct training to
 33 registered trainee appraisers; amending s. 475.623, F.S.;
 34 requiring appraisers to furnish their firm or business
 35 name and any change in that name to the Department of
 36 Business and Professional Regulation; amending s. 475.624,
 37 F.S.; removing obsolete references; correcting cross-
 38 references; providing an effective date.

39

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

41

42 Section 1. Subsection (1) of section 475.611, Florida
 43 Statutes, is amended to read:

44 475.611 Definitions.--

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

46 (a) "Appraisal" or "appraisal services" means the services
 47 provided by certified or licensed appraisers or registered
 48 trainee appraisers, and includes:

49 1. "Appraisal assignment" denotes an engagement for which
 50 a person is employed or retained to act, or could be perceived
 51 by third parties or the public as acting, as an agent or a

52 disinterested third party in rendering an unbiased analysis,
53 opinion, review, or conclusion relating to the nature, quality,
54 value, or utility of specified interests in, or aspects of,
55 identified real property.

56 2. "Analysis assignment" denotes appraisal services that
57 relate to the employer's or client's individual needs or
58 investment objectives and includes specialized marketing,
59 financing, and feasibility studies as well as analyses,
60 opinions, and conclusions given in connection with activities
61 such as real estate brokerage, mortgage banking, real estate
62 counseling, or real estate consulting.

63 3. "Appraisal review assignment" denotes an engagement for
64 which an appraiser is employed or retained to develop and
65 communicate an opinion about the quality of another appraiser's
66 appraisal, appraisal report, or work. An appraisal review may or
67 may not contain the reviewing appraiser's opinion of value.

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

71 (c) "Appraisal report" means any communication, written or
72 oral, of an appraisal, appraisal review, appraisal consulting
73 service, analysis, opinion, or conclusion relating to the
74 nature, quality, value, or utility of a specified interest in,
75 or aspect of, identified real property, and includes any report
76 communicating an appraisal analysis, opinion, or conclusion of
77 value, regardless of title. However, in order to be recognized
78 in a federally related transaction, an appraisal report must be
79 written.

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

83 (e) "Appraisal subcommittee" means the designees of the
84 heads of the federal financial institutions regulatory agencies
85 established by the Federal Financial Institutions Examination
86 Council Act of 1978 (12 U.S.C. ss. 3301 et seq.), as amended.

87 (f) "Appraiser" means any person who is a registered
88 trainee real estate appraiser, licensed real estate appraiser,
89 or a certified real estate appraiser. An appraiser renders a
90 professional service and is a professional within the meaning of
91 s. 95.11(4)(a).

92 (g) "Board" means the Florida Real Estate Appraisal Board
93 established under this section.

94 (h) "Certified general appraiser" means a person who is
95 certified by the department as qualified to issue appraisal
96 reports for any type of real property.

97 (i) "Certified residential appraiser" means a person who
98 is certified by the department as qualified to issue appraisal
99 reports for residential real property of one to four residential
100 units, without regard to transaction value or complexity, or
101 real property as may be authorized by federal regulation.

102 (j) "Department" means the Department of Business and
103 Professional Regulation.

104 (k) "Direct supervision" means the degree of supervision
105 required of a supervisory appraiser overseeing the work of a
106 registered trainee appraiser by which the supervisory appraiser
107 has control over and detailed professional knowledge of the work

108 being done. Direct supervision is achieved when a registered
 109 trainee appraiser has regular direction, guidance, and support
 110 from a supervisory appraiser who has the competencies as
 111 determined by rule of the board.

112 (l)~~(k)~~ "Federally related transaction" means any real
 113 estate-related financial transaction which a federal financial
 114 institutions regulatory agency or the Resolution Trust
 115 Corporation engages in, contracts for, or regulates, and which
 116 requires the services of a state-licensed or state-certified
 117 appraiser.

118 (m)~~(l)~~ "Licensed appraiser" means a person who is licensed
 119 by the department as qualified to issue appraisal reports for
 120 residential real property of one to four residential units or on
 121 such real estate or real property as may be authorized by
 122 federal regulation. After July 1, 2003, the department shall not
 123 issue licenses for the category of licensed appraiser.

124 (n)~~(m)~~ "Registered trainee appraiser" means a person who
 125 is registered with the department as qualified to perform
 126 appraisal services only under the direct supervision of a
 127 licensed or certified appraiser. A registered trainee appraiser
 128 may accept appraisal assignments only from her or his primary or
 129 secondary supervisory appraiser.

130 (o)~~(n)~~ "Supervisory appraiser" means a licensed appraiser,
 131 a certified residential appraiser, or a certified general
 132 appraiser responsible for the direct supervision of one or more
 133 registered trainee appraisers and fully responsible for
 134 appraisals and appraisal reports prepared by those registered
 135 trainee appraisers. The board, by rule, shall determine the

136 responsibilities of a supervisory appraiser, the geographic
 137 proximity required, the minimum qualifications and standards
 138 required of a licensed or certified appraiser before she or he
 139 may act in the capacity of a supervisory appraiser, and the
 140 maximum number of registered trainee appraisers to be supervised
 141 by an individual supervisory appraiser.

142 (p) "Training" means the process of providing for and
 143 making available to a registered trainee appraiser, under direct
 144 supervision, a planned, prepared, and coordinated program, or
 145 routine of instruction and education, in appraisal professional
 146 and technical appraisal skills as determined by rule of the
 147 board.

148 (q)~~(e)~~ "Uniform Standards of Professional Appraisal
 149 Practice" means the most recent standards approved and adopted
 150 by the Appraisal Standards Board of the Appraisal Foundation.

151 (r)~~(p)~~ "Valuation services" means services pertaining to
 152 aspects of property value and includes such services performed
 153 by certified appraisers, registered trainee appraisers, and
 154 others.

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

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

159 475.612 Certification, licensure, or registration
 160 required.--

161 (1) A person may not use the title "certified real estate
 162 appraiser," "licensed real estate appraiser," or "registered
 163 trainee real estate appraiser," or any abbreviation or words to

164 that effect, or issue an appraisal report ~~in connection with any~~
 165 ~~federally related transaction~~, unless such person is certified,
 166 licensed, or registered by the department under this part.

167 However, the work upon which an appraisal report is based may be
 168 performed by a person who is not a certified or licensed
 169 appraiser or registered trainee appraiser if the work report is
 170 supervised and approved, and the report is signed, by a
 171 certified or licensed appraiser who has full responsibility for
 172 all requirements of the report and valuation service. Only a
 173 certified or licensed appraiser may issue an appraisal report
 174 and receive direct compensation for providing valuation services
 175 for the appraisal report. A registered trainee appraiser may
 176 only receive compensation for appraisal services from her or his
 177 authorized certified or licensed appraiser.

178 (2) This section does not preclude a Florida licensed real
 179 estate broker, sales associate, or broker associate who is not a
 180 Florida certified or licensed real estate appraiser ~~or~~
 181 ~~registered trainee real estate appraiser~~ from providing
 182 valuation services for compensation. Such persons may continue
 183 to provide valuation services for compensation so long as they
 184 do not represent themselves as certified, licensed, or
 185 registered under this part.

186 (3) This section does not apply to a real estate broker or
 187 sales associate who, in the ordinary course of business,
 188 performs a comparative market analysis, gives a price opinion,
 189 or gives an opinion of the value of real estate. However, in no
 190 event may this comparative market analysis, price opinion, or

191 opinion of value of real estate be referred to or construed as
192 an appraisal.

193 (4) This section does not prevent any state court or
194 administrative law judge from certifying as an expert witness in
195 any legal or administrative proceeding an appraiser who is not
196 certified, licensed, or registered; nor does it prevent any
197 appraiser from testifying, with respect to the results of an
198 appraisal.

199 (5) This section does not apply to any full-time graduate
200 student who is enrolled in a degree program in appraising at a
201 college or university in this state, if the student is acting
202 under the direct supervision of a certified or licensed
203 appraiser and is engaged only in appraisal activities related to
204 the approved degree program. Any appraisal report by the student
205 must be issued in the name of the supervising individual who is
206 responsible for the report's content.

207 (6) This section does not apply to any employee of a
208 local, state, or federal agency who performs appraisal services
209 within the scope of her or his employment. However, this
210 exemption does not apply where any local, state, or federal
211 agency requires an employee to be registered, licensed, or
212 certified to perform appraisal services.

213 Section 3. Section 475.615, Florida Statutes, is amended
214 to read:

215 475.615 Qualifications for registration, ~~licensure,~~ or
216 certification.--

217 (1) Any person desiring to act as a registered trainee
218 appraiser or as a ~~licensed~~ or certified appraiser must make

219 application in writing to the department in such form and detail
 220 as the board shall prescribe. Each applicant must be at least 18
 221 years of age and hold a high school diploma or its equivalent.
 222 ~~At the time of application, a person must furnish evidence of~~
 223 ~~successful completion of required education and evidence of~~
 224 ~~required experience, if any.~~

225 (2) The board is authorized to waive or modify any
 226 education, experience, or examination requirements established
 227 in this part in order to conform with any such requirements
 228 established by the Appraisal Qualifications Board of the
 229 Appraisal Foundation ~~and recognized by the Appraisal~~
 230 ~~Subcommittee~~ or any successor body recognized by federal law,
 231 including any requirements adopted on February 20, 2004. The
 232 board shall implement this section by rule.

233 (3) Appropriate fees, as set forth in the rules of the
 234 board pursuant to s. 475.6147, and a fingerprint card must
 235 accompany all applications for registration or certification,
 236 ~~or licensure~~. The fingerprint card shall be forwarded to the
 237 Division of Criminal Justice Information Systems within the
 238 Department of Law Enforcement for purposes of processing the
 239 fingerprint card to determine if the applicant has a criminal
 240 history record. The fingerprint card shall also be forwarded to
 241 the Federal Bureau of Investigation for purposes of processing
 242 the fingerprint card to determine if the applicant has a
 243 criminal history record. The information obtained by the
 244 processing of the fingerprint card by the ~~Florida~~ Department of
 245 Law Enforcement and the Federal Bureau of Investigation shall be
 246 sent to the department for the purpose of determining if the

247 applicant is statutorily qualified for registration or
 248 certification, ~~or licensure~~. Effective July 1, 2006, an
 249 applicant must provide fingerprints in electronic format.

250 (4) In the event that the applicant is currently a
 251 registered trainee appraiser or a licensed or certified
 252 appraiser and is making application to obtain a different status
 253 of appraisal credential licensure, should such application be
 254 received by the department within 180 days prior to through 180
 255 days after the applicant's scheduled renewal, the charge for the
 256 application shall be established by the rules of the board
 257 pursuant to s. 475.6147.

258 (5) At the time of filing a notarized application for
 259 registration, ~~licensure~~, or certification, the applicant must
 260 sign a pledge to comply with the Uniform Standards of
 261 Professional Appraisal Practice upon registration, ~~licensure~~, or
 262 certification, and must indicate in writing that she or he
 263 understands the types of misconduct for which disciplinary
 264 proceedings may be initiated. The application shall expire 1
 265 year after ~~from~~ the date received, ~~if the applicant for~~
 266 ~~registration, licensure, or certification fails to take the~~
 267 ~~appropriate examination.~~

268 (6) All applicants must be competent and qualified to make
 269 real estate appraisals with safety to those with whom they may
 270 undertake a relationship of trust and confidence and the general
 271 public. If any applicant has been denied registration,
 272 licensure, or certification, or has been disbarred, or the
 273 applicant's registration, license, or certificate to practice or
 274 conduct any regulated profession, business, or vocation has been

275 | revoked or suspended by this or any other state, any nation, or
 276 | any possession or district of the United States, or any court or
 277 | lawful agency thereof, because of any conduct or practices which
 278 | would have warranted a like result under this part, or if the
 279 | applicant has been guilty of conduct or practices in this state
 280 | or elsewhere which would have been grounds for disciplining her
 281 | or his registration, license, or certification under this part
 282 | had the applicant then been a registered trainee appraiser or a
 283 | licensed or certified appraiser, the applicant shall be deemed
 284 | not to be qualified unless, because of lapse of time and
 285 | subsequent good conduct and reputation, or other reason deemed
 286 | sufficient, it appears to the board that the interest of the
 287 | public is not likely to be endangered by the granting of
 288 | registration, ~~licensure,~~ or certification.

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

293 | Section 4. Section 475.616, Florida Statutes, is amended
 294 | to read:

295 | 475.616 Examination requirements.--To be ~~licensed or~~
 296 | certified as an appraiser, the applicant must demonstrate, by
 297 | passing a written examination, that she or he possesses:

298 | (1) A knowledge of technical terms commonly used in real
 299 | estate appraisal.

300 | (2) An understanding of the principles of land economics,
 301 | real estate appraisal processes, reliable sources of appraising
 302 | data, and problems likely to be encountered in the gathering,

303 interpreting, and processing of data in carrying out appraisal
304 disciplines.

305 (3) An understanding of the standards for the development
306 and communication of real estate appraisals as provided in this
307 part.

308 (4) An understanding of the types of misconduct for which
309 disciplinary proceedings may be initiated against a licensed or
310 certified appraiser, as set forth in this part.

311 (5) Knowledge of the theories of depreciation, cost
312 estimating, methods of capitalization, and the mathematics of
313 real estate appraisal ~~that are appropriate for the licensure or~~
314 ~~certification for which application is made.~~

315 Section 5. Section 475.617, Florida Statutes, is amended
316 to read:

317 475.617 Education and experience requirements.--

318 (1) To be registered as a trainee appraiser, an applicant
319 must present evidence satisfactory to the board that she or he
320 has successfully completed at least 100 ~~75~~ hours of approved
321 academic courses in subjects related to real estate appraisal,
322 which shall include coverage of the Uniform Standards of
323 Professional Appraisal Practice from a nationally recognized or
324 state-recognized appraisal organization, career center,
325 accredited community college, college, or university, state or
326 federal agency or commission, or proprietary real estate school
327 that holds a permit pursuant to s. 475.451. The board may
328 increase the required number of hours to not more than 125 ~~100~~
329 hours. A classroom hour is defined as 50 minutes out of each 60-

330 minute segment. Past courses may be approved on an hour-for-hour
331 basis.

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

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

336 ~~(b) Has successfully completed at least 90 classroom~~
337 ~~hours, inclusive of examination, of approved academic courses in~~
338 ~~subjects related to real estate appraisal, which shall include~~
339 ~~coverage of the Uniform Standards of Professional Appraisal~~
340 ~~Practice from a nationally recognized or state recognized~~
341 ~~appraisal organization, career center, accredited community~~
342 ~~college, college, or university, state or federal agency or~~
343 ~~commission, or proprietary real estate school that holds a~~
344 ~~permit pursuant to s. 475.451. The board may increase the~~
345 ~~required number of hours to not more than 120 hours. A classroom~~
346 ~~hour is defined as 50 minutes out of each 60 minute segment.~~
347 ~~Past courses may be approved by the board and substituted on an~~
348 ~~hour-for-hour basis.~~

349 ~~(2)(3)~~ To be certified as a residential appraiser, an
350 applicant must present satisfactory evidence to the board that
351 she or he has met the minimum education and experience
352 requirements prescribed by rule of the board. The board shall
353 prescribe by rule education and experience requirements that
354 meet or exceed the following real property appraiser
355 qualification criteria adopted on February 20, 2004, by the
356 Appraisal Qualifications Board of the Appraisal Foundation:

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357 (a) Has at least 2,500 hours of experience obtained over a
358 24-month period in real property appraisal as defined by rule.

359 (b) Has successfully completed at least 200 ~~120~~ classroom
360 hours, inclusive of examination, of approved academic courses in
361 subjects related to real estate appraisal, which shall include a
362 15-hour National ~~coverage of the~~ Uniform Standards of
363 Professional Appraisal Practice course from a nationally
364 recognized or state-recognized appraisal organization, career
365 center, accredited community college, college, or university,
366 state or federal agency or commission, or proprietary real
367 estate school that holds a permit pursuant to s. 475.451. ~~The~~
368 ~~board may increase the required number of hours to not more than~~
369 ~~165 hours.~~ A classroom hour is defined as 50 minutes out of each
370 60-minute segment. Past courses may be approved by the board and
371 substituted on an hour-for-hour basis.

372 ~~(3)(4)~~ To be certified as a general appraiser, an
373 applicant must present evidence satisfactory to the board that
374 she or he has met the minimum education and experience
375 requirements prescribed by rule of the board. The board shall
376 prescribe education and experience requirements that meet or
377 exceed the following real property appraiser qualification
378 criteria adopted on February 20, 2004, by the Appraisal
379 Qualifications Board of the Appraisal Foundation:

380 (a) Has at least 3,000 hours of experience obtained over a
381 30-month period in real property appraisal as defined by rule.

382 (b) Has successfully completed at least 300 ~~180~~ classroom
383 hours, inclusive of examination, of approved academic courses in
384 subjects related to real estate appraisal, which shall include a

385 15-hour National ~~coverage of the~~ Uniform Standards of
 386 Professional Appraisal Practice course from a nationally
 387 recognized or state-recognized appraisal organization, career
 388 center, accredited community college, college, or university,
 389 state or federal agency or commission, or proprietary real
 390 estate school that holds a permit pursuant to s. 475.451. ~~The~~
 391 ~~board may increase the required number of hours to not more than~~
 392 ~~225 hours.~~ A classroom hour is defined as 50 minutes out of each
 393 60-minute segment. Past courses may be approved by the board and
 394 substituted on an hour-for-hour basis.

395 (4) ~~(5)~~ Each applicant must furnish, under oath, a detailed
 396 statement of the experience for each year of experience she or
 397 he claims. Upon request, the applicant shall furnish to the
 398 board, for its examination, copies of appraisal reports or file
 399 memoranda to support the claim for experience. Any appraisal
 400 report or file memoranda used to support a claim for experience
 401 must be maintained by the applicant for no less than 5 years
 402 after the date of certification.

403 (5) The board may implement the provisions of this section
 404 by rule.

405 Section 6. Section 475.6171, Florida Statutes, is created
 406 to read:

407 475.6171 Issuance of registration or certification.--The
 408 registration or certification of an applicant may be issued upon
 409 receipt by the board of the following:

410 (1) A complete application indicating compliance with
 411 qualifications as specified in s. 475.615.

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412 (2) Proof of successful course completion as specified in
413 s. 475.617.

414 (3) Proof of experience for certification as specified in
415 s. 475.617.

416 (4) If required, proof of passing a written examination as
417 specified in s. 475.616. No certification shall be issued based
418 upon any examination results obtained more than 24 months after
419 the date of examination.

420 (5) The board shall implement this section by rule.

421 Section 7. Subsection (3) is added to section 475.6221,
422 Florida Statutes, to read:

423 475.6221 Employment of and by registered trainee real
424 estate appraisers.--

425 (3) A supervisory appraiser may not be employed by a
426 trainee or by a corporation, partnership, firm, or group in
427 which the trainee has a controlling interest.

428 Section 8. Section 475.6222, Florida Statutes, is amended
429 to read:

430 475.6222 Supervision and training of registered trainee
431 appraisers.--The primary or secondary supervisory appraiser of a
432 registered trainee appraiser shall provide direct supervision
433 and training to the registered trainee appraiser. The role and
434 responsibility of the supervisory appraiser is determined by
435 rule of the board.

436 Section 9. Section 475.623, Florida Statutes, is amended
437 to read:

438 475.623 Registration of firm or business name and office
439 location.--Each appraiser registered, licensed, or certified

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440 under this part shall furnish in writing to the department each
441 firm or business name and address from which she or he operates
442 in the performance of appraisal services. Each appraiser must
443 notify the department of any change of firm or business name and
444 any change of address within 10 days on a form provided by the
445 department.

446 Section 10. Section 475.624, Florida Statutes, is amended
447 to read:

448 475.624 Discipline.--The board may deny an application for
449 registration,~~licensure,~~ or certification; may investigate the
450 actions of any appraiser registered, licensed, or certified
451 under this part; may reprimand or impose an administrative fine
452 not to exceed \$5,000 for each count or separate offense against
453 any such appraiser; and may revoke or suspend, for a period not
454 to exceed 10 years, the registration, license, or certification
455 of any such appraiser, or place any such appraiser on probation,
456 if it finds that the registered trainee, licensee, or
457 certificateholder:

458 (1) Has violated any provisions of this part or s.
459 455.227(1); however, certificateholders, registrants, and
460 licensees under this part are exempt from the provisions of s.
461 455.227(1)(i).

462 (2) Has been guilty of fraud, misrepresentation,
463 concealment, false promises, false pretenses, dishonest conduct,
464 culpable negligence, or breach of trust in any business
465 transaction in this state or any other state, nation, or
466 territory; has violated a duty imposed upon her or him by law or
467 by the terms of a contract, whether written, oral, express, or

468 implied, in an appraisal assignment; has aided, assisted, or
469 conspired with any other person engaged in any such misconduct
470 and in furtherance thereof; or has formed an intent, design, or
471 scheme to engage in such misconduct and committed an overt act
472 in furtherance of such intent, design, or scheme. It is
473 immaterial to the guilt of the registered trainee, licensee, or
474 certificateholder that the victim or intended victim of the
475 misconduct has sustained no damage or loss; that the damage or
476 loss has been settled and paid after discovery of the
477 misconduct; or that such victim or intended victim was a
478 customer or a person in confidential relation with the
479 registered trainee, licensee, or certificateholder, or was an
480 identified member of the general public.

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

483 (4) Has violated any of the provisions of this part
484 ~~section~~ or any lawful order or rule issued under the provisions
485 of this part ~~section~~ or chapter 455.

486 (5) Has been convicted or found guilty of, or entered a
487 plea of nolo contendere to, regardless of adjudication, a crime
488 in any jurisdiction which directly relates to the activities of
489 a registered trainee appraiser or licensed or certified
490 appraiser, or which involves moral turpitude or fraudulent or
491 dishonest conduct. The record of a conviction certified or
492 authenticated in such form as admissible in evidence under the
493 laws of the state shall be admissible as prima facie evidence of
494 such guilt.

495 (6) Has had a registration, license, or certification as
496 an appraiser revoked, suspended, or otherwise acted against, or
497 has been disbarred, or has had her or his registration, license,
498 or certificate to practice or conduct any regulated profession,
499 business, or vocation revoked or suspended by this or any other
500 state, any nation, or any possession or district of the United
501 States, or has had an application for such registration,
502 licensure, or certification to practice or conduct any regulated
503 profession, business, or vocation denied by this or any other
504 state, any nation, or any possession or district of the United
505 States.

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

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

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

520 (10) Has been found guilty, for a second time, of any
521 misconduct that warrants disciplinary action, or has been found
522 guilty of a course of conduct or practice which shows that she

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523 or he is incompetent, negligent, dishonest, or untruthful to an
524 extent that those with whom she or he may sustain a confidential
525 relationship may not safely do so.

526 (11) Has made or filed a report or record, either written
527 or oral, which the registered trainee, licensee, or
528 certificateholder knows to be false; has willfully failed to
529 file a report or record required by state or federal law; has
530 willfully impeded or obstructed such filing, or has induced
531 another person to impede or obstruct such filing. However, such
532 reports or records shall include only those which are signed or
533 presented in the capacity of a registered trainee appraiser or
534 licensed or certified appraiser.

535 (12) Has obtained or attempted to obtain a registration,
536 license, or certification by means of knowingly making a false
537 statement, submitting false information, refusing to provide
538 complete information in response to an application question, or
539 engaging in fraud, misrepresentation, or concealment.

540 (13) Has paid money or other valuable consideration,
541 except as required by this section, to any member or employee of
542 the board to obtain a registration, license, or certification
543 under this section.

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

547 (15) Has failed or refused to exercise reasonable
548 diligence in developing an appraisal or preparing an appraisal
549 report.

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550 (16) Has failed to communicate an appraisal without good
551 cause.

552 (17) Has accepted an appraisal assignment if the
553 employment itself is contingent upon the appraiser reporting a
554 predetermined result, analysis, or opinion, or if the fee to be
555 paid for the performance of the appraisal assignment is
556 contingent upon the opinion, conclusion, or valuation reached
557 upon the consequences resulting from the appraisal assignment.

558 (18) Has failed to timely notify the department of any
559 change in business location, or has failed to fully disclose all
560 business locations from which she or he operates as a registered
561 trainee real estate appraiser or licensed or certified real
562 estate appraiser.

563 Section 11. This act shall take effect July 1, 2006.