

1
2 An act relating to regulation of real estate
3 appraisers; amending s. 475.611, F.S.; revising
4 and providing definitions; amending s. 475.612,
5 F.S.; revising requirements relating to work
6 performed by persons who are not certified,
7 licensed, or registered; providing requirements
8 relating to issuance of appraisal reports and
9 compensation of appraisers, including trainees;
10 amending s. 475.615, F.S.; removing obsolete
11 language relating to qualifications for
12 registration, licensure, or certification;
13 revising education and experience requirements;
14 amending s. 475.616, F.S.; removing obsolete
15 language relating to examination requirements;
16 amending s. 475.617, F.S.; revising the minimum
17 and maximum course hour requirements for
18 trainee appraiser registration; removing
19 obsolete provisions establishing education and
20 experience requirements for licensure as an
21 appraiser; revising education and experience
22 requirements for certification as a residential
23 appraiser or general appraiser; requiring
24 applicants for certification to maintain
25 certain application documents; providing
26 rulemaking authority; creating s. 475.6171,
27 F.S.; providing for the issuance of
28 registration and certification upon receipt of
29 proper documentation; providing rulemaking
30 authority; amending s. 475.6221, F.S.;
31 prohibiting supervisory appraisers from certain

1 employment; amending s. 475.6222, F.S.;
2 requiring supervisory appraisers to provide
3 direct training to registered trainee
4 appraisers; amending s. 475.623, F.S.;
5 requiring appraisers to furnish their firm or
6 business name and any change in that name to
7 the Department of Business and Professional
8 Regulation; amending s. 475.624, F.S.; removing
9 obsolete references; correcting
10 cross-references; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (1) of section 475.611, Florida
15 Statutes, is amended to read:

16 475.611 Definitions.--

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

18 (a) "Appraisal" or "appraisal services" means the
19 services provided by certified or licensed appraisers or
20 registered trainee appraisers, and includes:

21 1. "Appraisal assignment" denotes an engagement for
22 which a person is employed or retained to act, or could be
23 perceived by third parties or the public as acting, as an
24 agent or a disinterested third party in rendering an unbiased
25 analysis, opinion, review, or conclusion relating to the
26 nature, quality, value, or utility of specified interests in,
27 or aspects of, identified real property.

28 2. "Analysis assignment" denotes appraisal services
29 that relate to the employer's or client's individual needs or
30 investment objectives and includes specialized marketing,
31 financing, and feasibility studies as well as analyses,

1 | opinions, and conclusions given in connection with activities
2 | such as real estate brokerage, mortgage banking, real estate
3 | counseling, or real estate consulting.

4 | 3. "Appraisal review assignment" denotes an engagement
5 | for which an appraiser is employed or retained to develop and
6 | communicate an opinion about the quality of another
7 | appraiser's appraisal, appraisal report, or work. An appraisal
8 | review may or may not contain the reviewing appraiser's
9 | opinion of value.

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

13 | (c) "Appraisal report" means any communication,
14 | written or oral, of an appraisal, appraisal review, appraisal
15 | consulting service, analysis, opinion, or conclusion relating
16 | to the nature, quality, value, or utility of a specified
17 | interest in, or aspect of, identified real property, and
18 | includes any report communicating an appraisal analysis,
19 | opinion, or conclusion of value, regardless of title. However,
20 | in order to be recognized in a federally related transaction,
21 | an appraisal report must be written.

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

25 | (e) "Appraisal subcommittee" means the designees of
26 | the heads of the federal financial institutions regulatory
27 | agencies established by the Federal Financial Institutions
28 | Examination Council Act of 1978 (12 U.S.C. ss. 3301 et seq.),
29 | as amended.

30 | (f) "Appraiser" means any person who is a registered
31 | trainee real estate appraiser, licensed real estate appraiser,

1 or a certified real estate appraiser. An appraiser renders a
2 professional service and is a professional within the meaning
3 of s. 95.11(4)(a).

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

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

9 (i) "Certified residential appraiser" means a person
10 who is certified by the department as qualified to issue
11 appraisal reports for residential real property of one to four
12 residential units, without regard to transaction value or
13 complexity, or real property as may be authorized by federal
14 regulation.

15 (j) "Department" means the Department of Business and
16 Professional Regulation.

17 (k) "Direct supervision" means the degree of
18 supervision required of a supervisory appraiser overseeing the
19 work of a registered trainee appraiser by which the
20 supervisory appraiser has control over and detailed
21 professional knowledge of the work being done. Direct
22 supervision is achieved when a registered trainee appraiser
23 has regular direction, guidance, and support from a
24 supervisory appraiser who has the competencies as determined
25 by rule of the board.

26 ~~(l)(k)~~ "Federally related transaction" means any real
27 estate-related financial transaction which a federal financial
28 institutions regulatory agency or the Resolution Trust
29 Corporation engages in, contracts for, or regulates, and which
30 requires the services of a state-licensed or state-certified
31 appraiser.

1 ~~(m)(1)~~ "Licensed appraiser" means a person who is
2 licensed by the department as qualified to issue appraisal
3 reports for residential real property of one to four
4 residential units or on such real estate or real property as
5 may be authorized by federal regulation. After July 1, 2003,
6 the department shall not issue licenses for the category of
7 licensed appraiser.

8 ~~(n)(m)~~ "Registered trainee appraiser" means a person
9 who is registered with the department as qualified to perform
10 appraisal services only under the direct supervision of a
11 licensed or certified appraiser. A registered trainee
12 appraiser may accept appraisal assignments only from her or
13 his primary or secondary supervisory appraiser.

14 ~~(o)(n)~~ "Supervisory appraiser" means a licensed
15 appraiser, a certified residential appraiser, or a certified
16 general appraiser responsible for the direct supervision of
17 one or more registered trainee appraisers and fully
18 responsible for appraisals and appraisal reports prepared by
19 those registered trainee appraisers. The board, by rule, shall
20 determine the responsibilities of a supervisory appraiser, the
21 geographic proximity required, the minimum qualifications and
22 standards required of a licensed or certified appraiser before
23 she or he may act in the capacity of a supervisory appraiser,
24 and the maximum number of registered trainee appraisers to be
25 supervised by an individual supervisory appraiser.

26 ~~(p)~~ "Training" means the process of providing for and
27 making available to a registered trainee appraiser, under
28 direct supervision, a planned, prepared, and coordinated
29 program, or routine of instruction and education, in appraisal
30 professional and technical appraisal skills as determined by
31 rule of the board.

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

4 ~~(r)(p)~~ "Valuation services" means services pertaining
5 to aspects of property value and includes such services
6 performed by certified appraisers, registered trainee
7 appraisers, and others.

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

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

12 475.612 Certification, licensure, or registration
13 required.--

14 (1) A person may not use the title "certified real
15 estate appraiser," "licensed real estate appraiser," or
16 "registered trainee real estate appraiser," or any
17 abbreviation or words to that effect, or issue an appraisal
18 report ~~in connection with any federally related transaction,~~
19 unless such person is certified, licensed, or registered by
20 the department under this part. However, the work upon which
21 an appraisal report is based may be performed by a person who
22 is not a certified or licensed appraiser or registered trainee
23 appraiser if the work report is supervised and approved, and
24 the report is signed, by a certified or licensed appraiser who
25 has full responsibility for all requirements of the report and
26 valuation service. Only a certified or licensed appraiser may
27 issue an appraisal report and receive direct compensation for
28 providing valuation services for the appraisal report. A
29 registered trainee appraiser may only receive compensation for
30 appraisal services from her or his authorized certified or
31 licensed appraiser.

1 (2) This section does not preclude a Florida licensed
2 real estate broker, sales associate, or broker associate who
3 is not a Florida certified or licensed real estate appraiser
4 ~~or registered trainee real estate appraiser~~ from providing
5 valuation services for compensation. Such persons may continue
6 to provide valuation services for compensation so long as they
7 do not represent themselves as certified, licensed, or
8 registered under this part.

9 (3) This section does not apply to a real estate
10 broker or sales associate who, in the ordinary course of
11 business, performs a comparative market analysis, gives a
12 price opinion, or gives an opinion of the value of real
13 estate. However, in no event may this comparative market
14 analysis, price opinion, or opinion of value of real estate be
15 referred to or construed as an appraisal.

16 (4) This section does not prevent any state court or
17 administrative law judge from certifying as an expert witness
18 in any legal or administrative proceeding an appraiser who is
19 not certified, licensed, or registered; nor does it prevent
20 any appraiser from testifying, with respect to the results of
21 an appraisal.

22 (5) This section does not apply to any full-time
23 graduate student who is enrolled in a degree program in
24 appraising at a college or university in this state, if the
25 student is acting under the direct supervision of a certified
26 or licensed appraiser and is engaged only in appraisal
27 activities related to the approved degree program. Any
28 appraisal report by the student must be issued in the name of
29 the supervising individual who is responsible for the report's
30 content.

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1 (6) This section does not apply to any employee of a
2 local, state, or federal agency who performs appraisal
3 services within the scope of her or his employment. However,
4 this exemption does not apply where any local, state, or
5 federal agency requires an employee to be registered,
6 licensed, or certified to perform appraisal services.

7 Section 3. Section 475.615, Florida Statutes, is
8 amended to read:

9 475.615 Qualifications for registration, ~~licensure,~~ or
10 certification.--

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

19 (2) The board is authorized to waive or modify any
20 education, experience, or examination requirements established
21 in this part in order to conform with any such requirements
22 established by the Appraisal Qualifications Board of the
23 Appraisal Foundation ~~and recognized by the Appraisal~~
24 ~~Subcommittee~~ or any successor body recognized by federal law,
25 including any requirements adopted on February 20, 2004. The
26 board shall implement this section by rule.

27 (3) Appropriate fees, as set forth in the rules of the
28 board pursuant to s. 475.6147, and a fingerprint card must
29 accompany all applications for registration ~~or,~~ certification,
30 ~~or licensure.~~ The fingerprint card shall be forwarded to the
31 Division of Criminal Justice Information Systems within the

1 Department of Law Enforcement for purposes of processing the
2 fingerprint card to determine if the applicant has a criminal
3 history record. The fingerprint card shall also be forwarded
4 to the Federal Bureau of Investigation for purposes of
5 processing the fingerprint card to determine if the applicant
6 has a criminal history record. The information obtained by the
7 processing of the fingerprint card by the ~~Florida~~ Department
8 of Law Enforcement and the Federal Bureau of Investigation
9 shall be sent to the department for the purpose of determining
10 if the applicant is statutorily qualified for registration ~~or~~
11 ~~certification, or licensure.~~ Effective July 1, 2006, an
12 applicant must provide fingerprints in electronic format.

13 (4) In the event that the applicant is currently a
14 registered trainee appraiser or a licensed or certified
15 appraiser and is making application to obtain a different
16 status of appraisal credential licensure, should such
17 application be received by the department within 180 days
18 prior to through 180 days after the applicant's scheduled
19 renewal, the charge for the application shall be established
20 by the rules of the board pursuant to s. 475.6147.

21 (5) At the time of filing a notarized application for
22 registration, ~~licensure,~~ or certification, the applicant must
23 sign a pledge to comply with the Uniform Standards of
24 Professional Appraisal Practice upon registration, ~~licensure,~~
25 or certification, and must indicate in writing that she or he
26 understands the types of misconduct for which disciplinary
27 proceedings may be initiated. The application shall expire 1
28 year after from the date received, ~~if the applicant for~~
29 ~~registration, licensure, or certification fails to take the~~
30 ~~appropriate examination.~~

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1 (6) All applicants must be competent and qualified to
2 make real estate appraisals with safety to those with whom
3 they may undertake a relationship of trust and confidence and
4 the general public. If any applicant has been denied
5 registration, licensure, or certification, or has been
6 disbarred, or the applicant's registration, license, or
7 certificate to practice or conduct any regulated profession,
8 business, or vocation has been revoked or suspended by this or
9 any other state, any nation, or any possession or district of
10 the United States, or any court or lawful agency thereof,
11 because of any conduct or practices which would have warranted
12 a like result under this part, or if the applicant has been
13 guilty of conduct or practices in this state or elsewhere
14 which would have been grounds for disciplining her or his
15 registration, license, or certification under this part had
16 the applicant then been a registered trainee appraiser or a
17 licensed or certified appraiser, the applicant shall be deemed
18 not to be qualified unless, because of lapse of time and
19 subsequent good conduct and reputation, or other reason deemed
20 sufficient, it appears to the board that the interest of the
21 public is not likely to be endangered by the granting of
22 registration, ~~licensure,~~ or certification.

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

27 Section 4. Section 475.616, Florida Statutes, is
28 amended to read:

29 475.616 Examination requirements.--To be ~~licensed or~~
30 certified as an appraiser, the applicant must demonstrate, by
31 passing a written examination, that she or he possesses:

1 (1) A knowledge of technical terms commonly used in
2 real estate appraisal.

3 (2) An understanding of the principles of land
4 economics, real estate appraisal processes, reliable sources
5 of appraising data, and problems likely to be encountered in
6 the gathering, interpreting, and processing of data in
7 carrying out appraisal disciplines.

8 (3) An understanding of the standards for the
9 development and communication of real estate appraisals as
10 provided in this part.

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

14 (5) Knowledge of the theories of depreciation, cost
15 estimating, methods of capitalization, and the mathematics of
16 real estate appraisal ~~that are appropriate for the licensure~~
17 ~~or certification for which application is made.~~

18 Section 5. Section 475.617, Florida Statutes, is
19 amended to read:

20 475.617 Education and experience requirements.--

21 (1) To be registered as a trainee appraiser, an
22 applicant must present evidence satisfactory to the board that
23 she or he has successfully completed at least 100 ~~75~~ hours of
24 approved academic courses in subjects related to real estate
25 appraisal, which shall include coverage of the Uniform
26 Standards of Professional Appraisal Practice from a nationally
27 recognized or state-recognized appraisal organization, career
28 center, accredited community college, college, or university,
29 state or federal agency or commission, or proprietary real
30 estate school that holds a permit pursuant to s. 475.451. The
31 board may increase the required number of hours to not more

1 | than 125 ~~100~~ hours. A classroom hour is defined as 50 minutes
2 | out of each 60-minute segment. Past courses may be approved on
3 | an hour-for-hour basis.

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

6 | ~~(a) Has 2 years of experience in real property~~
7 | ~~appraisal as defined by rule.~~

8 | ~~(b) Has successfully completed at least 90 classroom~~
9 | ~~hours, inclusive of examination, of approved academic courses~~
10 | ~~in subjects related to real estate appraisal, which shall~~
11 | ~~include coverage of the Uniform Standards of Professional~~
12 | ~~Appraisal Practice from a nationally recognized or~~
13 | ~~state recognized appraisal organization, career center,~~
14 | ~~accredited community college, college, or university, state or~~
15 | ~~federal agency or commission, or proprietary real estate~~
16 | ~~school that holds a permit pursuant to s. 475.451. The board~~
17 | ~~may increase the required number of hours to not more than 120~~
18 | ~~hours. A classroom hour is defined as 50 minutes out of each~~
19 | ~~60 minute segment. Past courses may be approved by the board~~
20 | ~~and substituted on an hour for hour basis.~~

21 | ~~(2)(3)~~ To be certified as a residential appraiser, an
22 | applicant must present satisfactory evidence to the board that
23 | she or he has met the minimum education and experience
24 | requirements prescribed by rule of the board. The board shall
25 | prescribe by rule education and experience requirements that
26 | meet or exceed the following real property appraiser
27 | qualification criteria adopted on February 20, 2004, by the
28 | Appraisal Qualifications Board of the Appraisal Foundation:

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

1 (b) Has successfully completed at least 200 ~~120~~
2 classroom hours, inclusive of examination, of approved
3 academic courses in subjects related to real estate appraisal,
4 which shall include a 15-hour National ~~coverage of the~~ Uniform
5 Standards of Professional Appraisal Practice course from a
6 nationally recognized or state-recognized appraisal
7 organization, career center, accredited community college,
8 college, or university, state or federal agency or commission,
9 or proprietary real estate school that holds a permit pursuant
10 to s. 475.451. ~~The board may increase the required number of~~
11 ~~hours to not more than 165 hours.~~ A classroom hour is defined
12 as 50 minutes out of each 60-minute segment. Past courses may
13 be approved by the board and substituted on an hour-for-hour
14 basis.

15 ~~(3)(4)~~ To be certified as a general appraiser, an
16 applicant must present evidence satisfactory to the board that
17 she or he has met the minimum education and experience
18 requirements prescribed by rule of the board. The board shall
19 prescribe education and experience requirements that meet or
20 exceed the following real property appraiser qualification
21 criteria adopted on February 20, 2004, by the Appraisal
22 Qualifications Board of the Appraisal Foundation:

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

26 (b) Has successfully completed at least 300 ~~180~~
27 classroom hours, inclusive of examination, of approved
28 academic courses in subjects related to real estate appraisal,
29 which shall include a 15-hour National ~~coverage of the~~ Uniform
30 Standards of Professional Appraisal Practice course from a
31 nationally recognized or state-recognized appraisal

1 organization, career center, accredited community college,
2 college, or university, state or federal agency or commission,
3 or proprietary real estate school that holds a permit pursuant
4 to s. 475.451. ~~The board may increase the required number of~~
5 ~~hours to not more than 225 hours.~~ A classroom hour is defined
6 as 50 minutes out of each 60-minute segment. Past courses may
7 be approved by the board and substituted on an hour-for-hour
8 basis.

9 ~~(4)(5)~~ Each applicant must furnish, under oath, a
10 detailed statement of the experience for each year of
11 experience she or he claims. Upon request, the applicant shall
12 furnish to the board, for its examination, copies of appraisal
13 reports or file memoranda to support the claim for experience.
14 Any appraisal report or file memoranda used to support a claim
15 for experience must be maintained by the applicant for no less
16 than 5 years after the date of certification.

17 (5) The board may implement the provisions of this
18 section by rule.

19 Section 6. Section 475.6171, Florida Statutes, is
20 created to read:

21 475.6171 Issuance of registration or
22 certification.--The registration or certification of an
23 applicant may be issued upon receipt by the board of the
24 following:

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

27 (2) Proof of successful course completion as specified
28 in s. 475.617.

29 (3) Proof of experience for certification as specified
30 in s. 475.617.

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

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

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

8 475.6221 Employment of and by registered trainee real
9 estate appraisers.--

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

13 Section 8. Section 475.6222, Florida Statutes, is
14 amended to read:

15 475.6222 Supervision and training of registered
16 trainee appraisers.--The primary or secondary supervisory
17 appraiser of a registered trainee appraiser shall provide
18 direct supervision and training to the registered trainee
19 appraiser. The role and responsibility of the supervisory
20 appraiser is determined by rule of the board.

21 Section 9. Section 475.623, Florida Statutes, is
22 amended to read:

23 475.623 Registration of firm or business name and
24 office location.--Each appraiser registered, licensed, or
25 certified under this part shall furnish in writing to the
26 department each firm or business name and address from which
27 she or he operates in the performance of appraisal services.
28 Each appraiser must notify the department of any change of
29 firm or business name and any change of address within 10 days
30 on a form provided by the department.

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1 Section 10. 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, licensee, or certificateholder:

13 (1) Has violated any provisions of this part or s.
14 455.227(1); however, certificateholders, registrants, and
15 licensees under this part are exempt from the provisions of s.
16 455.227(1)(i).

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

1 | discovery of the misconduct; or that such victim or intended
2 | victim was a customer or a person in confidential relation
3 | with the registered trainee, licensee, or certificateholder,
4 | or was an identified member of the general 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 part
9 | ~~section~~ or any lawful order or rule issued under the
10 | provisions of this part ~~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 appraiser or licensed or
15 | certified appraiser, or which involves moral turpitude or
16 | fraudulent or dishonest conduct. The record of a conviction
17 | certified or authenticated in such form as admissible in
18 | evidence under the laws of the state shall be admissible as
19 | 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.

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

30 (12) Has obtained or attempted to obtain a
31 registration, license, or certification by means of knowingly

1 making a false statement, submitting false information,
2 refusing to provide complete information in response to an
3 application question, or engaging in fraud, misrepresentation,
4 or concealment.

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

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

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

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

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

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

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