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Proposed Committee Substitute by the Committee on Regulated  
Industries

1                                   A bill to be entitled  
2           An act relating to regulation of real estate  
3           appraisers and appraisal management companies;  
4           amending s. 475.611, F.S.; providing definitions;  
5           amending s. 475.614, F.S.; requiring the Florida Real  
6           Estate Appraisal Board to adopt certain rules;  
7           amending s. 475.6147, F.S.; requiring application,  
8           registration, and renewal fees for appraisal  
9           management companies; creating s. 475.6235, F.S.;  
10          requiring appraisal management companies to register  
11          with the Department of Business and Professional  
12          Regulation; specifying application requirements and  
13          procedures; requiring the fingerprinting and criminal  
14          history records checks of, and providing  
15          qualifications for, certain persons who control  
16          appraisal management companies; requiring nonresident  
17          appraisal management companies to consent to  
18          commencement of actions in this state; requiring the  
19          department to adopt rules relating to the renewal of  
20          registrations; amending s. 475.624, F.S.; conforming  
21          provisions to changes made by the act; creating s.  
22          475.6245, F.S.; providing for the discipline of  
23          appraisal management companies by the board; amending  
24          s. 475.626, F.S.; providing penalties; conforming  
25          provisions to changes made by the act; amending s.  
26          475.629, F.S.; revising requirements for the retention  
27          of appraisal records; requiring appraisal management



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28           companies to follow such requirements; providing an  
29           effective date.

30

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

32

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

35           475.611 Definitions.—

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

37           (a) "Appraisal" or "appraisal services" means the services  
38 provided by certified or licensed appraisers or registered  
39 trainee appraisers, and includes:

40           1. "Appraisal assignment" denotes an engagement for which a  
41 person is employed or retained to act, or could be perceived by  
42 third parties or the public as acting, as an agent or a  
43 disinterested third party in rendering an unbiased analysis,  
44 opinion, review, or conclusion relating to the nature, quality,  
45 value, or utility of specified interests in, or aspects of,  
46 identified real property.

47           2. "Analysis assignment" denotes appraisal services that  
48 relate to the employer's or client's individual needs or  
49 investment objectives and includes specialized marketing,  
50 financing, and feasibility studies as well as analyses,  
51 opinions, and conclusions given in connection with activities  
52 such as real estate brokerage, mortgage banking, real estate  
53 counseling, or real estate consulting.

54           3. "Appraisal review assignment" denotes an engagement for  
55 which an appraiser is employed or retained to develop and  
56 communicate an opinion about the quality of another appraiser's



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57 appraisal, appraisal report, or work. An appraisal review may or  
58 may not contain the reviewing appraiser's opinion of value.

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

62 (c) "Appraisal management company" means a person who  
63 performs appraisal management services.

64 (d) "Appraisal management services" means the coordination  
65 or management of appraisal services for compensation by:

66 1. Employing, contracting with, or otherwise retaining one  
67 or more appraisers to perform appraisal services for a client;  
68 or

69 2. Acting as a broker or intermediary between a client and  
70 one or more appraisers to facilitate the client's employing,  
71 contracting with, or otherwise retaining the appraisers.

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

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

84 (g)~~(e)~~ "Appraisal subcommittee" means the designees of the  
85 heads of the federal financial institutions regulatory agencies



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86 established by the Federal Financial Institutions Examination  
87 Council Act of 1978 (12 U.S.C. ss. 3301 et seq.), as amended.

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

93 (i) "Appraiser panel" means a group of appraisers selected  
94 by an appraisal management company to perform appraisal services  
95 for clients on behalf of the company.

96 (j)~~(g)~~ "Board" means the Florida Real Estate Appraisal  
97 Board established under this section.

98 (k)~~(h)~~ "Certified general appraiser" means a person who is  
99 certified by the department as qualified to issue appraisal  
100 reports for any type of real property.

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

106 (m) "Client" means a person who contracts with an appraiser  
107 or appraisal management company for the performance of appraisal  
108 services.

109 (n)~~(j)~~ "Department" means the Department of Business and  
110 Professional Regulation.

111 (o)~~(k)~~ "Direct supervision" means the degree of supervision  
112 required of a supervisory appraiser overseeing the work of a  
113 registered trainee appraiser by which the supervisory appraiser  
114 has control over and detailed professional knowledge of the work



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115 being done. Direct supervision is achieved when a registered  
116 trainee appraiser has regular direction, guidance, and support  
117 from a supervisory appraiser who has the competencies as  
118 determined by rule of the board.

119 (p)~~(l)~~ "Federally related transaction" means any real  
120 estate-related financial transaction which a federal financial  
121 institutions regulatory agency or the Resolution Trust  
122 Corporation engages in, contracts for, or regulates, and which  
123 requires the services of a state-licensed or state-certified  
124 appraiser.

125 (q)~~(m)~~ "Licensed appraiser" means a person who is licensed  
126 by the department as qualified to issue appraisal reports for  
127 residential real property of one to four residential units or on  
128 such real estate or real property as may be authorized by  
129 federal regulation. After July 1, 2003, the department shall not  
130 issue licenses for the category of licensed appraiser.

131 (r)~~(n)~~ "Registered trainee appraiser" means a person who is  
132 registered with the department as qualified to perform appraisal  
133 services only under the direct supervision of a licensed or  
134 certified appraiser. A registered trainee appraiser may accept  
135 appraisal assignments only from her or his primary or secondary  
136 supervisory appraiser.

137 (s) "Signature" means personalized evidence indicating  
138 authentication of work performed by an appraiser and the  
139 acceptance of responsibility for the content of an appraisal,  
140 appraisal review, or appraisal consulting service or conclusions  
141 in an appraisal report.

142 (t)~~(o)~~ "Supervisory appraiser" means a licensed appraiser,  
143 a certified residential appraiser, or a certified general



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144 appraiser responsible for the direct supervision of one or more  
145 registered trainee appraisers and fully responsible for  
146 appraisals and appraisal reports prepared by those registered  
147 trainee appraisers. The board, by rule, shall determine the  
148 responsibilities of a supervisory appraiser, the geographic  
149 proximity required, the minimum qualifications and standards  
150 required of a licensed or certified appraiser before she or he  
151 may act in the capacity of a supervisory appraiser, and the  
152 maximum number of registered trainee appraisers to be supervised  
153 by an individual supervisory appraiser.

154 (u)~~(p)~~ "Training" means the process of providing for and  
155 making available to a registered trainee appraiser, under direct  
156 supervision, a planned, prepared, and coordinated program, or  
157 routine of instruction and education, in appraisal professional  
158 and technical appraisal skills as determined by rule of the  
159 board.

160 (v)~~(q)~~ "Uniform Standards of Professional Appraisal  
161 Practice" means the most recent standards approved and adopted  
162 by the Appraisal Standards Board of the Appraisal Foundation.

163 (w)~~(r)~~ "Valuation services" means services pertaining to  
164 aspects of property value and includes such services performed  
165 by certified appraisers, registered trainee appraisers, and  
166 others.

167 (x)~~(s)~~ "Work file" means the documentation necessary to  
168 support an appraiser's analysis, opinions, and conclusions.

169 Section 2. Section 475.614, Florida Statutes, is amended to  
170 read:

171 475.614 Power of board to adopt rules and decide questions  
172 of practice; requirements for protection of appraiser's



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173 signature.—

174       (1) The board has authority to adopt rules pursuant to ss.  
175 120.536(1) and 120.54 to implement provisions of law conferring  
176 duties upon it. The board may decide questions of practice  
177 arising in the proceedings before it, having regard to this  
178 section and the rules then in force.

179       (2) The board shall adopt rules specifying the means by  
180 which an appraiser's signature may be affixed to an appraisal  
181 report or other work performed by the appraiser. The rules shall  
182 include requirements for protecting the security of an  
183 appraiser's signature and prohibiting practices that may  
184 discredit the use of an appraiser's signature to authenticate  
185 the work performed by the appraiser.

186       Section 3. Subsection (1) of section 475.6147, Florida  
187 Statutes, is amended to read:

188       475.6147 Fees.—

189       (1)(a) The board by rule may establish fees to be paid for  
190 application, licensing and renewal, certification and  
191 recertification, registration and reregistration, reinstatement,  
192 and recordmaking and recordkeeping.

193       (b) The fee for initial application of an appraiser may not  
194 exceed \$150, and the combined cost of the application and  
195 examination may not exceed \$300. The initial certification,  
196 registration, or license fee and the certification,  
197 registration, or license renewal fee may not exceed \$150 for  
198 each year of the duration of the certification, registration, or  
199 license.

200       (c) The fee for initial application of an appraisal  
201 management company may not exceed \$150. The initial registration



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202 and registration renewal fee may not exceed \$150 for each year  
203 of the duration of the registration.

204 (d) The board may also establish by rule a late renewal  
205 penalty.

206 (e) The board shall establish fees which are adequate to  
207 ensure its continued operation. Fees shall be based on estimates  
208 made by the department of the revenue required to implement this  
209 part and other provisions of law relating to the regulation of  
210 real estate appraisers.

211 Section 4. Section 475.6235, Florida Statutes, is created  
212 to read:

213 475.6235 Registration of appraisal management companies  
214 required.—

215 (1) A person may not engage in appraisal management  
216 services for compensation in this state, advertise or represent  
217 herself or himself as an appraisal management company, or use  
218 the titles "appraisal management company," "appraiser  
219 cooperative," "appraiser portal," or "mortgage technology  
220 company," or any abbreviation or words to that effect, unless  
221 the person is registered with the department as an appraisal  
222 management company under this section. However, an employee of  
223 an appraisal management company is not required to obtain a  
224 separate registration.

225 (2) An application for registration must be submitted to  
226 the department in the format prescribed by the department and  
227 must include, at a minimum, the following:

228 (a) The firm or business name under which the appraisal  
229 management company conducts business in this state. The  
230 appraisal management company must notify the department of any





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231 change in the firm or business name, on a form provided by the  
232 department, within 10 days after such change.

233 (b) The mailing address, street address, and telephone  
234 number of the appraisal management company's principal business  
235 location. The appraisal management company must notify the  
236 department of any change in the mailing or street address, on a  
237 form provided by the department, within 10 days after such  
238 change.

239 (c) The appraisal management company's federal employer  
240 identification number.

241 (d) The appraisal management company's type of business  
242 organization, such as a corporation, partnership, limited  
243 liability company, or sole proprietorship.

244 (e) A statement as to whether the appraisal management  
245 company, if incorporated, is a domestic or foreign corporation,  
246 the company's date of incorporation, the state in which the  
247 company was incorporated, its charter number, and, if it is a  
248 foreign corporation, the date that the company first registered  
249 with the Department of State to conduct business in this state.

250 (f) The full name, street address, telephone number,  
251 corporate title, and social security number or federal employer  
252 identification number of any person who possesses the authority,  
253 directly or indirectly, to direct the management or policies of  
254 the appraisal management company, whether through ownership, by  
255 contract, or otherwise, including, but not limited to:

256 1. Each officer and director if the appraisal management  
257 company is a corporation.

258 2. Each general partner if the appraisal management company  
259 is a partnership.



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260           3. Each manager or managing member if the appraisal  
261 management company is a limited liability company.

262           4. The owner if the appraisal management company is a sole  
263 proprietorship.

264           5. Each other person who, directly or indirectly, owns or  
265 controls 10 percent or more of an ownership interest in the  
266 appraisal management company.

267           (g) The firm or business name under which any person listed  
268 in paragraph (f) conducted business as an appraisal management  
269 company within the 5 years preceding the date of the  
270 application.

271           (h) The appraisal management company's registered agent for  
272 service of process in this state.

273           (3) Appropriate fees, as set forth in the rules of the  
274 board pursuant to s. 475.6147, and a complete set of  
275 fingerprints for each person listed in paragraph (2)(f) must  
276 accompany all applications for registration. The fingerprints  
277 shall be forwarded to the Division of Criminal Justice  
278 Information Systems within the Department of Law Enforcement for  
279 purposes of processing the fingerprints to determine whether the  
280 person has a criminal history record. The fingerprints shall  
281 also be forwarded to the Federal Bureau of Investigation for  
282 purposes of processing the fingerprints to determine whether the  
283 person has a criminal history record. The information obtained  
284 by the processing of fingerprints by the Department of Law  
285 Enforcement and the Federal Bureau of Investigation shall be  
286 sent to the department for the purpose of determining whether  
287 the appraisal management company is statutorily qualified for  
288 registration.



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289       (4) At the time of filing an application for registration  
290 of an appraisal management company, each person listed in  
291 paragraph (2)(f) must sign a pledge to comply with the Uniform  
292 Standards of Professional Appraisal Practice upon registration  
293 and must indicate in writing that she or he understands the  
294 types of misconduct for which disciplinary proceedings may be  
295 initiated. The application shall expire 1 year after the date  
296 received.

297       (5) Each person listed in paragraph (2)(f) must be  
298 competent and qualified to engage in appraisal management  
299 services with safety to the general public and those with whom  
300 the person may undertake a relationship of trust and confidence.  
301 If any person listed in paragraph (2)(f) has been denied  
302 registration, licensure, or certification as an appraiser or has  
303 been disbarred, or if the person's registration, license, or  
304 certificate to practice or conduct any regulated profession,  
305 business, or vocation has been revoked or suspended by this or  
306 any other state, any nation, any possession or district of the  
307 United States, or any court or lawful agency thereof because of  
308 any conduct or practices that would have warranted a like result  
309 under this part, or if the person has been guilty of conduct or  
310 practices in this state or elsewhere that would have been  
311 grounds for disciplining her or his registration, license, or  
312 certification under this part had the person then been a  
313 registered trainee appraiser or a licensed or certified  
314 appraiser, the person shall be deemed not to be qualified  
315 unless, because of lapse of time and subsequent good conduct and  
316 reputation, or other reason deemed sufficient, it appears to the  
317 board that the interest of the public is not likely to be



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318 endangered by the granting of registration.

319 (6) An applicant seeking to become registered under this  
320 part as an appraisal management company may not be rejected  
321 solely by virtue of membership or lack of membership of any  
322 person listed in paragraph (2)(f) or any employee of the company  
323 in any particular appraisal organization.

324 (7) An applicant for registration who is not a resident of  
325 the state shall file an irrevocable consent that suits and  
326 actions may be commenced against the appraisal management  
327 company in any county of the state in which a plaintiff having a  
328 cause of action or suit against the company resides and that  
329 service of any process or pleading in suits or actions against  
330 the company may be made by delivering the process or pleading to  
331 the director of the Division of Real Estate by certified mail,  
332 return receipt requested, and also to the appraisal management  
333 company by registered mail addressed to the company's designated  
334 principal business location or, if its principal business  
335 location is located in this state, to the company's registered  
336 agent. Service, when so made, must be taken and held in all  
337 courts to be as valid and binding upon the appraisal management  
338 company as if made upon the company in this state within the  
339 jurisdiction of the court in which the suit or action is filed.  
340 The irrevocable consent must be in a form prescribed by the  
341 department and be acknowledged before a notary public.

342 (8) The department shall renew the registration of an  
343 appraisal management company upon receipt of the renewal  
344 application and the proper fee. The department shall adopt rules  
345 establishing a procedure for renewal of the registration of an  
346 appraisal management company at least every 4 years.



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347 Section 5. Section 475.624, Florida Statutes, is amended to  
348 read:

349 475.624 Discipline of appraisers.—The board may deny an  
350 application for registration or certification of an appraiser;  
351 may investigate the actions of any appraiser registered,  
352 licensed, or certified under this part; may reprimand or impose  
353 an administrative fine not to exceed \$5,000 for each count or  
354 separate offense against any such appraiser; and may revoke or  
355 suspend, for a period not to exceed 10 years, the registration,  
356 license, or certification of any such appraiser, or place any  
357 such appraiser on probation, if the board ~~it~~ finds that the  
358 registered trainee, licensee, or certificateholder:

359 (1) Has violated any provision ~~provisions~~ of this part or  
360 s. 455.227(1); however, any appraiser registered, licensed, or  
361 certified ~~certificateholders, registrants, and licensees~~ under  
362 this part is ~~are~~ exempt from ~~the provisions of~~ s. 455.227(1) (i).

363 (2) Has been guilty of fraud, misrepresentation,  
364 concealment, false promises, false pretenses, dishonest conduct,  
365 culpable negligence, or breach of trust in any business  
366 transaction in this state or any other state, nation, or  
367 territory; has violated a duty imposed upon her or him by law or  
368 by the terms of a contract, whether written, oral, express, or  
369 implied, in an appraisal assignment; has aided, assisted, or  
370 conspired with any other person engaged in any such misconduct  
371 and in furtherance thereof; or has formed an intent, design, or  
372 scheme to engage in such misconduct and committed an overt act  
373 in furtherance of such intent, design, or scheme. It is  
374 immaterial to the guilt of the registered trainee appraiser or  
375 licensed, ~~licensee~~, or certified appraiser ~~certificateholder~~



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376 that the victim or intended victim of the misconduct has  
377 sustained no damage or loss; that the damage or loss has been  
378 settled and paid after discovery of the misconduct; or that such  
379 victim or intended victim was a customer or a person in  
380 confidential relation with the registered trainee appraiser or  
381 licensed, ~~licensee~~, or certified appraiser ~~certificateholder~~, or  
382 was an identified member of the general public.

383 (3) Has advertised services in a manner that ~~which~~ is  
384 fraudulent, false, deceptive, or misleading in form or content.

385 (4) Has violated any provision ~~of the provisions~~ of this  
386 part or any lawful order or rule issued under ~~the provisions of~~  
387 this part or chapter 455.

388 (5) Has been convicted or found guilty of, or entered a  
389 plea of nolo contendere to, regardless of adjudication, a crime  
390 in any jurisdiction that ~~which~~ directly relates to the  
391 activities of a registered trainee appraiser or licensed or  
392 certified appraiser, or that ~~which~~ involves moral turpitude or  
393 fraudulent or dishonest conduct. The record of a conviction  
394 certified or authenticated in such form as admissible in  
395 evidence under the laws of the state shall be admissible as  
396 prima facie evidence of such guilt.

397 (6) Has had a registration, license, or certification as an  
398 appraiser revoked, suspended, or otherwise acted against; ~~or~~  
399 has been disbarred; ~~or~~ has had her or his registration,  
400 license, or certificate to practice or conduct any regulated  
401 profession, business, or vocation revoked or suspended by this  
402 or any other state, any nation, or any possession or district of  
403 the United States; ~~or~~ or has had an application for such  
404 registration, licensure, or certification to practice or conduct



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405 any regulated profession, business, or vocation denied by this  
406 or any other state, any nation, or any possession or district of  
407 the United States.

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

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

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

422 (10) Has been found guilty, for a second time, of any  
423 misconduct that warrants disciplinary action, or has been found  
424 guilty of a course of conduct or practice that ~~which~~ shows that  
425 she or he is incompetent, negligent, dishonest, or untruthful to  
426 an extent that those with whom she or he may sustain a  
427 confidential relationship may not safely do so.

428 (11) Has made or filed a report or record, either written  
429 or oral, that ~~which~~ the registered trainee appraiser or  
430 licensed, licensee, or certified appraiser certificateholder  
431 knows to be false; has willfully failed to file a report or  
432 record required by state or federal law; has willfully impeded  
433 or obstructed such filing;; or has induced another person to



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434 impede or obstruct such filing. However, such reports or records  
435 shall include only those that ~~which~~ are signed or presented in  
436 the capacity of a registered trainee appraiser or licensed or  
437 certified appraiser.

438 (12) Has obtained or attempted to obtain a registration,  
439 license, or certification by means of knowingly making a false  
440 statement, submitting false information, refusing to provide  
441 complete information in response to an application question, or  
442 engaging in fraud, misrepresentation, or concealment.

443 (13) Has paid money or other valuable consideration, except  
444 as required by this section, to any member or employee of the  
445 board to obtain a registration, license, or certification under  
446 this section.

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

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

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

454 (17) Has accepted an appraisal assignment if the employment  
455 itself is contingent upon the appraiser reporting a  
456 predetermined result, analysis, or opinion, or if the fee to be  
457 paid for the performance of the appraisal assignment is  
458 contingent upon the opinion, conclusion, or valuation reached  
459 upon the consequences resulting from the appraisal assignment.

460 (18) Has failed to timely notify the department of any  
461 change in business location, or has failed to fully disclose all  
462 business locations from which she or he operates as a registered





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463 trainee ~~real-estate~~ appraiser or licensed or certified ~~real~~  
464 ~~estate~~ appraiser.

465 Section 6. Section 475.6245, Florida Statutes, is created  
466 to read:

467 475.6245 Discipline of appraisal management companies.-

468 (1) The board may deny an application for registration of  
469 an appraisal management company; may investigate the actions of  
470 any appraisal management company registered under this part; may  
471 reprimand or impose an administrative fine not to exceed \$5,000  
472 for each count or separate offense against any such appraisal  
473 management company; and may revoke or suspend, for a period not  
474 to exceed 10 years, the registration of any such appraisal  
475 management company, or place any such appraisal management  
476 company on probation, if the board finds that the appraisal  
477 management company or any person listed in s. 475.6235(2) (f):

478 (a) Has violated any provision of this part or s.  
479 455.227(1); however, any appraisal management company registered  
480 under this part is exempt from s. 455.227(1) (i).

481 (b) Has been guilty of fraud, misrepresentation,  
482 concealment, false promises, false pretenses, dishonest conduct,  
483 culpable negligence, or breach of trust in any business  
484 transaction in this state or any other state, nation, or  
485 territory; has violated a duty imposed upon her or him by law or  
486 by the terms of a contract, whether written, oral, express, or  
487 implied, in an appraisal assignment; has aided, assisted, or  
488 conspired with any other person engaged in any such misconduct  
489 and in furtherance thereof; or has formed an intent, design, or  
490 scheme to engage in such misconduct and committed an overt act  
491 in furtherance of such intent, design, or scheme. It is



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492 immaterial to the guilt of the appraisal management company that  
493 the victim or intended victim of the misconduct has sustained no  
494 damage or loss; that the damage or loss has been settled and  
495 paid after discovery of the misconduct; or that such victim or  
496 intended victim was a customer or a person in confidential  
497 relation with the appraisal management company or was an  
498 identified member of the general public.

499 (c) Has advertised services in a manner that is fraudulent,  
500 false, deceptive, or misleading in form or content.

501 (d) Has violated any provision of this part or any lawful  
502 order or rule issued under this part or chapter 455.

503 (e) Has been convicted or found guilty of, or entered a  
504 plea of nolo contendere to, regardless of adjudication, a crime  
505 in any jurisdiction that directly relates to the activities of  
506 an appraisal management company or that involves moral turpitude  
507 or fraudulent or dishonest conduct. The record of a conviction  
508 certified or authenticated in such form as admissible in  
509 evidence under the laws of the state shall be admissible as  
510 prima facie evidence of such guilt.

511 (f) Has had a registration, license, or certification as an  
512 appraiser or a registration as an appraisal management company  
513 revoked, suspended, or otherwise acted against; has been  
514 disbarred; has had her or his registration, license, or  
515 certificate to practice or conduct any regulated profession,  
516 business, or vocation revoked or suspended by this or any other  
517 state, any nation, or any possession or district of the United  
518 States; or has had an application for such registration,  
519 licensure, or certification to practice or conduct any regulated  
520 profession, business, or vocation denied by this or any other



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521 state, any nation, or any possession or district of the United  
522 States.

523 (g) Has become temporarily incapacitated from acting as an  
524 appraisal management company with safety to those in a fiduciary  
525 relationship with her or him because of drunkenness, use of  
526 drugs, or temporary mental derangement; however, suspension of a  
527 registration in such cases shall only be for the period of such  
528 incapacity.

529 (h) Is confined in any county jail, postadjudication; is  
530 confined in any state or federal prison or mental institution;  
531 or, through mental disease or deterioration, can no longer  
532 safely be entrusted to deal with the public or in a confidential  
533 capacity.

534 (i) Has failed to inform the board in writing within 30  
535 days after pleading guilty or nolo contendere to, or being  
536 convicted or found guilty of, any felony.

537 (j) Has been found guilty, for a second time, of any  
538 misconduct that warrants disciplinary action, or has been found  
539 guilty of a course of conduct or practice that shows that she or  
540 he is incompetent, negligent, dishonest, or untruthful to an  
541 extent that those with whom she or he may sustain a confidential  
542 relationship may not safely do so.

543 (k) Has made or filed a report or record, either written or  
544 oral, that the appraisal management company knows to be false;  
545 has willfully failed to file a report or record required by  
546 state or federal law; has willfully impeded or obstructed such  
547 filing; or has induced another person to impede or obstruct such  
548 filing. However, such reports or records shall include only  
549 those that are signed or presented in the capacity of an



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550 appraisal management company.

551 (l) Has obtained or attempted to obtain a registration,  
552 license, or certification by means of knowingly making a false  
553 statement, submitting false information, refusing to provide  
554 complete information in response to an application question, or  
555 engaging in fraud, misrepresentation, or concealment.

556 (m) Has paid money or other valuable consideration, except  
557 as required by this section, to any member or employee of the  
558 board to obtain a registration, license, or certification under  
559 this section.

560 (n) Has instructed an appraiser to violate any standard for  
561 the development or communication of a real estate appraisal or  
562 other provision of the Uniform Standards of Professional  
563 Appraisal Practice.

564 (o) Has engaged in the development of an appraisal or the  
565 preparation of an appraisal report, unless the appraisal  
566 management company is owned or controlled by persons who are  
567 certified appraisers.

568 (p) Has failed to communicate an appraisal without good  
569 cause.

570 (q) Has accepted an appraisal assignment if the employment  
571 itself is contingent upon the appraisal management company  
572 reporting a predetermined result, analysis, or opinion or if the  
573 fee to be paid for the performance of the appraisal assignment  
574 is contingent upon the opinion, conclusion, or valuation reached  
575 upon the consequences resulting from the appraisal assignment.

576 (r) Has failed to timely notify the department of any  
577 change in principal business location as an appraisal management  
578 company.



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579       (s) Has influenced or attempted to influence the  
580 development, reporting, or review of an appraisal through  
581 coercion, extortion, collusion, compensation, inducement,  
582 intimidation, bribery, or any other means, including, but not  
583 limited to:

584       1. Withholding or threatening to withhold timely payment  
585 for an appraisal, unless such nonpayment is based upon specific  
586 quality or other service issues that constitute noncompliance  
587 with the appraisal engagement agreement.

588       2. Withholding or threatening to withhold future business  
589 from an appraiser.

590       3. Promising future business, promotions, or increased  
591 compensation for an appraiser, whether the promise is express or  
592 implied.

593       4. Conditioning a request for appraisal services or the  
594 payment of an appraisal fee, salary, or bonus upon the opinion,  
595 conclusion, or valuation to be reached or upon a preliminary  
596 estimate or opinion requested from an appraiser.

597       5. Requesting that an appraiser provide an estimated,  
598 predetermined, or desired valuation in an appraisal report or  
599 provide estimated values or comparable sales at any time before  
600 the appraiser's completion of appraisal services.

601       6. Providing to an appraiser an anticipated, estimated,  
602 encouraged, or desired value for a subject property or a  
603 proposed or target amount to be loaned to the borrower, except  
604 that a copy of the sales contract for purchase transactions may  
605 be provided.

606       7. Providing to an appraiser, or any person related to the  
607 appraiser, stock or other financial or nonfinancial benefits.



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608       8. Allowing the removal of an appraiser from an appraiser  
609 panel without prior written notice to the appraiser.

610       9. Obtaining, using, or paying for a second or subsequent  
611 appraisal or ordering an automated valuation model in connection  
612 with a mortgage financing transaction unless there is a  
613 reasonable basis to believe that the initial appraisal was  
614 flawed or tainted and such basis is clearly and appropriately  
615 noted in the loan file, or unless such appraisal or automated  
616 valuation model is issued pursuant to a bona fide prefunding or  
617 postfunding appraisal review or quality control process.

618       10. Any other act or practice that impairs or attempts to  
619 impair an appraiser's independence, objectivity, or  
620 impartiality.

621       (t) Has altered, modified, or otherwise changed a completed  
622 appraisal report submitted by an appraiser to an appraisal  
623 management company.

624       (u) Has employed, contracted with, or otherwise retained an  
625 appraiser whose registration, license, or certification is  
626 suspended or revoked to perform appraisal services or appraisal  
627 management services.

628       (2) The board may reprimand an appraisal management  
629 company, conditionally or unconditionally suspend or revoke any  
630 registration of an appraisal management company issued under  
631 this part, or impose administrative fines not to exceed \$5,000  
632 for each count or separate offense against any such appraisal  
633 management company if the board determines that the appraisal  
634 management company is attempting to perform, has performed, or  
635 has attempted to perform any of the following acts:

636       (a) Committing any act in violation of this part.



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637 (b) Violating any rule adopted by the board under this  
638 part.

639 (c) Obtaining a registration of an appraisal management  
640 company by fraud, misrepresentation, or deceit.

641 (3) This section does not prohibit an appraisal management  
642 company from requesting an appraiser to:

643 (a) Provide additional information about the basis of a  
644 valuation, including consideration of additional comparable  
645 data; or

646 (b) Correct objective factual errors in an appraisal  
647 report.

648 Section 7. Section 475.626, Florida Statutes, is amended to  
649 read:

650 475.626 Violations and penalties.—

651 (1) A person may not: VIOLATIONS.—

652 (a) ~~No person shall~~ Operate or attempt to operate as a  
653 registered trainee appraiser, a ~~or~~ licensed or certified  
654 appraiser, or an appraisal management company without being the  
655 holder of a valid and current registration, license, or  
656 certification.

657 (b) ~~No person shall~~ Violate any lawful order or rule of the  
658 board which is binding upon her or him.

659 (c) If a registered trainee appraiser, or a licensed or  
660 certified appraiser, commit ~~No person shall Commit~~ any conduct  
661 or practice set forth in s. 475.624.

662 (d) If an appraisal management company, commit any conduct  
663 or practice set forth in s. 475.6245.

664 (e) ~~(d) No person shall~~ Make any false affidavit or  
665 affirmation intended for use as evidence by or before the board



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666 or any member thereof, or by any of its authorized  
667 representatives, nor may ~~shall~~ any person give false testimony  
668 under oath or affirmation to or before the board or any member  
669 thereof in any proceeding authorized by this section.

670 ~~(f)~~ ~~(e)~~ ~~No person shall~~ Fail or refuse to appear at the time  
671 and place designated in a subpoena issued with respect to a  
672 violation of this section, unless such failure to appear is the  
673 result of facts or circumstances that are sufficient to excuse  
674 appearance in response to a subpoena from the circuit court; nor  
675 may ~~shall~~ a person who is present before the board or a member  
676 thereof or one of its authorized representatives acting under  
677 authority of this section refuse to be sworn or to affirm or  
678 fail or refuse to answer fully any question propounded by the  
679 board, the member, or such representative, or by any person by  
680 the authority of such officer or appointee.

681 ~~(g)~~ ~~(f)~~ ~~No person shall~~ Obstruct or hinder in any manner the  
682 enforcement of this section or the performance of any lawful  
683 duty by any person acting under the authority of this section,  
684 or interfere with, intimidate, or offer any bribe to any member  
685 of the board or any of its employees or any person who is, or is  
686 expected to be, a witness in any investigation or proceeding  
687 relating to a violation of this section.

688 ~~(h)~~ ~~(g)~~ ~~No person shall~~ Knowingly conceal any information  
689 relating to violations of this section.

690 (2) A PENALTIES. ~~Any person who violates any provision of~~  
691 ~~the provisions of~~ subsection (1) commits ~~is guilty of~~ a  
692 misdemeanor of the second degree, punishable as provided in s.  
693 775.082 or s. 775.083, except when a different punishment is  
694 prescribed by this section. ~~Nothing in~~ This section does not





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695 ~~shall~~ prohibit the prosecution under any other criminal statute  
696 of this state of any person for an act or conduct prohibited by  
697 this section; however, in such cases, the state may prosecute  
698 under this section or under such other statute, or may charge  
699 both offenses in one prosecution, but the sentence imposed shall  
700 not be a greater fine or longer sentence than that prescribed  
701 for the offense which carries the more severe penalties. A civil  
702 case, a criminal case, or a denial, revocation, or suspension  
703 proceeding may arise out of the same alleged state of facts, and  
704 the pendency or result of one such case or proceeding shall not  
705 stay or control the result of either of the others.

706 Section 8. Section 475.629, Florida Statutes, is amended to  
707 read:

708 475.629 Retention of records.—An appraiser registered,  
709 licensed, or certified under this part or an appraisal  
710 management company registered under this part shall retain, for  
711 at least 5 years or the period specified in the Uniform  
712 Standards of Professional Appraisal Practice, whichever is  
713 greater, original or true copies of any contracts engaging the  
714 appraiser's or appraisal management company's services,  
715 appraisal reports, and supporting data assembled and formulated  
716 by the appraiser or company in preparing appraisal reports or  
717 engaging in appraisal management services. Except as otherwise  
718 specified in the Uniform Standards of Professional Appraisal  
719 Practice, the period for retention of the records applicable to  
720 each engagement of the services of the appraiser or appraisal  
721 management company runs from the date of the submission of the  
722 appraisal report to the client. These records must be made  
723 available by the appraiser or appraisal management company for



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724 inspection and copying by the department upon ~~on~~ reasonable  
725 notice to the appraiser or company. However, the department may  
726 not inspect or copy the records of an appraisal management  
727 company except in connection with a pending investigation or  
728 complaint. If an appraisal has been the subject of or has served  
729 as evidence for litigation, reports and records must be retained  
730 for at least 2 years after the trial or the period specified in  
731 the Uniform Standards of Professional Appraisal Practice,  
732 whichever is greater.

733 Section 9. This act shall take effect July 1, 2010.