

By Senator Constantine

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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; providing exemptions; specifying  
13      application requirements and procedures; requiring the  
14      fingerprinting and criminal history records checks of,  
15      and providing qualifications for, certain persons who  
16      control appraisal management companies; requiring  
17      nonresident appraisal management companies to consent  
18      to commencement of actions in this state; requiring  
19      the department to adopt rules relating to the renewal  
20      of registrations; amending s. 475.624, F.S.;  
21      establishing additional acts for which appraisers are  
22      subject to disciplinary action; providing for the  
23      discipline of appraisal management companies by the  
24      board; amending s. 475.626, F.S.; providing penalties;  
25      conforming provisions to changes made by the act;  
26      amending s. 475.629, F.S.; revising requirements for  
27      the retention of appraisal records; requiring  
28      appraisal management companies to follow such  
29      requirements; providing an effective date.

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

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

475.611 Definitions.—

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

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

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

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

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

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

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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  
115 being done. Direct supervision is achieved when a registered  
116 trainee appraiser has regular direction, guidance, and support

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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  
144 appraiser responsible for the direct supervision of one or more  
145 registered trainee appraisers and fully responsible for

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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  
173 signature.—

174 (1) The board has authority to adopt rules pursuant to ss.

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

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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; exemptions.-

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

225       (b) An appraisal management company is not required to  
226 register under this part if:

227       1. No more than 10 percent of the appraisal management  
228 company is owned by persons other than certified or licensed  
229 appraisers; or

230       2. The appraisal management company is a financial  
231 institution as defined in s. 655.005, a mortgage lender licensed  
232 under s. 494.0061, or an insurer as defined in s. 624.03.



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

236       (a) The firm or business name under which the appraisal  
237 management company conducts business in this state. The  
238 appraisal management company must notify the department of any  
239 change in the firm or business name, on a form provided by the  
240 department, within 10 days after such change.

241       (b) The mailing address, street address, and telephone  
242 number of the appraisal management company's principal business  
243 location. The appraisal management company must notify the  
244 department of any change in the mailing or street address, on a  
245 form provided by the department, within 10 days after such  
246 change.

247       (c) The appraisal management company's federal employer  
248 identification number.

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

252       (e) A statement as to whether the appraisal management  
253 company, if incorporated, is a domestic or foreign corporation,  
254 the company's date of incorporation, the state in which the  
255 company was incorporated, its charter number, and, if it is a  
256 foreign corporation, the date that the company first registered  
257 with the Department of State to conduct business in this state.

258       (f) The full name, street address, telephone number,  
259 corporate title, and social security number or federal employer  
260 identification number of any person who possesses the authority,  
261 directly or indirectly, to direct the management or policies of

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262 the appraisal management company, whether through ownership, by  
263 contract, or otherwise, including, but not limited to:

264 1. Each officer and director if the appraisal management  
265 company is a corporation.

266 2. Each general partner if the appraisal management company  
267 is a partnership.

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

270 4. The owner if the appraisal management company is a sole  
271 proprietorship.

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

275 (g) The firm or business name under which any person listed  
276 in paragraph (f) conducted business as an appraisal management  
277 company within the 5 years preceding the date of the  
278 application.

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

281 (3) Appropriate fees, as set forth in the rules of the  
282 board pursuant to s. 475.6147, and a fingerprint card for each  
283 person listed in paragraph (2) (f) must accompany all  
284 applications for registration. The fingerprint card shall be  
285 forwarded to the Division of Criminal Justice Information  
286 Systems within the Department of Law Enforcement for purposes of  
287 processing the fingerprint card to determine whether the person  
288 has a criminal history record. The fingerprint card shall also  
289 be forwarded to the Federal Bureau of Investigation for purposes  
290 of processing the fingerprint card to determine whether the

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291 person has a criminal history record. The information obtained  
292 by the processing of the fingerprint card by the Department of  
293 Law Enforcement and the Federal Bureau of Investigation shall be  
294 sent to the department for the purpose of determining whether  
295 the appraisal management company is statutorily qualified for  
296 registration.

297 (4) At the time of filing an application for registration  
298 of an appraisal management company, each person listed in  
299 paragraph (2) (f) must sign a pledge to comply with the Uniform  
300 Standards of Professional Appraisal Practice upon registration  
301 and must indicate in writing that she or he understands the  
302 types of misconduct for which disciplinary proceedings may be  
303 initiated. The application shall expire 1 year after the date  
304 received.

305 (5) Each person listed in paragraph (2) (f) must be  
306 competent and qualified to engage in appraisal management  
307 services with safety to the general public and those with whom  
308 the person may undertake a relationship of trust and confidence.  
309 If any person listed in paragraph (2) (f) has been denied  
310 registration, licensure, or certification as an appraiser or has  
311 been disbarred, or if the person's registration, license, or  
312 certificate to practice or conduct any regulated profession,  
313 business, or vocation has been revoked or suspended by this or  
314 any other state, any nation, any possession or district of the  
315 United States, or any court or lawful agency thereof because of  
316 any conduct or practices that would have warranted a like result  
317 under this part, or if the person has been guilty of conduct or  
318 practices in this state or elsewhere that would have been  
319 grounds for disciplining her or his registration, license, or

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320 certification under this part had the person then been a  
321 registered trainee appraiser or a licensed or certified  
322 appraiser, the person shall be deemed not to be qualified  
323 unless, because of lapse of time and subsequent good conduct and  
324 reputation, or other reason deemed sufficient, it appears to the  
325 board that the interest of the public is not likely to be  
326 endangered by the granting of registration.

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

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

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349       (8) The department shall renew the registration of an  
350 appraisal management company upon receipt of the renewal  
351 application and the proper fee. The department shall adopt rules  
352 establishing a procedure for renewal of the registration of an  
353 appraisal management company at least every 4 years.

354       Section 5. Section 475.624, Florida Statutes, is amended to  
355 read:

356       475.624 Discipline.—

357       (1) The board may deny an application for registration or  
358 certification of an appraiser or registration of an appraisal  
359 management company; may investigate the actions of any appraiser  
360 registered, licensed, or certified under this part or any  
361 appraisal management company registered under this part; may  
362 reprimand or impose an administrative fine not to exceed \$5,000  
363 for each count or separate offense against any such appraiser or  
364 appraisal management company; and may revoke or suspend, for a  
365 period not to exceed 10 years, the registration, license, or  
366 certification of any such appraiser or the registration of any  
367 such appraisal management company, or place any such appraiser  
368 or appraisal management company on probation, if the board ~~it~~  
369 finds that the registered trainee, licensee, or  
370 certificateholder or the appraisal management company or any  
371 person listed in s. 475.6235(2)(f):

372       (a) ~~(1)~~ Has violated any provisions of this part or s.  
373 455.227(1); however, certificateholders, registrants, ~~and~~  
374 licensees, and registered appraisal management companies under  
375 this part are exempt from the provisions of s. 455.227(1)(i).

376       (b) ~~(2)~~ Has been guilty of fraud, misrepresentation,  
377 concealment, false promises, false pretenses, dishonest conduct,

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378 culpable negligence, or breach of trust in any business  
379 transaction in this state or any other state, nation, or  
380 territory; has violated a duty imposed upon her or him by law or  
381 by the terms of a contract, whether written, oral, express, or  
382 implied, in an appraisal assignment; has aided, assisted, or  
383 conspired with any other person engaged in any such misconduct  
384 and in furtherance thereof; or has formed an intent, design, or  
385 scheme to engage in such misconduct and committed an overt act  
386 in furtherance of such intent, design, or scheme. It is  
387 immaterial to the guilt of the registered trainee, licensee, ~~or~~  
388 certificateholder, or appraisal management company that the  
389 victim or intended victim of the misconduct has sustained no  
390 damage or loss; that the damage or loss has been settled and  
391 paid after discovery of the misconduct; or that such victim or  
392 intended victim was a customer or a person in confidential  
393 relation with the registered trainee, licensee, ~~or~~  
394 certificateholder, or appraisal management company or was an  
395 identified member of the general public.

396 (c)~~(3)~~ Has advertised services in a manner which is  
397 fraudulent, false, deceptive, or misleading in form or content.

398 (d)~~(4)~~ Has violated any of the provisions of this part or  
399 any lawful order or rule issued under the provisions of this  
400 part or chapter 455.

401 (e)~~(5)~~ Has been convicted or found guilty of, or entered a  
402 plea of nolo contendere to, regardless of adjudication, a crime  
403 in any jurisdiction which directly relates to the activities of  
404 a registered trainee appraiser, ~~or~~ licensed or certified  
405 appraiser, or appraisal management company or which involves  
406 moral turpitude or fraudulent or dishonest conduct. The record

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407 of a conviction certified or authenticated in such form as  
408 admissible in evidence under the laws of the state shall be  
409 admissible as prima facie evidence of such guilt.

410 (f)~~(6)~~ Has had a registration, license, or certification as  
411 an appraiser or a registration as an appraisal management  
412 company revoked, suspended, or otherwise acted against, or has  
413 been disbarred, or has had her or his registration, license, or  
414 certificate to practice or conduct any regulated profession,  
415 business, or vocation revoked or suspended by this or any other  
416 state, any nation, or any possession or district of the United  
417 States, or has had an application for such registration,  
418 licensure, or certification to practice or conduct any regulated  
419 profession, business, or vocation denied by this or any other  
420 state, any nation, or any possession or district of the United  
421 States.

422 (g)~~(7)~~ Has become temporarily incapacitated from acting as  
423 an appraiser or appraisal management company with safety to  
424 those in a fiduciary relationship with her or him because of  
425 drunkenness, use of drugs, or temporary mental derangement;  
426 however, suspension of a license, certification, or registration  
427 in such cases shall only be for the period of such incapacity.

428 (h)~~(8)~~ Is confined in any county jail, postadjudication; is  
429 confined in any state or federal prison or mental institution;  
430 or, through mental disease or deterioration, can no longer  
431 safely be entrusted to deal with the public or in a confidential  
432 capacity.

433 (i)~~(9)~~ Has failed to inform the board in writing within 30  
434 days after pleading guilty or nolo contendere to, or being  
435 convicted or found guilty of, any felony.

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436        (j)~~(10)~~ Has been found guilty, for a second time, of any  
437 misconduct that warrants disciplinary action, or has been found  
438 guilty of a course of conduct or practice which shows that she  
439 or he is incompetent, negligent, dishonest, or untruthful to an  
440 extent that those with whom she or he may sustain a confidential  
441 relationship may not safely do so.

442        (k)~~(11)~~ Has made or filed a report or record, either  
443 written or oral, which the registered trainee, licensee, ~~or~~  
444 certificateholder, or appraisal management company knows to be  
445 false; has willfully failed to file a report or record required  
446 by state or federal law; or has willfully impeded or obstructed  
447 such filing, ~~or~~ has induced another person to impede or obstruct  
448 such filing. However, such reports or records shall include only  
449 those which are signed or presented in the capacity of a  
450 registered trainee appraiser, ~~or~~ licensed or certified  
451 appraiser, or appraisal management company.

452        (l)~~(12)~~ Has obtained or attempted to obtain a registration,  
453 license, or certification by means of knowingly making a false  
454 statement, submitting false information, refusing to provide  
455 complete information in response to an application question, or  
456 engaging in fraud, misrepresentation, or concealment.

457        (m)~~(13)~~ Has paid money or other valuable consideration,  
458 except as required by this section, to any member or employee of  
459 the board to obtain a registration, license, or certification  
460 under this section.

461        (n)~~(14)~~ Has violated any standard for the development or  
462 communication of a real estate appraisal or other provision of  
463 the Uniform Standards of Professional Appraisal Practice.

464        (o)~~(15)~~ Has failed or refused to exercise reasonable



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465 diligence in developing an appraisal or preparing an appraisal  
466 report.

467 ~~(p) (16)~~ Has failed to communicate an appraisal without good  
468 cause.

469 ~~(q) (17)~~ Has accepted an appraisal assignment if the  
470 employment itself is contingent upon the appraiser or appraisal  
471 management company reporting a predetermined result, analysis,  
472 or opinion, or if the fee to be paid for the performance of the  
473 appraisal assignment is contingent upon the opinion, conclusion,  
474 or valuation reached upon the consequences resulting from the  
475 appraisal assignment.

476 ~~(r) (18)~~ Has failed to timely notify the department of any  
477 change in business location, or has failed to fully disclose all  
478 business locations from which she or he operates as a registered  
479 trainee real estate appraiser or licensed or certified real  
480 estate appraiser.

481 (s) Has failed to timely notify the department of any  
482 change in principal business location as an appraisal management  
483 company.

484 (t) Has influenced or attempted to influence the  
485 development, reporting, or review of an appraisal through  
486 coercion, extortion, collusion, compensation, instruction,  
487 inducement, intimidation, bribery, or any other means,  
488 including, but not limited to:

489 1. Withholding or threatening to withhold timely payment  
490 for an appraisal.

491 2. Withholding or threatening to withhold future business  
492 from an appraiser.

493 3. Demoting, terminating, or threatening to demote or

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494 terminate an appraiser.

495 4. Promising future business, promotions, or increased  
496 compensation for an appraiser, whether the promise is express or  
497 implied.

498 5. Conditioning a request for appraisal services or the  
499 payment of an appraisal fee, salary, or bonus upon the opinion,  
500 conclusion, or valuation to be reached or upon a preliminary  
501 estimate or opinion requested from an appraiser.

502 6. Requesting that an appraiser provide an estimated,  
503 predetermined, or desired valuation in an appraisal report or  
504 provide estimated values or comparable sales at any time before  
505 the appraiser's completion of appraisal services.

506 7. Providing to an appraiser an anticipated, estimated,  
507 encouraged, or desired value for a subject property or a  
508 proposed or target amount to be loaned to the borrower, except  
509 that a copy of the sales contract for purchase transactions may  
510 be provided.

511 8. Providing to an appraiser, or any person related to the  
512 appraiser, stock or other financial or nonfinancial benefits.

513 9. Allowing the removal of an appraiser from an appraiser  
514 panel without prior written notice to the appraiser.

515 10. Obtaining, using, or paying for a second or subsequent  
516 appraisal or ordering an automated valuation model in connection  
517 with a mortgage financing transaction unless there is a  
518 reasonable basis to believe that the initial appraisal was  
519 flawed or tainted and such basis is clearly and appropriately  
520 noted in the loan file, or unless such appraisal or automated  
521 valuation model is issued pursuant to a bona fide prefunding or  
522 postfunding appraisal review or quality control process.

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523 11. Any other act or practice that impairs or attempts to  
524 impair an appraiser's independence, objectivity, or  
525 impartiality.

526 (u) Has altered, modified, or otherwise changed a completed  
527 appraisal report submitted by an appraiser to an appraisal  
528 management company.

529 (v) Has employed, contracted with, or otherwise retained an  
530 appraiser whose registration, license, or certification is  
531 suspended or revoked to perform appraisal services or appraisal  
532 management services.

533 (2) The board may reprimand an appraisal management  
534 company, conditionally or unconditionally suspend or revoke any  
535 registration of an appraisal management company issued under  
536 this part, or impose administrative fines not to exceed \$25,000  
537 for each count or separate offense against any such appraisal  
538 management company if the board determines that the appraisal  
539 management company is attempting to perform, has performed, or  
540 has attempted to perform any of the following acts:

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

542 (b) Violating any rule adopted by the board under this  
543 part.

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

546 (3) This section does not prohibit an appraisal management  
547 company from requesting that an appraiser:

548 (a) Provide additional information about the basis of a  
549 valuation; or

550 (b) Correct objective factual errors in an appraisal  
551 report.

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552 Section 6. Section 475.626, Florida Statutes, is amended to  
553 read:

554 475.626 Violations and penalties.—

555 (1) A person may not: ~~VIOLATIONS.—~~

556 (a) ~~No person shall~~ Operate or attempt to operate as a  
557 registered trainee appraiser, a ~~or~~ licensed or certified  
558 appraiser, or, unless exempt under s. 475.6235(1)(b), an  
559 appraisal management company without being the holder of a valid  
560 and current registration, license, or certification.

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

563 (c) ~~No person shall~~ Commit any conduct or practice set  
564 forth in s. 475.624(1) or (2).

565 (d) ~~No person shall~~ Make any false affidavit or affirmation  
566 intended for use as evidence by or before the board or any  
567 member thereof, or by any of its authorized representatives, nor  
568 may shall any person give false testimony under oath or  
569 affirmation to or before the board or any member thereof in any  
570 proceeding authorized by this section.

571 (e) ~~No person shall~~ Fail or refuse to appear at the time  
572 and place designated in a subpoena issued with respect to a  
573 violation of this section, unless such failure to appear is the  
574 result of facts or circumstances that are sufficient to excuse  
575 appearance in response to a subpoena from the circuit court; nor  
576 may shall a person who is present before the board or a member  
577 thereof or one of its authorized representatives acting under  
578 authority of this section refuse to be sworn or to affirm or  
579 fail or refuse to answer fully any question propounded by the  
580 board, the member, or such representative, or by any person by

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581 the authority of such officer or appointee.

582 (f) ~~No person shall~~ Obstruct or hinder in any manner the  
583 enforcement of this section or the performance of any lawful  
584 duty by any person acting under the authority of this section,  
585 or interfere with, intimidate, or offer any bribe to any member  
586 of the board or any of its employees or any person who is, or is  
587 expected to be, a witness in any investigation or proceeding  
588 relating to a violation of this section.

589 (g) ~~No person shall~~ Knowingly conceal any information  
590 relating to violations of this section.

591 (2) A ~~PENALTIES.~~ Any person who violates any provision of  
592 ~~the provisions of~~ subsection (1) commits ~~is guilty of a~~  
593 misdemeanor of the second degree, punishable as provided in s.  
594 775.082 or s. 775.083, except when a different punishment is  
595 prescribed by this section. ~~Nothing in~~ This section does not  
596 ~~shall~~ prohibit the prosecution under any other criminal statute  
597 of this state of any person for an act or conduct prohibited by  
598 this section; however, in such cases, the state may prosecute  
599 under this section or under such other statute, or may charge  
600 both offenses in one prosecution, but the sentence imposed shall  
601 not be a greater fine or longer sentence than that prescribed  
602 for the offense which carries the more severe penalties. A civil  
603 case, a criminal case, or a denial, revocation, or suspension  
604 proceeding may arise out of the same alleged state of facts, and  
605 the pendency or result of one such case or proceeding shall not  
606 stay or control the result of either of the others.

607 Section 7. Section 475.629, Florida Statutes, is amended to  
608 read:

609 475.629 Retention of records.—An appraiser registered,

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610 licensed, or certified under this part or an appraisal  
611 management company registered under this part shall retain, for  
612 at least 5 years or the period specified in the Uniform  
613 Standards of Professional Appraisal Practice, whichever is  
614 greater, original or true copies of any contracts engaging the  
615 appraiser's or appraisal management company's services,  
616 appraisal reports, and supporting data assembled and formulated  
617 by the appraiser or company in preparing appraisal reports or  
618 engaging in appraisal management services. Except as otherwise  
619 specified in the Uniform Standards of Professional Appraisal  
620 Practice, the period for retention of the records applicable to  
621 each engagement of the services of the appraiser or appraisal  
622 management company runs from the date of the submission of the  
623 appraisal report to the client. These records must be made  
624 available by the appraiser or appraisal management company for  
625 inspection and copying by the department upon ~~on~~ reasonable  
626 notice to the appraiser or company. If an appraisal has been the  
627 subject of or has served as evidence for litigation, reports and  
628 records must be retained for at least 2 years after the trial or  
629 the period specified in the Uniform Standards of Professional  
630 Appraisal Practice, whichever is greater.

631 Section 8. This act shall take effect July 1, 2010.