

1 A bill to be entitled
2 An act relating to regulation of real estate appraisers
3 and appraisal management companies; amending s. 475.611,
4 F.S.; providing definitions; amending s. 475.614, F.S.;
5 requiring the Florida Real Estate Appraisal Board to adopt
6 certain rules; amending s. 475.6147, F.S.; requiring
7 application, registration, and renewal fees for appraisal
8 management companies; creating s. 475.6235, F.S.;
9 requiring appraisal management companies to register with
10 the Department of Business and Professional Regulation;
11 providing exemptions; specifying application requirements
12 and procedures; requiring the fingerprinting and criminal
13 history records checks of, and providing qualifications
14 for, certain persons who control appraisal management
15 companies; requiring nonresident appraisal management
16 companies to consent to commencement of actions in this
17 state; requiring the department to adopt rules relating to
18 the renewal of registrations; amending s. 475.624, F.S.;
19 establishing additional acts for which appraisers are
20 subject to disciplinary action; providing for the
21 discipline of appraisal management companies by the board;
22 amending s. 475.626, F.S.; providing penalties; conforming
23 provisions to changes made by the act; amending s.
24 475.629, F.S.; revising requirements for the retention of
25 appraisal records; requiring appraisal management
26 companies to follow such requirements; providing an
27 effective date.
28

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

30

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

33 475.611 Definitions.--

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

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

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

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

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

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

60 (c) "Appraisal management company" means a person who
61 performs appraisal management services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

110 (o)~~(k)~~ "Direct supervision" means the degree of
 111 supervision required of a supervisory appraiser overseeing the

112 work of a registered trainee appraiser by which the supervisory
 113 appraiser has control over and detailed professional knowledge
 114 of the work being done. Direct supervision is achieved when a
 115 registered trainee appraiser has regular direction, guidance,
 116 and support from a supervisory appraiser who has the
 117 competencies as determined by rule of the board.

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

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

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

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

140 in an appraisal report.

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

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

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

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

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

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

170 475.614 Power of board to adopt rules and decide questions
 171 of practice; requirements for protection of appraiser's
 172 signature.--

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

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

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

187 475.6147 Fees.--

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

192 (b) The fee for initial application of an appraiser may
 193 not exceed \$150, and the combined cost of the application and
 194 examination may not exceed \$300. The initial certification,
 195 registration, or license fee and the certification,

196 registration, or license renewal fee may not exceed \$150 for
 197 each year of the duration of the certification, registration, or
 198 license.

199 (c) The fee for initial application of an appraisal
 200 management company may not exceed \$150. The initial registration
 201 and registration renewal fee may not exceed \$150 for each year
 202 of the duration of the registration.

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

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

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

212 475.6235 Registration of appraisal management companies
 213 required; exemptions.--

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

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

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

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

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

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

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

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

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

251 (e) A statement as to whether the appraisal management

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

257 (f) The full name, street address, telephone number,
258 corporate title, and social security number or federal employer
259 identification number of any person who possesses the authority,
260 directly or indirectly, to direct the management or policies of
261 the appraisal management company, whether through ownership, by
262 contract, or otherwise, including, but not limited to:

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

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

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

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

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

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

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

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

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

304 (5) Each person listed in paragraph (2) (f) must be
305 competent and qualified to engage in appraisal management
306 services with safety to the general public and those with whom
307 the person may undertake a relationship of trust and confidence.

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308 If any person listed in paragraph (2) (f) has been denied
309 registration, licensure, or certification as an appraiser or has
310 been disbarred, or if the person's registration, license, or
311 certificate to practice or conduct any regulated profession,
312 business, or vocation has been revoked or suspended by this or
313 any other state, any nation, any possession or district of the
314 United States, or any court or lawful agency thereof because of
315 any conduct or practices that would have warranted a like result
316 under this part, or if the person has been guilty of conduct or
317 practices in this state or elsewhere that would have been
318 grounds for disciplining her or his registration, license, or
319 certification under this part had the person then been a
320 registered trainee appraiser or a licensed or certified
321 appraiser, the person shall be deemed not to be qualified
322 unless, because of lapse of time and subsequent good conduct and
323 reputation, or other reason deemed sufficient, it appears to the
324 board that the interest of the public is not likely to be
325 endangered by the granting of registration.

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

331 (7) An applicant for registration who is not a resident of
332 this state shall file an irrevocable consent that suits and
333 actions may be commenced against the appraisal management
334 company in any county of this state in which a plaintiff having
335 a cause of action or suit against the company resides and that

336 service of any process or pleading in suits or actions against
 337 the company may be made by delivering the process or pleading to
 338 the director of the Division of Real Estate by certified mail,
 339 return receipt requested, and also to the appraisal management
 340 company by registered mail addressed to the company's designated
 341 principal business location. Service, when so made, must be
 342 taken and held in all courts to be as valid and binding upon the
 343 appraisal management company as if made upon the company in this
 344 state within the jurisdiction of the court in which the suit or
 345 action is filed. The irrevocable consent must be in a form
 346 prescribed by the department and be acknowledged before a notary
 347 public.

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

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

355 475.624 Discipline.--

356 (1) The board may deny an application for registration or
 357 certification of an appraiser or registration of an appraisal
 358 management company; may investigate the actions of any appraiser
 359 registered, licensed, or certified under this part or any
 360 appraisal management company registered under this part; may
 361 reprimand or impose an administrative fine not to exceed \$5,000
 362 for each count or separate offense against any such appraiser or
 363 appraisal management company; and may revoke or suspend, for a

364 period not to exceed 10 years, the registration, license, or
 365 certification of any such appraiser or the registration of any
 366 such appraisal management company, or place any such appraiser
 367 or appraisal management company on probation, if the board ~~it~~
 368 finds that the registered trainee, licensee, or
 369 certificateholder or the appraisal management company or any
 370 person listed in s. 475.6235(2) (f):

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

375 (b) ~~(2)~~ Has been guilty of fraud, misrepresentation,
 376 concealment, false promises, false pretenses, dishonest conduct,
 377 culpable negligence, or breach of trust in any business
 378 transaction in this state or any other state, nation, or
 379 territory; has violated a duty imposed upon her or him by law or
 380 by the terms of a contract, whether written, oral, express, or
 381 implied, in an appraisal assignment; has aided, assisted, or
 382 conspired with any other person engaged in any such misconduct
 383 and in furtherance thereof; or has formed an intent, design, or
 384 scheme to engage in such misconduct and committed an overt act
 385 in furtherance of such intent, design, or scheme. It is
 386 immaterial to the guilt of the registered trainee, licensee, ~~or~~
 387 certificateholder, or appraisal management company that the
 388 victim or intended victim of the misconduct has sustained no
 389 damage or loss; that the damage or loss has been settled and
 390 paid after discovery of the misconduct; or that such victim or
 391 intended victim was a customer or a person in confidential

392 relation with the registered trainee, licensee, ~~or~~
 393 certificateholder, or appraisal management company or was an
 394 identified member of the general public.

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

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

400 (e)~~(5)~~ Has been convicted or found guilty of, or entered a
 401 plea of nolo contendere to, regardless of adjudication, a crime
 402 in any jurisdiction which directly relates to the activities of
 403 a registered trainee appraiser, ~~or~~ licensed or certified
 404 appraiser, or appraisal management company or which involves
 405 moral turpitude or fraudulent or dishonest conduct. The record
 406 of a conviction certified or authenticated in such form as
 407 admissible in evidence under the laws of the state shall be
 408 admissible as prima facie evidence of such guilt.

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

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420 States.

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

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

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

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

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

448 those which are signed or presented in the capacity of a
 449 registered trainee appraiser, ~~or~~ licensed or certified
 450 appraiser, or appraisal management company.

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

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

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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
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.

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
527 completed appraisal report submitted by an appraiser to an
528 appraisal management company.

529 (v) Has employed, contracted with, or otherwise retained
530 an 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.

552 Section 6. Section 475.626, Florida Statutes, is amended
 553 to 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 ~~ex~~ 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
 562 the 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
 566 affirmation intended for use as evidence by or before the board
 567 or any member thereof, or by any of its authorized
 568 representatives, nor may shall any person give false testimony
 569 under oath or affirmation to or before the board or any member
 570 thereof in any 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
 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
 608 to read:

609 475.629 Retention of records.--An appraiser registered,
 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,

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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 ~~en~~ 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.