

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          specifying application requirements and procedures;  
 12          requiring the fingerprinting and criminal history records  
 13          checks of, and providing qualifications for, certain  
 14          persons who control appraisal management companies;  
 15          requiring nonresident appraisal management companies to  
 16          consent to commencement of actions in this state;  
 17          requiring the department to adopt rules relating to the  
 18          renewal of registrations; amending s. 475.624, F.S.;  
 19          conforming provisions to changes made by the act; creating  
 20          s. 475.6245, F.S.; providing for the discipline of  
 21          appraisal management companies by the board; amending s.  
 22          475.626, F.S.; providing penalties; conforming provisions  
 23          to changes made by the act; amending s. 475.629, F.S.;  
 24          revising requirements for the retention of appraisal  
 25          records; requiring appraisal management companies to  
 26          follow such requirements; providing an effective date.

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

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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.

(b) "Appraisal Foundation" or "foundation" means the

57 Appraisal Foundation established on November 20, 1987, as a not-  
 58 for-profit corporation under the laws of Illinois.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

140 (t)~~(o)~~ "Supervisory appraiser" means a licensed appraiser,

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

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

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

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

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

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

169 475.614 Power of board to adopt rules and decide questions  
 170 of practice; requirements for protection of appraiser's  
 171 signature.—

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

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

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

186 475.6147 Fees.—

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

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

197 license.

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

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

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

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

211 475.6235 Registration of appraisal management companies  
212 required.—

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

223 (2) An application for registration must be submitted to  
224 the department in the format prescribed by the department and



225 must include, at a minimum, the following:

226 (a) The firm or business name under which the appraisal  
 227 management company conducts business in this state. The  
 228 appraisal management company must notify the department of any  
 229 change in the firm or business name, on a form provided by the  
 230 department, within 10 days after such change.

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

237 (c) The appraisal management company's federal employer  
 238 identification number.

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

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

248 (f) The full name, street address, telephone number,  
 249 corporate title, and social security number or federal employer  
 250 identification number of any person who possesses the authority,  
 251 directly or indirectly, to direct the management or policies of  
 252 the appraisal management company, whether through ownership, by

253 contract, or otherwise, including, but not limited to:

254 1. Each officer and director if the appraisal management

255 company is a corporation.

256 2. Each general partner if the appraisal management

257 company is a partnership.

258 3. Each manager or managing member if the appraisal

259 management company is a limited liability company.

260 4. The owner if the appraisal management company is a sole

261 proprietorship.

262 5. Each other person who, directly or indirectly, owns or

263 controls 10 percent or more of an ownership interest in the

264 appraisal management company.

265 (g) The firm or business name under which any person

266 listed in paragraph (f) conducted business as an appraisal

267 management company within the 5 years preceding the date of the

268 application.

269 (h) The appraisal management company's registered agent

270 for service of process in this state.

271 (3) Appropriate fees, as set forth in the rules of the

272 board pursuant to s. 475.6147, and a complete set of

273 fingerprints for each person listed in paragraph (2)(f) must

274 accompany all applications for registration. The fingerprints

275 shall be forwarded to the Division of Criminal Justice

276 Information Systems within the Department of Law Enforcement for

277 purposes of processing the fingerprints to determine whether the

278 person has a criminal history record. The fingerprints shall

279 also be forwarded to the Federal Bureau of Investigation for

280 purposes of processing the fingerprints to determine whether the

281 person has a criminal history record. The information obtained  
282 by the processing of fingerprints by the Department of Law  
283 Enforcement and the Federal Bureau of Investigation shall be  
284 sent to the department for the purpose of determining whether  
285 the appraisal management company is statutorily qualified for  
286 registration.

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

295 (5) Each person listed in paragraph (2) (f) must be  
296 competent and qualified to engage in appraisal management  
297 services with safety to the general public and those with whom  
298 the person may undertake a relationship of trust and confidence.  
299 If any person listed in paragraph (2) (f) has been denied  
300 registration, licensure, or certification as an appraiser or has  
301 been disbarred, or if the person's registration, license, or  
302 certificate to practice or conduct any regulated profession,  
303 business, or vocation has been revoked or suspended by this or  
304 any other state, any nation, any possession or district of the  
305 United States, or any court or lawful agency thereof because of  
306 any conduct or practices that would have warranted a like result  
307 under this part, or if the person has been guilty of conduct or  
308 practices in this state or elsewhere that would have been

309 grounds for disciplining her or his registration, license, or  
310 certification under this part had the person then been a  
311 registered trainee appraiser or a licensed or certified  
312 appraiser, the person shall be deemed not to be qualified  
313 unless, because of lapse of time and subsequent good conduct and  
314 reputation, or other reason deemed sufficient, it appears to the  
315 board that the interest of the public is not likely to be  
316 endangered by the granting of registration.

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

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

337 jurisdiction of the court in which the suit or action is filed.  
 338 The irrevocable consent must be in a form prescribed by the  
 339 department and be acknowledged before a notary public.

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

345 Section 5. Section 475.624, Florida Statutes, is amended  
 346 to read:

347 475.624 Discipline of appraisers.—The board may deny an  
 348 application for registration or certification of an appraiser;  
 349 may investigate the actions of any appraiser registered,  
 350 licensed, or certified under this part; may reprimand or impose  
 351 an administrative fine not to exceed \$5,000 for each count or  
 352 separate offense against any such appraiser; and may revoke or  
 353 suspend, for a period not to exceed 10 years, the registration,  
 354 license, or certification of any such appraiser, or place any  
 355 such appraiser on probation, if the board ~~it~~ finds that the  
 356 registered trainee, licensee, or certificateholder:

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

361 (2) Has been guilty of fraud, misrepresentation,  
 362 concealment, false promises, false pretenses, dishonest conduct,  
 363 culpable negligence, or breach of trust in any business  
 364 transaction in this state or any other state, nation, or

365 territory; has violated a duty imposed upon her or him by law or  
 366 by the terms of a contract, whether written, oral, express, or  
 367 implied, in an appraisal assignment; has aided, assisted, or  
 368 conspired with any other person engaged in any such misconduct  
 369 and in furtherance thereof; or has formed an intent, design, or  
 370 scheme to engage in such misconduct and committed an overt act  
 371 in furtherance of such intent, design, or scheme. It is  
 372 immaterial to the guilt of the registered trainee appraiser or  
 373 licensed, licensee, or certified appraiser certificateholder  
 374 that the victim or intended victim of the misconduct has  
 375 sustained no damage or loss; that the damage or loss has been  
 376 settled and paid after discovery of the misconduct; or that such  
 377 victim or intended victim was a customer or a person in  
 378 confidential relation with the registered trainee appraiser or  
 379 licensed, licensee, or certified appraiser certificateholder, or  
 380 was an identified member of the general public.

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

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

386 (5) Has been convicted or found guilty of, or entered a  
 387 plea of nolo contendere to, regardless of adjudication, a crime  
 388 in any jurisdiction that ~~which~~ directly relates to the  
 389 activities of a registered trainee appraiser or licensed or  
 390 certified appraiser, ~~or that which~~ involves moral turpitude or  
 391 fraudulent or dishonest conduct. The record of a conviction  
 392 certified or authenticated in such form as admissible in

393 evidence under the laws of the state shall be admissible as  
 394 prima facie evidence of such guilt.

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

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

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

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

420 (10) Has been found guilty, for a second time, of any

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

426 (11) Has made or filed a report or record, either written  
 427 or oral, that ~~which~~ the registered trainee appraiser or  
 428 licensed, licensee, or certified appraiser ~~certificateholder~~  
 429 knows to be false; has willfully failed to file a report or  
 430 record required by state or federal law; has willfully impeded  
 431 or obstructed such filing;; ~~;~~ or has induced another person to  
 432 impede or obstruct such filing. However, such reports or records  
 433 shall include only those that ~~which~~ are signed or presented in  
 434 the capacity of a registered trainee appraiser or licensed or  
 435 certified appraiser.

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

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

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

448 (15) Has failed or refused to exercise reasonable



449 diligence in developing an appraisal or preparing an appraisal  
 450 report.

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

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

459 (18) Has failed to timely notify the department of any  
 460 change in business location, or has failed to fully disclose all  
 461 business locations from which she or he operates as a registered  
 462 trainee ~~real-estate~~ appraiser or licensed or certified ~~real~~  
 463 ~~estate~~ appraiser.

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

466 475.6245 Discipline of appraisal management companies.—

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

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

480 (b) Has been guilty of fraud, misrepresentation,  
481 concealment, false promises, false pretenses, dishonest conduct,  
482 culpable negligence, or breach of trust in any business  
483 transaction in this state or any other state, nation, or  
484 territory; has violated a duty imposed upon her or him by law or  
485 by the terms of a contract, whether written, oral, express, or  
486 implied, in an appraisal assignment; has aided, assisted, or  
487 conspired with any other person engaged in any such misconduct  
488 and in furtherance thereof; or has formed an intent, design, or  
489 scheme to engage in such misconduct and committed an overt act  
490 in furtherance of such intent, design, or scheme. It is  
491 immaterial to the guilt of the appraisal management company that  
492 the victim or intended victim of the misconduct has sustained no  
493 damage or loss; that the damage or loss has been settled and  
494 paid after discovery of the misconduct; or that such victim or  
495 intended victim was a customer or a person in confidential  
496 relation with the appraisal management company or was an  
497 identified member of the general public.

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

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

502 (e) Has been convicted or found guilty of, or entered a  
503 plea of nolo contendere to, regardless of adjudication, a crime  
504 in any jurisdiction that directly relates to the activities of

505 an appraisal management company or that involves moral turpitude  
506 or fraudulent or dishonest conduct. The record of a conviction  
507 certified or authenticated in such form as admissible in  
508 evidence under the laws of the state shall be admissible as  
509 prima facie evidence of such guilt.

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

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

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

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

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

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

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

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

559 (n) Has instructed an appraiser to violate any standard  
560 for the development or communication of a real estate appraisal

561 or other provision of the Uniform Standards of Professional  
562 Appraisal Practice.

563 (o) Has engaged in the development of an appraisal or the  
564 preparation of an appraisal report.

565 (p) Has failed to communicate an appraisal without good  
566 cause.

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

573 (r) Has failed to timely notify the department of any  
574 change in principal business location as an appraisal management  
575 company.

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

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

585 2. Withholding or threatening to withhold future business  
586 from an appraiser.

587 3. Promising future business, promotions, or increased  
588 compensation for an appraiser, whether the promise is express or

589 implied.

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

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

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

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

605 8. Allowing the removal of an appraiser from an appraiser  
606 panel without prior written notice to the appraiser.

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

615 10. Any other act or practice that impairs or attempts to  
616 impair an appraiser's independence, objectivity, or

617 impartiality.

618 (t) Has altered, modified, or otherwise changed a  
619 completed appraisal report submitted by an appraiser to an  
620 appraisal management company.

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

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

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

634 (b) Violating any rule adopted by the board under this  
635 part.

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

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

640 (a) Provide additional information about the basis of a  
641 valuation, including consideration of additional comparable  
642 data; or

643 (b) Correct objective factual errors in an appraisal  
644 report.

645 Section 7. Section 475.626, Florida Statutes, is amended  
 646 to read:

647 475.626 Violations and penalties.—

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

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

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

656 (c) ~~No person shall~~ Commit any conduct or practice set  
 657 forth in s. 475.624 or s. 475.6245.

658 (d) ~~No person shall~~ Make any false affidavit or  
 659 affirmation intended for use as evidence by or before the board  
 660 or any member thereof, or by any of its authorized  
 661 representatives, nor may ~~shall~~ any person give false testimony  
 662 under oath or affirmation to or before the board or any member  
 663 thereof in any proceeding authorized by this section.

664 (e) ~~No person shall~~ Fail or refuse to appear at the time  
 665 and place designated in a subpoena issued with respect to a  
 666 violation of this section, unless such failure to appear is the  
 667 result of facts or circumstances that are sufficient to excuse  
 668 appearance in response to a subpoena from the circuit court; nor  
 669 may ~~shall~~ a person who is present before the board or a member  
 670 thereof or one of its authorized representatives acting under  
 671 authority of this section refuse to be sworn or to affirm or  
 672 fail or refuse to answer fully any question propounded by the



673 board, the member, or such representative, or by any person by  
 674 the authority of such officer or appointee.

675 (f) ~~No person shall~~ Obstruct or hinder in any manner the  
 676 enforcement of this section or the performance of any lawful  
 677 duty by any person acting under the authority of this section,  
 678 or interfere with, intimidate, or offer any bribe to any member  
 679 of the board or any of its employees or any person who is, or is  
 680 expected to be, a witness in any investigation or proceeding  
 681 relating to a violation of this section.

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

684 (2) A PENALTIES. Any person who violates any provision of  
 685 ~~the provisions of~~ subsection (1) commits ~~is guilty of~~ a  
 686 misdemeanor of the second degree, punishable as provided in s.  
 687 775.082 or s. 775.083, except when a different punishment is  
 688 prescribed by this section. ~~Nothing in~~ This section does not  
 689 ~~shall~~ prohibit the prosecution under any other criminal statute  
 690 of this state of any person for an act or conduct prohibited by  
 691 this section; however, in such cases, the state may prosecute  
 692 under this section or under such other statute, or may charge  
 693 both offenses in one prosecution, but the sentence imposed shall  
 694 not be a greater fine or longer sentence than that prescribed  
 695 for the offense which carries the more severe penalties. A civil  
 696 case, a criminal case, or a denial, revocation, or suspension  
 697 proceeding may arise out of the same alleged state of facts, and  
 698 the pendency or result of one such case or proceeding shall not  
 699 stay or control the result of either of the others.

700 Section 8. Section 475.629, Florida Statutes, is amended

701 to read:

702 475.629 Retention of records.—An appraiser registered,

703 licensed, or certified under this part or an appraisal

704 management company registered under this part shall retain, for

705 ~~at least~~ 5 years or the period specified in the Uniform

706 Standards of Professional Appraisal Practice, whichever is

707 greater, original or true copies of any contracts engaging the

708 appraiser's or appraisal management company's services,

709 appraisal reports, and supporting data assembled and formulated

710 by the appraiser or company in preparing appraisal reports or

711 engaging in appraisal management services. Except as otherwise

712 specified in the Uniform Standards of Professional Appraisal

713 Practice, the period for retention of the records applicable to

714 each engagement of the services of the appraiser or appraisal

715 management company runs from the date of the submission of the

716 appraisal report to the client. These records must be made

717 available by the appraiser or appraisal management company for

718 inspection and copying by the department upon ~~an~~ reasonable

719 notice to the appraiser or company. However, the department may

720 not inspect or copy the records of an appraisal management

721 company except in connection with a pending investigation or

722 complaint. If an appraisal has been the subject of or has served

723 as evidence for litigation, reports and records must be retained

724 for at least 2 years after the trial or the period specified in

725 the Uniform Standards of Professional Appraisal Practice,

726 whichever is greater.

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