

By the Committee on Regulated Industries; and Senator Passidomo

580-02478-17

2017716c1

1 A bill to be entitled
2 An act relating to real estate appraisers; amending s.
3 475.451, F.S.; revising authorized methods of
4 instruction and certain requirements for specified
5 real estate practice courses; amending s. 475.611,
6 F.S.; defining and redefining terms; amending s.
7 475.612, F.S.; authorizing appraisers to perform real
8 property evaluations in connection with certain
9 federally regulated transactions; requiring such
10 appraisers to comply with certain standards; requiring
11 the Florida Real Estate Appraisal Board to adopt
12 rules; providing construction; repealing s. 475.6175,
13 F.S., relating to registered trainee appraisers;
14 amending s. 475.621, F.S.; requiring the Department of
15 Business and Professional Regulation to transmit a
16 specified roster to a certain appraisal subcommittee;
17 requiring the department to collect an annual fee from
18 certain appraisal management companies and transmit
19 the fee to such appraisal subcommittee; requiring the
20 board to establish a certain procedure and adopt
21 rules; amending s. 475.6235, F.S.; deleting an
22 exception by which the board may grant a registration
23 to a person otherwise deemed not qualified; revising
24 applicability; amending s. 475.6245, F.S.; authorizing
25 the board to deny an application for renewal of an
26 appraisal management company's registration on
27 specified grounds; amending s. 475.628, F.S.;
28 authorizing the board to adopt rules establishing
29 certain standards of practice for nonfederally related

580-02478-17

2017716c1

30 transactions; providing requirements and construction
31 for such standards; reenacting s. 475.629, F.S.,
32 relating to retention of records, to incorporate the
33 amendment made by the act to s. 475.611, F.S., in a
34 reference thereto; providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Subsection (6) of section 475.451, Florida
39 Statutes, is amended to read:

40 475.451 Schools teaching real estate practice.—

41 (6) Any course prescribed by the commission as a condition
42 precedent to a person ~~any person's~~ becoming initially licensed
43 as a sales associate or broker may be taught by a ~~in any~~ real
44 estate school in a classroom or via distance learning pursuant
45 to s. 475.17(2) ~~through the use of a video tape of instruction~~
46 by a currently permitted instructor from any such school ~~or may~~
47 ~~be taught by distance learning pursuant to s. 475.17(2). The~~
48 ~~commission may require that any such video tape course have a~~
49 ~~single session of live instruction by a currently permitted~~
50 ~~instructor from any such school; however, this requirement shall~~
51 ~~not exceed 3 classroom hours.~~ All other prescribed courses,
52 except the continuing education course required by s. 475.182,
53 shall be taught by a currently permitted school instructor
54 personally in attendance at such course or by distance learning
55 pursuant to s. 475.17. The continuing education course required
56 by s. 475.182 may be taught by distance learning pursuant to s.
57 475.17 or by an equivalent correspondence course; however, any
58 such correspondence course shall be required to have a final

580-02478-17

2017716c1

59 examination, prepared and administered by the school or course
60 provider issuing the correspondence course. The continuing
61 education requirements provided in this chapter do not apply to
62 an attorney who is otherwise qualified under this chapter and
63 who is a member in good standing of The Florida Bar.

64 Section 2. Subsections (1) and (2) of section 475.611,
65 Florida Statutes, are amended to read:

66 475.611 Definitions.—

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

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

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

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

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

580-02478-17

2017716c1

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

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

93 (c) "Appraisal management company" means a person who
94 performs appraisal management services regardless of the use of
95 the term "appraisal management company," "appraiser
96 cooperative," "appraiser portal," "mortgage technology company,"
97 or other term.

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

100 1. Employing, contracting with, or otherwise retaining one
101 or more licensed or certified appraisers to perform appraisal
102 services for a client; or

103 2. Acting as a broker or intermediary between a client and
104 one or more licensed or certified appraisers to facilitate the
105 client's employing, contracting with, or otherwise retaining the
106 appraisers.

107 (e) "Appraisal report" means any communication, written or
108 oral, of an appraisal, appraisal review, appraisal consulting
109 service, analysis, opinion, or conclusion relating to the
110 nature, quality, value, or utility of a specified interest in,
111 or aspect of, identified real property, and includes any report
112 communicating an appraisal analysis, opinion, or conclusion of
113 value, regardless of title. However, in order to be recognized
114 in a federally related transaction, an appraisal report must be
115 written.

116 (f) "Appraisal review" means the act or process of

580-02478-17

2017716c1

117 developing and communicating an opinion about the quality of
118 another appraiser's appraisal, appraisal report, or work.

119 (g) "Appraisal subcommittee" means the designees of the
120 heads of the federal financial institutions regulatory agencies
121 established by the Federal Financial Institutions Examination
122 Council Act of 1978 (12 U.S.C. ss. 3301 et seq.), as amended.

123 (h) "Appraiser" means any person who is a registered
124 trainee real estate appraiser, a licensed real estate appraiser,
125 or a certified real estate appraiser. An appraiser renders a
126 professional service and is a professional within the meaning of
127 s. 95.11(4) (a).

128 (i) "Appraiser panel" means a network, list, or roster of
129 licensed or certified appraisers approved by an appraisal
130 management company to perform appraisals as independent
131 contractors for the appraisal management company. An appraiser
132 is an independent contractor for purposes of this paragraph if
133 the appraiser is treated as an independent contractor by the
134 appraisal management company for federal income tax purposes.

135 The term "appraiser panel" includes:

136 1. Appraisers accepted by the appraisal management company
137 for consideration for future appraisal assignments in covered
138 transactions or secondary mortgage market participants in
139 connection with covered transactions.

140 2. Appraisers employed by, contracted with, or otherwise
141 retained by the appraisal management company to perform one or
142 more appraisals in covered transactions or for secondary
143 mortgage market participants in connection with covered
144 transactions ~~group of appraisers selected by an appraisal~~
145 ~~management company to perform appraisal services for clients on~~

580-02478-17

2017716c1

146 ~~behalf of the company.~~

147 (j) "Board" means the Florida Real Estate Appraisal Board
148 established under this section.

149 (k) "Certified general appraiser" means a person who is
150 certified by the department as qualified to issue appraisal
151 reports for any type of real property.

152 (l) "Certified residential appraiser" means a person who is
153 certified by the department as qualified to issue appraisal
154 reports for residential real property of one to four residential
155 units, without regard to transaction value or complexity, or
156 real property as may be authorized by federal regulation.

157 (m) "Client" means a person who contracts with an appraiser
158 or appraisal management company for the performance of appraisal
159 services.

160 (n) "Covered transaction" means a consumer credit
161 transaction secured by the consumer's principal dwelling.

162 (o) ~~(n)~~ "Department" means the Department of Business and
163 Professional Regulation.

164 (p) ~~(o)~~ "Direct supervision" means the degree of supervision
165 required of a supervisory appraiser overseeing the work of a
166 registered trainee appraiser by which the supervisory appraiser
167 has control over and detailed professional knowledge of the work
168 being done. Direct supervision is achieved when a registered
169 trainee appraiser has regular direction, guidance, and support
170 from a supervisory appraiser who has the competencies as
171 determined by rule of the board.

172 (q) "Evaluation" means a valuation permitted by any
173 appraisal regulation of a federal financial institutions
174 regulatory agency for transactions that do not require an

580-02478-17

2017716c1

175 appraisal because they qualify for an applicable exemption under
176 federal law. The board shall adopt rules, as necessary, to
177 define evaluations and the applicable exemptions under federal
178 law.

179 (r) "Federally regulated appraisal management company"
180 means an appraisal management company that is owned and
181 controlled by an insured depository institution, as defined in
182 12 U.S.C. s. 1813, and regulated by the Office of the
183 Comptroller of the Currency, the Board of Governors of the
184 Federal Reserve System, or the Federal Deposit Insurance
185 Corporation.

186 (s)~~(p)~~ "Federally related transaction" means any real
187 estate-related financial transaction which a federal financial
188 institutions regulatory agency or the Resolution Trust
189 Corporation engages in, contracts for, or regulates, and which
190 requires the services of a state-licensed or state-certified
191 appraiser.

192 (t)~~(q)~~ "Licensed appraiser" means a person who is licensed
193 by the department as qualified to issue appraisal reports for
194 residential real property of one to four residential units or on
195 such real estate or real property as may be authorized by
196 federal regulation. After July 1, 2003, the department shall not
197 issue licenses for the category of licensed appraiser.

198 (u) "Order file" means the documentation necessary to
199 support the performance of appraisal management services.

200 (v)~~(r)~~ "Registered trainee appraiser" means a person who is
201 registered with the department as qualified to perform appraisal
202 services only under the direct supervision of a certified
203 appraiser. A registered trainee appraiser may accept appraisal

580-02478-17

2017716c1

204 assignments only from her or his primary or secondary
205 supervisory appraiser.

206 (w) "Secondary mortgage market participant" means a
207 guarantor, insurer, underwriter, or issuer of mortgage-backed
208 securities. The term includes an individual investor in a
209 mortgage-backed security only if such investor also serves in
210 the capacity of a guarantor, an insurer, an underwriter, or an
211 issuer for the mortgage-backed security.

212 (x)~~(s)~~ "Signature" means personalized evidence indicating
213 authentication of work performed by an appraiser and the
214 acceptance of responsibility for the content of an appraisal,
215 appraisal review, or appraisal consulting service or conclusions
216 in an appraisal report.

217 (y)~~(t)~~ "Subsidiary" means an organization that is owned and
218 controlled by a financial institution that is regulated by a
219 federal financial institution regulatory agency.

220 (z)~~(u)~~ "Supervisory appraiser" means a certified
221 residential appraiser or a certified general appraiser
222 responsible for the direct supervision of one or more registered
223 trainee appraisers and fully responsible for appraisals and
224 appraisal reports prepared by those registered trainee
225 appraisers. The board, by rule, shall determine the
226 responsibilities of a supervisory appraiser, the geographic
227 proximity required, the minimum qualifications and standards
228 required of a certified appraiser before she or he may act in
229 the capacity of a supervisory appraiser, and the maximum number
230 of registered trainee appraisers to be supervised by an
231 individual supervisory appraiser.

232 (aa)~~(v)~~ "Training" means the process of providing for and

580-02478-17

2017716c1

233 making available to a registered trainee appraiser, under direct
234 supervision, a planned, prepared, and coordinated program, or
235 routine of instruction and education, in appraisal professional
236 and technical appraisal skills as determined by rule of the
237 board.

238 (bb)~~(w)~~ "Uniform Standards of Professional Appraisal
239 Practice" means the most recent standards approved and adopted
240 by the Appraisal Standards Board of The Appraisal Foundation.

241 (cc)~~(x)~~ "Valuation services" means services pertaining to
242 aspects of property value and includes such services performed
243 by certified appraisers, registered trainee appraisers, and
244 others.

245 (dd)~~(y)~~ "Work file" means the documentation necessary to
246 support an appraiser's analysis, opinions, and conclusions.

247 (2) Wherever the word "operate" or "operating" appears in
248 this part with respect to a registered trainee appraiser,
249 registered appraisal management company, licensed appraiser, or
250 certified appraiser; in any order, rule, or regulation of the
251 board; in any pleading, indictment, or information under this
252 part; in any court action or proceeding; or in any order or
253 judgment of a court, it shall be deemed to mean the commission
254 of one or more acts described in this part as constituting or
255 defining a registered trainee appraiser, registered appraisal
256 management company, licensed appraiser, or certified appraiser,
257 not including, however, any of the exceptions stated therein. A
258 single act is sufficient to bring a person within the meaning of
259 this subsection, and each act, if prohibited herein, constitutes
260 a separate offense.

261 Section 3. Subsection (7) is added to section 475.612,

580-02478-17

2017716c1

262 Florida Statutes, to read:

263 475.612 Certification, licensure, or registration
264 required.—

265 (7) Notwithstanding any other law, an appraiser may perform
266 an evaluation of real property in connection with a real estate-
267 related financial transaction, as defined by rule of the board,
268 where the transaction is regulated by a federal financial
269 institutions regulatory agency. The appraiser shall comply with
270 the standards for evaluations imposed by the federal financial
271 institutions regulatory agency and other standards as prescribed
272 by the board. However, in no event may an evaluation be referred
273 to or construed as an appraisal.

274 Section 4. Section 475.6175, Florida Statutes, is repealed.

275 Section 5. Section 475.621, Florida Statutes, is amended to
276 read:

277 475.621 Registry of licensed and certified appraisers;
278 registry of appraisal management companies.—

279 (1) The department shall transmit to the appraisal
280 subcommittee, at least ~~no less than~~ annually, a roster listing
281 individuals who hold a valid state license or certification as
282 an appraiser. The department shall transmit to the appraisal
283 subcommittee, at least annually, a roster listing individuals or
284 companies that hold a valid state registration as an appraisal
285 management company.

286 (2) The department shall collect from such individuals who
287 perform or seek to perform appraisals in federally related
288 transactions, ~~an annual fee as set by rule of,~~ and transmitted
289 to, the appraisal subcommittee. The department shall collect
290 from such appraisal management companies that perform or seek to

580-02478-17

2017716c1

291 perform appraisal management services in covered transactions an
292 annual fee set by rule of the board and transmitted to the
293 appraisal subcommittee.

294 (3) Notwithstanding the prohibition against requiring
295 registration of a federally regulated appraisal management
296 company as provided in s. 475.6235(8)(b), the board shall
297 establish a procedure to collect from a federally regulated
298 appraisal management company an annual fee as set by rule of the
299 board and transmitted to the appraisal subcommittee.

300 Section 6. Subsections (5) and (8) of section 475.6235,
301 Florida Statutes, are amended to read:

302 475.6235 Registration of appraisal management companies
303 required; exemptions.—

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.
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

580-02478-17

2017716c1

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

326 (8) This section does not apply to:

327 (a) A financial institution, as defined in s. 655.005,
328 which owns and operates an internal appraisal office, business
329 unit, or department; or

330 (b) A federally regulated ~~An~~ appraisal management company
331 ~~that is a subsidiary owned and controlled by a financial~~
332 ~~institution, as defined in s. 655.005, that is regulated by a~~
333 ~~federal financial institution regulatory agency.~~

334 Section 7. Subsection (1) of section 475.6245, Florida
335 Statutes, is amended to read:

336 475.6245 Discipline of appraisal management companies.—

337 (1) The board may deny an application for registration or
338 renewal registration of an appraisal management company; may
339 investigate the actions of any appraisal management company
340 registered under this part; may reprimand or impose an
341 administrative fine not to exceed \$5,000 for each count or
342 separate offense against any such appraisal management company;
343 and may revoke or suspend, for a period not to exceed 10 years,
344 the registration of any such appraisal management company, or
345 place any such appraisal management company on probation, if the
346 board finds that the appraisal management company or any person
347 listed in s. 475.6235(2) (f):

348 (a) Has violated any provision of this part or s.

580-02478-17

2017716c1

349 455.227(1); however, any appraisal management company registered
350 under this part is exempt from s. 455.227(1)(i).

351 (b) Has been guilty of fraud, misrepresentation,
352 concealment, false promises, false pretenses, dishonest conduct,
353 culpable negligence, or breach of trust in any business
354 transaction in this state or any other state, nation, or
355 territory; has violated a duty imposed upon her or him by law or
356 by the terms of a contract, whether written, oral, express, or
357 implied, in an appraisal assignment; has aided, assisted, or
358 conspired with any other person engaged in any such misconduct
359 and in furtherance thereof; or has formed an intent, design, or
360 scheme to engage in such misconduct and committed an overt act
361 in furtherance of such intent, design, or scheme. It is
362 immaterial to the guilt of the appraisal management company that
363 the victim or intended victim of the misconduct has sustained no
364 damage or loss; that the damage or loss has been settled and
365 paid after discovery of the misconduct; or that such victim or
366 intended victim was a customer or a person in confidential
367 relation with the appraisal management company or was an
368 identified member of the general public.

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

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

373 (e) Has been convicted or found guilty of, or entered a
374 plea of nolo contendere to, regardless of adjudication, a crime
375 in any jurisdiction that directly relates to the activities of
376 an appraisal management company or that involves moral turpitude
377 or fraudulent or dishonest conduct. The record of a conviction

580-02478-17

2017716c1

378 certified or authenticated in such form as admissible in
379 evidence under the laws of the state shall be admissible as
380 prima facie evidence of such guilt.

381 (f) Has had a registration, license, or certification as an
382 appraiser or a registration as an appraisal management company
383 revoked, suspended, or otherwise acted against; has been
384 disbarred; has had her or his registration, license, or
385 certificate to practice or conduct any regulated profession,
386 business, or vocation revoked or suspended by this or any other
387 state, any nation, or any possession or district of the United
388 States; or has had an application for such registration,
389 licensure, or certification to practice or conduct any regulated
390 profession, business, or vocation denied by this or any other
391 state, any nation, or any possession or district of the United
392 States.

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

399 (h) Is confined in any county jail, postadjudication; is
400 confined in any state or federal prison or mental institution;
401 or, through mental disease or deterioration, can no longer
402 safely be entrusted to deal with the public or in a confidential
403 capacity.

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

580-02478-17

2017716c1

407 (j) Has been found guilty, for a second time, of any
408 misconduct that warrants disciplinary action, or has been found
409 guilty of a course of conduct or practice that shows that she or
410 he is incompetent, negligent, dishonest, or untruthful to an
411 extent that those with whom she or he may sustain a confidential
412 relationship may not safely do so.

413 (k) Has made or filed a report or record, either written or
414 oral, that the appraisal management company knows to be false;
415 has willfully failed to file a report or record required by
416 state or federal law; has willfully impeded or obstructed such
417 filing; or has induced another person to impede or obstruct such
418 filing. However, such reports or records shall include only
419 those that are signed or presented in the capacity of an
420 appraisal management company.

421 (l) Has obtained or attempted to obtain a registration,
422 license, or certification by means of knowingly making a false
423 statement, submitting false information, refusing to provide
424 complete information in response to an application question, or
425 engaging in fraud, misrepresentation, or concealment.

426 (m) Has paid money or other valuable consideration, except
427 as required by this section, to any member or employee of the
428 board to obtain a registration, license, or certification under
429 this section.

430 (n) Has instructed an appraiser to violate any standard of
431 professional practice established by rule of the board,
432 including standards for the development or communication of a
433 real estate appraisal or other provision of the Uniform
434 Standards of Professional Appraisal Practice.

435 (o) Has engaged in the development of an appraisal or the

580-02478-17

2017716c1

436 preparation of an appraisal report, unless the appraisal
437 management company is owned or controlled by certified
438 appraisers.

439 (p) Has failed to communicate an appraisal without good
440 cause.

441 (q) Has accepted an appraisal assignment if the employment
442 itself is contingent upon the appraisal management company
443 reporting a predetermined result, analysis, or opinion or if the
444 fee to be paid for the performance of the appraisal assignment
445 is contingent upon the opinion, conclusion, or valuation reached
446 upon the consequences resulting from the appraisal assignment.

447 (r) Has failed to timely notify the department of any
448 change in principal business location as an appraisal management
449 company.

450 (s) Has influenced or attempted to influence the
451 development, reporting, or review of an appraisal through
452 coercion, extortion, collusion, compensation, inducement,
453 intimidation, bribery, or any other means, including, but not
454 limited to:

455 1. Withholding or threatening to withhold timely payment
456 for an appraisal, unless such nonpayment is based upon specific
457 quality or other service issues that constitute noncompliance
458 with the appraisal engagement agreement.

459 2. Withholding or threatening to withhold future business
460 from an appraiser.

461 3. Promising future business, promotions, or increased
462 compensation for an appraiser, whether the promise is express or
463 implied.

464 4. Conditioning a request for appraisal services or the

580-02478-17

2017716c1

465 payment of an appraisal fee, salary, or bonus upon the opinion,
466 conclusion, or valuation to be reached or upon a preliminary
467 estimate or opinion requested from an appraiser.

468 5. Requesting that an appraiser provide an estimated,
469 predetermined, or desired valuation in an appraisal report or
470 provide estimated values or comparable sales at any time before
471 the appraiser's completion of appraisal services.

472 6. Providing to an appraiser an anticipated, estimated,
473 encouraged, or desired value for a subject property or a
474 proposed or target amount to be loaned to the borrower, except
475 that a copy of the sales contract for purchase transactions may
476 be provided.

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

479 8. Allowing the removal of an appraiser from an appraiser
480 panel without prior written notice to the appraiser.

481 9. Obtaining, using, or paying for a second or subsequent
482 appraisal or ordering an automated valuation model in connection
483 with a mortgage financing transaction unless there is a
484 reasonable basis to believe that the initial appraisal was
485 flawed or tainted and such basis is clearly and appropriately
486 noted in the loan file, or unless such appraisal or automated
487 valuation model is issued pursuant to a bona fide prefunding or
488 postfunding appraisal review or quality control process.

489 10. Any other act or practice that impairs or attempts to
490 impair an appraiser's independence, objectivity, or
491 impartiality.

492 (t) Has altered, modified, or otherwise changed a completed
493 appraisal report submitted by an appraiser to an appraisal

580-02478-17

2017716c1

494 management company.

495 (u) Has employed, contracted with, or otherwise retained an
496 appraiser whose registration, license, or certification is
497 suspended or revoked to perform appraisal services or appraisal
498 management services.

499 (v) Has required or attempted to require an appraiser to
500 sign any indemnification agreement that would require the
501 appraiser to hold harmless the appraisal management company or
502 its owners, agents, employees, or independent contractors from
503 any liability, damage, loss, or claim arising from the services
504 performed by the appraisal management company or its owners,
505 agents, employees, or independent contractors and not the
506 services performed by the appraiser.

507 Section 8. Section 475.628, Florida Statutes, is amended to
508 read:

509 475.628 Professional standards for appraisers registered,
510 licensed, or certified under this part.—

511 (1) The board shall adopt rules establishing standards of
512 professional practice which meet or exceed nationally recognized
513 standards of appraisal practice, including standards adopted by
514 the Appraisal Standards Board of the Appraisal Foundation. Each
515 appraiser registered, licensed, or certified under this part
516 must comply with the rules. Statements on appraisal standards
517 which may be issued for the purpose of clarification,
518 interpretation, explanation, or elaboration through the
519 Appraisal Foundation are binding on any appraiser registered,
520 licensed, or certified under this part, upon adoption by rule of
521 the board.

522 (2) The board may adopt rules establishing standards of

580-02478-17

2017716c1

523 practice, other than standards adopted by the Appraisal
524 Standards Board of the Appraisal Foundation, for nonfederally
525 related transactions. The board shall require that an appraiser,
526 when performing an appraisal or appraisal service for any
527 purpose other than a federally related transaction, must also
528 comply with the Ethics and Competency Rules of the standards
529 adopted by the Appraisal Standards Board of the Appraisal
530 Foundation and other requirements as determined by rule of the
531 board. Assignments completed using alternate standards do not
532 satisfy the experience requirements of s. 475.617 unless those
533 assignments comply with the standards adopted by the Appraisal
534 Standards Board of the Appraisal Foundation.

535 Section 9. For the purpose of incorporating the amendment
536 made by this act to section 475.611, Florida Statutes, in a
537 reference thereto, section 475.629, Florida Statutes, is
538 reenacted to read:

539 475.629 Retention of records.—An appraiser registered,
540 licensed, or certified under this part shall prepare and retain
541 a work file for each appraisal, appraisal review, or appraisal
542 consulting assignment. An appraisal management company
543 registered under this part shall prepare and retain an order
544 file for each appraisal, appraisal review, or appraisal
545 consulting assignment. The work file and the order file shall be
546 retained for 5 years or the period specified in the Uniform
547 Standards of Professional Appraisal Practice, whichever is
548 greater. The work file must contain original or true copies of
549 any contracts engaging the appraiser's or appraisal management
550 company's services, appraisal reports, and supporting data
551 assembled and formulated by the appraiser or company in

580-02478-17

2017716c1

552 preparing appraisal reports or engaging in appraisal management
553 services and all other data, information, and documentation
554 required by the standards for the development or communication
555 of a real estate appraisal as approved and adopted by the
556 Appraisal Standards Board of The Appraisal Foundation, as
557 established by rule of the board. The order file must contain
558 original or true copies of any contracts engaging the
559 appraiser's services, the appraisal reports, any engagement
560 materials or instructions from the client, and all other
561 documents required by the standards for the development or
562 communication of a real estate appraisal as approved and adopted
563 by the Appraisal Standards Board of The Appraisal Foundation, as
564 established by rule of the board. Notwithstanding the foregoing,
565 while general contracts and materials pertaining to impaneling
566 of an appraiser by an appraisal management company shall be
567 retained under this section, such contracts and materials are
568 not required to be maintained within the order file. Except as
569 otherwise specified in the Uniform Standards of Professional
570 Appraisal Practice, the period for retention of the records
571 applicable to each engagement of the services of the appraiser
572 or appraisal management company runs from the date of the
573 submission of the appraisal report to the client. Appraisal
574 management companies shall also retain the company accounts,
575 correspondence, memoranda, papers, books, and other records in
576 accordance with administrative rules adopted by the board. These
577 records must be made available by the appraiser or appraisal
578 management company for inspection and copying by the department
579 upon reasonable notice to the appraiser or company. If an
580 appraisal has been the subject of or has served as evidence for

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581 litigation, reports and records must be retained for at least 2
582 years after the trial or the period specified in the Uniform
583 Standards of Professional Appraisal Practice, whichever is
584 greater.

585 Section 10. This act shall take effect October 1, 2017.