

By the Committees on Appropriations; and Regulated Industries;
and Senator Passidomo

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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; adding certain grounds for
28 discipline by the board against appraisal management
29 companies; reenacting s. 475.626(1)(b), F.S., relating

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30 to violations and penalties, to incorporate the
31 amendment made to s. 475.6245, F.S., in a reference
32 thereto; amending s. 475.628, F.S.; authorizing the
33 board to adopt rules establishing certain standards of
34 practice for nonfederally related transactions;
35 providing requirements and construction for such
36 standards; reenacting s. 475.629, F.S., relating to
37 retention of records, to incorporate the amendment
38 made by the act to s. 475.611, F.S., in a reference
39 thereto; providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Subsection (6) of section 475.451, Florida
44 Statutes, is amended to read:

45 475.451 Schools teaching real estate practice.—

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

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59 personally in attendance at such course or by distance learning
60 pursuant to s. 475.17. The continuing education course required
61 by s. 475.182 may be taught by distance learning pursuant to s.
62 475.17 or by an equivalent correspondence course; however, any
63 such correspondence course shall be required to have a final
64 examination, prepared and administered by the school or course
65 provider issuing the correspondence course. The continuing
66 education requirements provided in this chapter do not apply to
67 an attorney who is otherwise qualified under this chapter and
68 who is a member in good standing of The Florida Bar.

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

71 475.611 Definitions.—

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

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

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

83 2. "Analysis assignment" denotes appraisal services that
84 relate to the employer's or client's individual needs or
85 investment objectives and includes specialized marketing,
86 financing, and feasibility studies as well as analyses,
87 opinions, and conclusions given in connection with activities

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88 such as real estate brokerage, mortgage banking, real estate
89 counseling, or real estate consulting.

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

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

98 (c) "Appraisal management company" means a person who,
99 within a 12-month period, oversees an appraiser panel of more
100 than 15 state-certified or state-licensed appraisers in a state
101 or 25 or more state-certified or state-licensed appraisers in
102 two or more states, and who performs appraisal management
103 services regardless of the use of the term "appraisal management
104 company," "appraiser cooperative," "appraiser portal," "mortgage
105 technology company," or other term.

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

108 1. Employing, contracting with, or otherwise retaining one
109 or more licensed or certified appraisers to perform appraisal
110 services for a client; or

111 2. Acting as a broker or intermediary between a client and
112 one or more licensed or certified appraisers to facilitate the
113 client's employing, contracting with, or otherwise retaining the
114 appraisers.

115 (e) "Appraisal report" means any communication, written or
116 oral, of an appraisal, appraisal review, appraisal consulting

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117 service, analysis, opinion, or conclusion relating to the
118 nature, quality, value, or utility of a specified interest in,
119 or aspect of, identified real property, and includes any report
120 communicating an appraisal analysis, opinion, or conclusion of
121 value, regardless of title. However, in order to be recognized
122 in a federally related transaction, an appraisal report must be
123 written.

124 (f) "Appraisal review" means the act or process of
125 developing and communicating an opinion about the quality of
126 another appraiser's appraisal, appraisal report, or work.

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

131 (h) "Appraiser" means any person who is a registered
132 trainee real estate appraiser, a licensed real estate appraiser,
133 or a certified real estate appraiser. An appraiser renders a
134 professional service and is a professional within the meaning of
135 s. 95.11(4)(a).

136 (i) "Appraiser panel" means a network, list, or roster of
137 licensed or certified appraisers approved by an appraisal
138 management company to perform appraisals as independent
139 contractors for the appraisal management company. An appraiser
140 is an independent contractor for purposes of this paragraph if
141 the appraiser is treated as an independent contractor by the
142 appraisal management company for federal income tax purposes.
143 The term "appraiser panel" includes:

144 1. Appraisers accepted by the appraisal management company
145 for consideration for future appraisal assignments in covered

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146 transactions or secondary mortgage market participants in
147 connection with covered transactions.

148 2. Appraisers employed by, contracted with, or otherwise
149 retained by the appraisal management company to perform one or
150 more appraisals in covered transactions or for secondary
151 mortgage market participants in connection with covered
152 transactions ~~group of appraisers selected by an appraisal~~
153 ~~management company to perform appraisal services for clients on~~
154 ~~behalf of the company.~~

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

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

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

165 (m) "Client" means a person who contracts with an appraiser
166 or appraisal management company for the performance of appraisal
167 services.

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

170 (o) ~~(n)~~ "Department" means the Department of Business and
171 Professional Regulation.

172 (p) ~~(o)~~ "Direct supervision" means the degree of supervision
173 required of a supervisory appraiser overseeing the work of a
174 registered trainee appraiser by which the supervisory appraiser

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175 has control over and detailed professional knowledge of the work
176 being done. Direct supervision is achieved when a registered
177 trainee appraiser has regular direction, guidance, and support
178 from a supervisory appraiser who has the competencies as
179 determined by rule of the board.

180 (q) "Evaluation" means a valuation permitted by any
181 appraisal regulation of a federal financial institutions
182 regulatory agency for transactions that do not require an
183 appraisal because they qualify for an applicable exemption under
184 federal law. The board shall adopt rules, as necessary, to
185 define evaluations and the applicable exemptions under federal
186 law.

187 (r) "Federally regulated appraisal management company"
188 means an appraisal management company that is owned and
189 controlled by an insured depository institution, as defined in
190 12 U.S.C. s. 1813, and regulated by the Office of the
191 Comptroller of the Currency, the Board of Governors of the
192 Federal Reserve System, or the Federal Deposit Insurance
193 Corporation.

194 (s)~~(p)~~ "Federally related transaction" means any real
195 estate-related financial transaction which a federal financial
196 institutions regulatory agency or the Resolution Trust
197 Corporation engages in, contracts for, or regulates, and which
198 requires the services of a state-licensed or state-certified
199 appraiser.

200 (t)~~(q)~~ "Licensed appraiser" means a person who is licensed
201 by the department as qualified to issue appraisal reports for
202 residential real property of one to four residential units or on
203 such real estate or real property as may be authorized by

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204 federal regulation. After July 1, 2003, the department shall not
205 issue licenses for the category of licensed appraiser.

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

208 (v)~~(r)~~ "Registered trainee appraiser" means a person who is
209 registered with the department as qualified to perform appraisal
210 services only under the direct supervision of a certified
211 appraiser. A registered trainee appraiser may accept appraisal
212 assignments only from her or his primary or secondary
213 supervisory appraiser.

214 (w) "Secondary mortgage market participant" means a
215 guarantor, insurer, underwriter, or issuer of mortgage-backed
216 securities. The term includes an individual investor in a
217 mortgage-backed security only if such investor also serves in
218 the capacity of a guarantor, an insurer, an underwriter, or an
219 issuer for the mortgage-backed security.

220 (x)~~(s)~~ "Signature" means personalized evidence indicating
221 authentication of work performed by an appraiser and the
222 acceptance of responsibility for the content of an appraisal,
223 appraisal review, or appraisal consulting service or conclusions
224 in an appraisal report.

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

228 (z)~~(u)~~ "Supervisory appraiser" means a certified
229 residential appraiser or a certified general appraiser
230 responsible for the direct supervision of one or more registered
231 trainee appraisers and fully responsible for appraisals and
232 appraisal reports prepared by those registered trainee

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233 appraisers. The board, by rule, shall determine the
234 responsibilities of a supervisory appraiser, the geographic
235 proximity required, the minimum qualifications and standards
236 required of a certified appraiser before she or he may act in
237 the capacity of a supervisory appraiser, and the maximum number
238 of registered trainee appraisers to be supervised by an
239 individual supervisory appraiser.

240 (aa)~~(w)~~ "Training" means the process of providing for and
241 making available to a registered trainee appraiser, under direct
242 supervision, a planned, prepared, and coordinated program, or
243 routine of instruction and education, in appraisal professional
244 and technical appraisal skills as determined by rule of the
245 board.

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

249 (cc)~~(*)~~ "Valuation services" means services pertaining to
250 aspects of property value and includes such services performed
251 by certified appraisers, registered trainee appraisers, and
252 others.

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

255 (2) Wherever the word "operate" or "operating" appears in
256 this part with respect to a registered trainee appraiser,
257 registered appraisal management company, licensed appraiser, or
258 certified appraiser; in any order, rule, or regulation of the
259 board; in any pleading, indictment, or information under this
260 part; in any court action or proceeding; or in any order or
261 judgment of a court, it shall be deemed to mean the commission

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262 of one or more acts described in this part as constituting or
263 defining a registered trainee appraiser, registered appraisal
264 management company, licensed appraiser, or certified appraiser,
265 not including, however, any of the exceptions stated therein. A
266 single act is sufficient to bring a person within the meaning of
267 this subsection, and each act, if prohibited herein, constitutes
268 a separate offense.

269 Section 3. Subsection (7) is added to section 475.612,
270 Florida Statutes, to read:

271 475.612 Certification, licensure, or registration
272 required.—

273 (7) Notwithstanding any other law, an appraiser may perform
274 an evaluation of real property in connection with a real estate-
275 related financial transaction, as defined by rule of the board,
276 where the transaction is regulated by a federal financial
277 institutions regulatory agency. The appraiser shall comply with
278 the standards for evaluations imposed by the federal financial
279 institutions regulatory agency and other standards as prescribed
280 by the board. However, in no event may an evaluation be referred
281 to or construed as an appraisal.

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

283 Section 5. Section 475.621, Florida Statutes, is amended to
284 read:

285 475.621 Registry of licensed and certified appraisers;
286 registry of appraisal management companies.—

287 (1) The department shall transmit to the appraisal
288 subcommittee, at least ~~no less than~~ annually, a roster listing
289 individuals who hold a valid state license or certification as
290 an appraiser. The department shall transmit to the appraisal

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291 subcommittee, at least annually, a roster listing individuals or
292 companies that hold a valid state registration as an appraisal
293 management company.

294 (2) The department shall collect from such individuals who
295 perform or seek to perform appraisals in federally related
296 transactions, ~~an annual fee as set by rule of,~~ and transmitted
297 to, the appraisal subcommittee. The department shall collect
298 from such appraisal management companies that perform or seek to
299 perform appraisal management services in covered transactions an
300 annual fee set by rule of the board and transmitted to the
301 appraisal subcommittee.

302 (3) Notwithstanding the prohibition against requiring
303 registration of a federally regulated appraisal management
304 company as provided in s. 475.6235(8)(b), the board shall
305 establish a procedure to collect from a federally regulated
306 appraisal management company an annual fee as set by rule of the
307 board and transmitted to the appraisal subcommittee.

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

310 475.6235 Registration of appraisal management companies
311 required; exemptions.—

312 (5) Each person listed in paragraph (2)(f) must be
313 competent and qualified to engage in appraisal management
314 services with safety to the general public and those with whom
315 the person may undertake a relationship of trust and confidence.
316 If any person listed in paragraph (2)(f) has been denied
317 registration, licensure, or certification as an appraiser or has
318 been disbarred, or if the person's registration, license, or
319 certificate to practice or conduct any regulated profession,

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320 business, or vocation has been revoked or suspended by this or
321 any other state, any nation, any possession or district of the
322 United States, or any court or lawful agency thereof because of
323 any conduct or practices that would have warranted a like result
324 under this part, or if the person has been guilty of conduct or
325 practices in this state or elsewhere that would have been
326 grounds for disciplining her or his registration, license, or
327 certification under this part had the person then been a
328 registered trainee appraiser or a licensed or certified
329 appraiser, the person is ~~shall be~~ deemed not to be qualified to
330 be registered ~~unless, because of lapse of time and subsequent~~
331 ~~good conduct and reputation, or other reason deemed sufficient,~~
332 ~~it appears to the board that the interest of the public is not~~
333 ~~likely to be endangered by the granting of registration.~~

334 (8) This section does not apply to:

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

338 (b) A federally regulated ~~An~~ appraisal management company
339 ~~that is a subsidiary owned and controlled by a financial~~
340 ~~institution, as defined in s. 655.005, that is regulated by a~~
341 ~~federal financial institution regulatory agency.~~

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

344 475.6245 Discipline of appraisal management companies.—

345 (1) The board may deny an application for registration or
346 renewal registration of an appraisal management company; may
347 investigate the actions of any appraisal management company
348 registered under this part; may reprimand or impose an

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349 administrative fine not to exceed \$5,000 for each count or
350 separate offense against any such appraisal management company;
351 and may revoke or suspend, for a period not to exceed 10 years,
352 the registration of any such appraisal management company, or
353 place any such appraisal management company on probation, if the
354 board finds that the appraisal management company or any person
355 listed in s. 475.6235(2) (f):

356 (a) Has violated any provision of this part or s.
357 455.227(1); however, any appraisal management company registered
358 under this part is exempt from s. 455.227(1) (i).

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

377 (c) Has advertised services in a manner that is fraudulent,

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378 false, deceptive, or misleading in form or content.

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

381 (e) Has been convicted or found guilty of, or entered a
382 plea of nolo contendere to, regardless of adjudication, a crime
383 in any jurisdiction that directly relates to the activities of
384 an appraisal management company or that involves moral turpitude
385 or fraudulent or dishonest conduct. The record of a conviction
386 certified or authenticated in such form as admissible in
387 evidence under the laws of the state shall be admissible as
388 prima facie evidence of such guilt.

389 (f) Has had a registration, license, or certification as an
390 appraiser or a registration as an appraisal management company
391 revoked, suspended, or otherwise acted against; has been
392 disbarred; has had her or his registration, license, or
393 certificate to practice or conduct any regulated profession,
394 business, or vocation revoked or suspended by this or any other
395 state, any nation, or any possession or district of the United
396 States; or has had an application for such registration,
397 licensure, or certification to practice or conduct any regulated
398 profession, business, or vocation denied by this or any other
399 state, any nation, or any possession or district of the United
400 States.

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

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407 (h) Is confined in any county jail, postadjudication; is
408 confined in any state or federal prison or mental institution;
409 or, through mental disease or deterioration, can no longer
410 safely be entrusted to deal with the public or in a confidential
411 capacity.

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

415 (j) Has been found guilty, for a second time, of any
416 misconduct that warrants disciplinary action, or has been found
417 guilty of a course of conduct or practice that shows that she or
418 he is incompetent, negligent, dishonest, or untruthful to an
419 extent that those with whom she or he may sustain a confidential
420 relationship may not safely do so.

421 (k) Has made or filed a report or record, either written or
422 oral, that the appraisal management company knows to be false;
423 has willfully failed to file a report or record required by
424 state or federal law; has willfully impeded or obstructed such
425 filing; or has induced another person to impede or obstruct such
426 filing. However, such reports or records shall include only
427 those that are signed or presented in the capacity of an
428 appraisal management company.

429 (l) Has obtained or attempted to obtain a registration,
430 license, or certification by means of knowingly making a false
431 statement, submitting false information, refusing to provide
432 complete information in response to an application question, or
433 engaging in fraud, misrepresentation, or concealment.

434 (m) Has paid money or other valuable consideration, except
435 as required by this section, to any member or employee of the

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436 board to obtain a registration, license, or certification under
437 this section.

438 (n) Has instructed an appraiser to violate any standard of
439 professional practice established by rule of the board,
440 including standards for the development or communication of a
441 real estate appraisal or other provision of the Uniform
442 Standards of Professional Appraisal Practice.

443 (o) Has engaged in the development of an appraisal or the
444 preparation of an appraisal report, unless the appraisal
445 management company is owned or controlled by certified
446 appraisers.

447 (p) Has failed to communicate an appraisal without good
448 cause.

449 (q) Has accepted an appraisal assignment if the employment
450 itself is contingent upon the appraisal management company
451 reporting a predetermined result, analysis, or opinion or if the
452 fee to be paid for the performance of the appraisal assignment
453 is contingent upon the opinion, conclusion, or valuation reached
454 upon the consequences resulting from the appraisal assignment.

455 (r) Has failed to timely notify the department of any
456 change in principal business location as an appraisal management
457 company.

458 (s) Has influenced or attempted to influence the
459 development, reporting, or review of an appraisal through
460 coercion, extortion, collusion, compensation, inducement,
461 intimidation, bribery, or any other means, including, but not
462 limited to:

463 1. Withholding or threatening to withhold timely payment
464 for an appraisal, unless such nonpayment is based upon specific

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465 quality or other service issues that constitute noncompliance
466 with the appraisal engagement agreement.

467 2. Withholding or threatening to withhold future business
468 from an appraiser.

469 3. Promising future business, promotions, or increased
470 compensation for an appraiser, whether the promise is express or
471 implied.

472 4. Conditioning a request for appraisal services or the
473 payment of an appraisal fee, salary, or bonus upon the opinion,
474 conclusion, or valuation to be reached or upon a preliminary
475 estimate or opinion requested from an appraiser.

476 5. Requesting that an appraiser provide an estimated,
477 predetermined, or desired valuation in an appraisal report or
478 provide estimated values or comparable sales at any time before
479 the appraiser's completion of appraisal services.

480 6. Providing to an appraiser an anticipated, estimated,
481 encouraged, or desired value for a subject property or a
482 proposed or target amount to be loaned to the borrower, except
483 that a copy of the sales contract for purchase transactions may
484 be provided.

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

487 8. Allowing the removal of an appraiser from an appraiser
488 panel without prior written notice to the appraiser.

489 9. Obtaining, using, or paying for a second or subsequent
490 appraisal or ordering an automated valuation model in connection
491 with a mortgage financing transaction unless there is a
492 reasonable basis to believe that the initial appraisal was
493 flawed or tainted and such basis is clearly and appropriately

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494 noted in the loan file, or unless such appraisal or automated
495 valuation model is issued pursuant to a bona fide prefunding or
496 postfunding appraisal review or quality control process.

497 10. Any other act or practice that impairs or attempts to
498 impair an appraiser's independence, objectivity, or
499 impartiality.

500 (t) Has altered, modified, or otherwise changed a completed
501 appraisal report submitted by an appraiser to an appraisal
502 management company.

503 (u) Has employed, contracted with, or otherwise retained an
504 appraiser whose registration, license, or certification is
505 suspended or revoked to perform appraisal services or appraisal
506 management services.

507 (v) Has required or attempted to require an appraiser to
508 sign any indemnification agreement that would require the
509 appraiser to hold harmless the appraisal management company or
510 its owners, agents, employees, or independent contractors from
511 any liability, damage, loss, or claim arising from the services
512 performed by the appraisal management company or its owners,
513 agents, employees, or independent contractors and not the
514 services performed by the appraiser.

515 (w) Has required or attempted to require a client to sign
516 any agreement that would require the client to hold harmless the
517 appraisal management company or its owners, agents, or employees
518 from any liability, damage, loss, or claim arising from the
519 services performed by the appraiser.

520 Section 8. For the purpose of incorporating the amendment
521 made by this act to section 475.6245, Florida Statutes, in a
522 reference thereto, paragraph (b) of subsection (1) of section

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523 475.626, Florida Statutes, is reenacted to read:

524 475.626 Violations and penalties.—

525 (1) A person may not:

526 (b) If an appraisal management company, commit any conduct
527 or practice set forth in s. 475.6245.

528 Section 9. Section 475.628, Florida Statutes, is amended to
529 read:

530 475.628 Professional standards for appraisers registered,
531 licensed, or certified under this part.—

532 (1) The board shall adopt rules establishing standards of
533 professional practice which meet or exceed nationally recognized
534 standards of appraisal practice, including standards adopted by
535 the Appraisal Standards Board of the Appraisal Foundation. Each
536 appraiser registered, licensed, or certified under this part
537 must comply with the rules. Statements on appraisal standards
538 which may be issued for the purpose of clarification,
539 interpretation, explanation, or elaboration through the
540 Appraisal Foundation are binding on any appraiser registered,
541 licensed, or certified under this part, upon adoption by rule of
542 the board.

543 (2) The board may adopt rules establishing standards of
544 practice, other than standards adopted by the Appraisal
545 Standards Board of the Appraisal Foundation, for nonfederally
546 related transactions. The board shall require that an appraiser,
547 when performing an appraisal or appraisal service for any
548 purpose other than a federally related transaction, must also
549 comply with the Ethics and Competency Rules of the standards
550 adopted by the Appraisal Standards Board of the Appraisal
551 Foundation and other requirements as determined by rule of the

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552 board. Assignments completed using alternate standards do not
553 satisfy the experience requirements of s. 475.617 unless those
554 assignments comply with the standards adopted by the Appraisal
555 Standards Board of the Appraisal Foundation.

556 Section 10. For the purpose of incorporating the amendment
557 made by this act to section 475.611, Florida Statutes, in a
558 reference thereto, section 475.629, Florida Statutes, is
559 reenacted to read:

560 475.629 Retention of records.—An appraiser registered,
561 licensed, or certified under this part shall prepare and retain
562 a work file for each appraisal, appraisal review, or appraisal
563 consulting assignment. An appraisal management company
564 registered under this part shall prepare and retain an order
565 file for each appraisal, appraisal review, or appraisal
566 consulting assignment. The work file and the order file shall be
567 retained for 5 years or the period specified in the Uniform
568 Standards of Professional Appraisal Practice, whichever is
569 greater. The work file must contain original or true copies of
570 any contracts engaging the appraiser's or appraisal management
571 company's services, appraisal reports, and supporting data
572 assembled and formulated by the appraiser or company in
573 preparing appraisal reports or engaging in appraisal management
574 services and all other data, information, and documentation
575 required by the standards for the development or communication
576 of a real estate appraisal as approved and adopted by the
577 Appraisal Standards Board of The Appraisal Foundation, as
578 established by rule of the board. The order file must contain
579 original or true copies of any contracts engaging the
580 appraiser's services, the appraisal reports, any engagement

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581 materials or instructions from the client, and all other
582 documents required by the standards for the development or
583 communication of a real estate appraisal as approved and adopted
584 by the Appraisal Standards Board of The Appraisal Foundation, as
585 established by rule of the board. Notwithstanding the foregoing,
586 while general contracts and materials pertaining to impaneling
587 of an appraiser by an appraisal management company shall be
588 retained under this section, such contracts and materials are
589 not required to be maintained within the order file. Except as
590 otherwise specified in the Uniform Standards of Professional
591 Appraisal Practice, the period for retention of the records
592 applicable to each engagement of the services of the appraiser
593 or appraisal management company runs from the date of the
594 submission of the appraisal report to the client. Appraisal
595 management companies shall also retain the company accounts,
596 correspondence, memoranda, papers, books, and other records in
597 accordance with administrative rules adopted by the board. These
598 records must be made available by the appraiser or appraisal
599 management company for inspection and copying by the department
600 upon reasonable notice to the appraiser or company. If an
601 appraisal has been the subject of or has served as evidence for
602 litigation, reports and records must be retained for at least 2
603 years after the trial or the period specified in the Uniform
604 Standards of Professional Appraisal Practice, whichever is
605 greater.

606 Section 11. This act shall take effect October 1, 2017.