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CS/CS/HB 927, Engrossed 1

2017 Legislature

1
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
8 evaluations; requiring appraisers to comply with
9 specified standards for evaluations; repealing s.
10 475.6175, F.S., relating to registered trainee
11 appraisers; amending s. 475.621, F.S.; requiring the
12 Department of Business and Professional Regulation to
13 transmit a specified roster to an appraisal
14 subcommittee; requiring the department and the Florida
15 Real Estate Appraisal Board to collect an annual fee
16 from certain appraisal management companies and
17 transmit such fee to the appraisal subcommittee;
18 requiring the board to adopt certain rules; amending
19 s. 475.6235, F.S.; deleting an exception to a
20 provision that deems a specified person unqualified
21 for registration as an appraisal management company;
22 revising applicability; amending s. 475.6245, F.S.;
23 authorizing the board to deny an appraisal management
24 company's registration renewal application;
25 prohibiting an appraisal management company from

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

26 requiring or attempting to require a client to sign a
 27 certain agreement; reenacting s. 475.626(1)(b), F.S.,
 28 relating to violations and penalties, to incorporate
 29 the amendment made by the act to s. 475.6245, F.S., in
 30 a reference thereto; amending s. 475.628, F.S.;
 31 authorizing the board to adopt rules establishing
 32 certain standards of practice; reenacting s. 475.629,
 33 F.S., relating to retention of records, to incorporate
 34 the amendment made by the act to s. 475.611, F.S., in
 35 a reference thereto; providing an effective date.
 36

37 Be It Enacted by the Legislature of the State of Florida:
 38

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

41 475.451 Schools teaching real estate practice.—

42 (6) Any course prescribed by the commission as a condition
 43 precedent to a person ~~any person's~~ becoming initially licensed
 44 as a sales associate or broker may be taught by a ~~in any~~ real
 45 estate school in a classroom or via distance learning pursuant
 46 to s. 475.17(2) through the use of a video tape of instruction
 47 by a currently permitted instructor from any such school ~~or may~~
 48 ~~be taught by distance learning pursuant to s. 475.17(2). The~~
 49 ~~commission may require that any such video tape course have a~~
 50 ~~single session of live instruction by a currently permitted~~

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

51 ~~instructor from any such school; however, this requirement shall~~
 52 ~~not exceed 3 classroom hours.~~ All other prescribed courses,
 53 except the continuing education course required by s. 475.182,
 54 shall be taught by a currently permitted school instructor
 55 personally in attendance at such course or by distance learning
 56 pursuant to s. 475.17. The continuing education course required
 57 by s. 475.182 may be taught by distance learning pursuant to s.
 58 475.17 or by an equivalent correspondence course; however, any
 59 such correspondence course shall be required to have a final
 60 examination, prepared and administered by the school or course
 61 provider issuing the correspondence course. The continuing
 62 education requirements provided in this chapter do not apply to
 63 an attorney who is otherwise qualified under this chapter and
 64 who is a member in good standing of The Florida Bar.

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

67 475.611 Definitions.—

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

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

72 1. "Appraisal assignment" denotes an engagement for which
 73 a person is employed or retained to act, or could be perceived
 74 by third parties or the public as acting, as an agent or a
 75 disinterested third party in rendering an unbiased analysis,

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

76 | opinion, review, or conclusion relating to the nature, quality,
77 | value, or utility of specified interests in, or aspects of,
78 | identified real property.

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

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

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

94 | (c) "Appraisal management company" means a person who,
95 | within a 12-month period, oversees an appraiser panel of more
96 | than 15 state-certified or state-licensed appraisers in a state,
97 | or 25 or more state-certified or state-licensed appraisers in
98 | two or more states, and who performs appraisal management
99 | services regardless of the use of the term "appraisal management
100 | company," "appraiser cooperative," "appraiser portal," "mortgage

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

101 technology company," or other term.

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

104 1. Employing, contracting with, or otherwise retaining one
 105 or more licensed or certified appraisers to perform appraisal
 106 services for a client; or

107 2. Acting as a broker or intermediary between a client and
 108 one or more licensed or certified appraisers to facilitate the
 109 client's employing, contracting with, or otherwise retaining the
 110 appraisers.

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

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

123 (g) "Appraisal subcommittee" means the designees of the
 124 heads of the federal financial institutions regulatory agencies
 125 established by the Federal Financial Institutions Examination

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

126 Council Act of 1978 (12 U.S.C. ss. 3301 et seq.), as amended.

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

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

140 1. Appraisers accepted by the appraisal management company
 141 for consideration for future appraisal assignments in covered
 142 transactions or secondary mortgage market participants in
 143 connection with covered transactions.

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

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

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

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

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

161 (m) "Client" means a person who contracts with an
 162 appraiser or appraisal management company for the performance of
 163 appraisal services.

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

166 (o) ~~(n)~~ "Department" means the Department of Business and
 167 Professional Regulation.

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

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

176 (q) "Evaluation" means a valuation permitted by any
 177 federal financial institutions regulatory agency appraisal
 178 regulations for transactions that do not require an appraisal,
 179 as such valuations qualify for an applicable exemption under
 180 federal law. The board shall adopt rules, as necessary, to
 181 define the term "evaluation" and the applicable exemptions under
 182 federal law.

183 (r) "Federally regulated appraisal management company"
 184 means an appraisal management company that is owned and
 185 controlled by an insured depository institution, as defined in
 186 12 U.S.C. s. 1813, and regulated by the Comptroller of the
 187 Currency, the Board of Governors of the Federal Reserve System,
 188 or the Federal Deposit Insurance Corporation.

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

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

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

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

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

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

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

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

223 (z)~~(u)~~ "Supervisory appraiser" means a certified
 224 residential appraiser or a certified general appraiser
 225 responsible for the direct supervision of one or more registered

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

226 | trainee appraisers and fully responsible for appraisals and
 227 | appraisal reports prepared by those registered trainee
 228 | appraisers. The board, by rule, shall determine the
 229 | responsibilities of a supervisory appraiser, the geographic
 230 | proximity required, the minimum qualifications and standards
 231 | required of a certified appraiser before she or he may act in
 232 | the capacity of a supervisory appraiser, and the maximum number
 233 | of registered trainee appraisers to be supervised by an
 234 | individual supervisory appraiser.

235 | (aa) ~~(v)~~ "Training" means the process of providing for and
 236 | making available to a registered trainee appraiser, under direct
 237 | supervision, a planned, prepared, and coordinated program, or
 238 | routine of instruction and education, in appraisal professional
 239 | and technical appraisal skills as determined by rule of the
 240 | board.

241 | (bb) ~~(w)~~ "Uniform Standards of Professional Appraisal
 242 | Practice" means the most recent standards approved and adopted
 243 | by the Appraisal Standards Board of The Appraisal Foundation.

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

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

250 | (2) Wherever the word "operate" or "operating" appears in

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

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

264 | Section 3. Subsection (7) is added to section 475.612,
 265 | Florida Statutes, to read:

266 | 475.612 Certification, licensure, or registration
 267 | required.—

268 | (7) Notwithstanding any other provision of law, an
 269 | appraiser may perform an evaluation of real property in
 270 | connection with a real estate-related financial transaction, as
 271 | defined by rule of the board, which is regulated by a federal
 272 | financial institutions regulatory agency. The appraiser shall
 273 | comply with the standards for evaluations imposed by the federal
 274 | financial institutions regulatory agency and other standards as
 275 | prescribed by the board. However, an evaluation may not be

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

276 referred to or construed as an appraisal.

277 Section 4. Section 475.6175, Florida Statutes, is
 278 repealed.

279 Section 5. Section 475.621, Florida Statutes, is amended
 280 to read:

281 475.621 Registry of licensed and certified appraisers;
 282 registry of appraisal management companies.-

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

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

298 (3) Notwithstanding the prohibition against requiring
 299 registration of a federally regulated appraisal management
 300 company as provided in s. 475.6235(8) (b), the board shall

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

301 establish a procedure to collect from a federally regulated
 302 appraisal management company an annual fee as set by rule of the
 303 board and transmitted to the appraisal subcommittee.

304 Section 6. Subsection (5) and paragraph (b) of subsection
 305 (8) of section 475.6235, Florida Statutes, are amended to read:

306 475.6235 Registration of appraisal management companies
 307 required; exemptions.—

308 (5) Each person listed in paragraph (2)(f) must be
 309 competent and qualified to engage in appraisal management
 310 services with safety to the general public and those with whom
 311 the person may undertake a relationship of trust and confidence.
 312 If any person listed in paragraph (2)(f) has been denied
 313 registration, licensure, or certification as an appraiser or has
 314 been disbarred, or if the person's registration, license, or
 315 certificate to practice or conduct any regulated profession,
 316 business, or vocation has been revoked or suspended by this or
 317 any other state, any nation, any possession or district of the
 318 United States, or any court or lawful agency thereof because of
 319 any conduct or practices that would have warranted a like result
 320 under this part, or if the person has been guilty of conduct or
 321 practices in this state or elsewhere that would have been
 322 grounds for disciplining her or his registration, license, or
 323 certification under this part had the person then been a
 324 registered trainee appraiser or a licensed or certified
 325 appraiser, the person shall be deemed not to be qualified to be

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

326 ~~registered unless, because of lapse of time and subsequent good~~
 327 ~~conduct and reputation, or other reason deemed sufficient, it~~
 328 ~~appears to the board that the interest of the public is not~~
 329 ~~likely to be endangered by the granting of registration.~~

330 (8) This section does not apply to:

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

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

337 475.6245 Discipline of appraisal management companies.—

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

349 (a) Has violated any provision of this part or s.
 350 455.227(1); however, any appraisal management company registered

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

351 under this part is exempt from s. 455.227(1)(i).

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

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

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

374 (e) Has been convicted or found guilty of, or entered a
375 plea of nolo contendere to, regardless of adjudication, a crime

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

376 | in any jurisdiction that directly relates to the activities of
377 | an appraisal management company or that involves moral turpitude
378 | or fraudulent or dishonest conduct. The record of a conviction
379 | certified or authenticated in such form as admissible in
380 | evidence under the laws of the state shall be admissible as
381 | prima facie evidence of such guilt.

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

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

400 | (h) Is confined in any county jail, postadjudication; is

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

401 confined in any state or federal prison or mental institution;
402 or, through mental disease or deterioration, can no longer
403 safely be entrusted to deal with the public or in a confidential
404 capacity.

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

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

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

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

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

426 engaging in fraud, misrepresentation, or concealment.

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

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

436 (o) Has engaged in the development of an appraisal or the
 437 preparation of an appraisal report, unless the appraisal
 438 management company is owned or controlled by certified
 439 appraisers.

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

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

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

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

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

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

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

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

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

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

473 6. Providing to an appraiser an anticipated, estimated,
474 encouraged, or desired value for a subject property or a
475 proposed or target amount to be loaned to the borrower, except

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

476 | that a copy of the sales contract for purchase transactions may
 477 | be provided.

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

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

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

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

493 | (t) Has altered, modified, or otherwise changed a
 494 | completed appraisal report submitted by an appraiser to an
 495 | appraisal management company.

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

500 | (v) Has required or attempted to require an appraiser to

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

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

508 (w) Has required or attempted to require a client to sign
 509 any indemnification agreement that would require the client to
 510 hold harmless the appraisal management company or its owners,
 511 agents, or employees from any liability, damage, loss, or claim
 512 arising from the services performed by an appraiser.

513 Section 8. For the purpose of incorporating the amendment
 514 made by this act to section 475.6245, Florida Statutes, in a
 515 reference thereto, paragraph (b) of subsection (1) of section
 516 475.626, Florida Statutes, is reenacted to read:

517 475.626 Violations and penalties.—

518 (1) A person may not:

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

521 Section 9. Section 475.628, Florida Statutes, is amended
 522 to read:

523 475.628 Professional standards for appraisers registered,
 524 licensed, or certified under this part.—

525 (1) The board shall adopt rules establishing standards of

ENROLLED

CS/CS/HB 927, Engrossed 1

2017 Legislature

526 professional practice which meet or exceed nationally recognized
527 standards of appraisal practice, including standards adopted by
528 the Appraisal Standards Board of the Appraisal Foundation. Each
529 appraiser registered, licensed, or certified under this part
530 must comply with the rules. Statements on appraisal standards
531 which may be issued for the purpose of clarification,
532 interpretation, explanation, or elaboration through the
533 Appraisal Foundation are binding on any appraiser registered,
534 licensed, or certified under this part, upon adoption by rule of
535 the board.

536 (2) The board may adopt rules establishing standards of
537 professional practice other than standards adopted by the
538 Appraisal Standards Board of the Appraisal Foundation for
539 nonfederally related transactions. The board shall require that
540 when performing an appraisal or appraisal service for any
541 purpose other than a federally related transaction, an appraiser
542 must comply with the Ethics and Competency Rules of the
543 standards adopted by the Appraisal Standards Board of the
544 Appraisal Foundation, and other requirements as determined by
545 rule of the board. An assignment completed using alternate
546 standards does not satisfy the experience requirements under s.
547 475.617 unless the assignment complies with the standards
548 adopted by the Appraisal Standards Board of the Appraisal
549 Foundation.

550 Section 10. For the purpose of incorporating the amendment

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CS/CS/HB 927, Engrossed 1

2017 Legislature

551 made by this act to section 475.611, Florida Statutes, in a
552 reference thereto, section 475.629, Florida Statutes, is
553 reenacted to read:

554 475.629 Retention of records.—An appraiser registered,
555 licensed, or certified under this part shall prepare and retain
556 a work file for each appraisal, appraisal review, or appraisal
557 consulting assignment. An appraisal management company
558 registered under this part shall prepare and retain an order
559 file for each appraisal, appraisal review, or appraisal
560 consulting assignment. The work file and the order file shall be
561 retained for 5 years or the period specified in the Uniform
562 Standards of Professional Appraisal Practice, whichever is
563 greater. The work file must contain original or true copies of
564 any contracts engaging the appraiser's or appraisal management
565 company's services, appraisal reports, and supporting data
566 assembled and formulated by the appraiser or company in
567 preparing appraisal reports or engaging in appraisal management
568 services and all other data, information, and documentation
569 required by the standards for the development or communication
570 of a real estate appraisal as approved and adopted by the
571 Appraisal Standards Board of The Appraisal Foundation, as
572 established by rule of the board. The order file must contain
573 original or true copies of any contracts engaging the
574 appraiser's services, the appraisal reports, any engagement
575 materials or instructions from the client, and all other

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CS/CS/HB 927, Engrossed 1

2017 Legislature

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

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