

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Careers & Competition
 2 Subcommittee

3 Representative Rommel offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 475.451 Schools teaching real estate practice.-

10 (6) Any course prescribed by the commission as a condition
 11 precedent to a person any person's becoming initially licensed
 12 as a sales associate or broker may be taught by a in any real
 13 estate school in a classroom or via distance learning pursuant
 14 to s. 475.17(2) through the use of a video tape of instruction
 15 by a currently permitted instructor from any such school ~~or may~~
 16 ~~be taught by distance learning pursuant to s. 475.17(2). The~~

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17 ~~commission may require that any such video tape course have a~~
18 ~~single session of live instruction by a currently permitted~~
19 ~~instructor from any such school; however, this requirement shall~~
20 ~~not exceed 3 classroom hours.~~ All other prescribed courses,
21 except the continuing education course required by s. 475.182,
22 shall be taught by a currently permitted school instructor
23 personally in attendance at such course or by distance learning
24 pursuant to s. 475.17. The continuing education course required
25 by s. 475.182 may be taught by distance learning pursuant to s.
26 475.17 or by an equivalent correspondence course; however, any
27 such correspondence course shall be required to have a final
28 examination, prepared and administered by the school or course
29 provider issuing the correspondence course. The continuing
30 education requirements provided in this chapter do not apply to
31 an attorney who is otherwise qualified under this chapter and
32 who is a member in good standing of The Florida Bar.

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

35 475.611 Definitions.—

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

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

40 1. "Appraisal assignment" denotes an engagement for which
41 a person is employed or retained to act, or could be perceived

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42 | by third parties or the public as acting, as an agent or a
43 | disinterested third party in rendering an unbiased analysis,
44 | opinion, review, or conclusion relating to the nature, quality,
45 | value, or utility of specified interests in, or aspects of,
46 | identified real property.

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

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

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

62 | (c) "Appraisal management company" means a person who
63 | performs appraisal management services regardless of the use of
64 | the term "appraisal management company," "appraiser
65 | cooperative," "appraiser portal," "mortgage technology company,"
66 | or other term.

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

69 1. Employing, contracting with, or otherwise retaining one
70 or more licensed or certified appraisers to perform appraisal
71 services for a client; or

72 2. Acting as a broker or intermediary between a client and
73 one or more licensed or certified appraisers to facilitate the
74 client's employing, contracting with, or otherwise retaining the
75 appraisers.

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

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

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

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92 (h) "Appraiser" means any person who is a registered
93 trainee real estate appraiser, a licensed real estate appraiser,
94 or a certified real estate appraiser. An appraiser renders a
95 professional service and is a professional within the meaning of
96 s. 95.11(4)(a).

97 (i) "Appraiser panel" means a network, list, or roster of
98 licensed or certified appraisers approved by an appraisal
99 management company to perform appraisals as independent
100 contractors for the appraisal management company. An appraiser
101 is an independent contractor for purposes of this paragraph if
102 the appraiser is treated as an independent contractor by the
103 appraisal management company for federal income tax purposes.

104 The term "appraiser panel" includes:

105 1. Appraisers accepted by the appraisal management company
106 for consideration for future appraisal assignments in covered
107 transactions or secondary mortgage market participants in
108 connection with covered transactions.

109 2. Appraisers employed by, contracted with, or otherwise
110 retained by the appraisal management company to perform one or
111 more appraisals in covered transactions or for secondary
112 mortgage market participants in connection with covered
113 transactions ~~group of appraisers selected by an appraisal~~
114 ~~management company to perform appraisal services for clients on~~
115 ~~behalf of the company.~~

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

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

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

126 (m) "Client" means a person who contracts with an
127 appraiser or appraisal management company for the performance of
128 appraisal services.

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

131 (o) ~~(n)~~ "Department" means the Department of Business and
132 Professional Regulation.

133 (p) ~~(o)~~ "Direct supervision" means the degree of
134 supervision required of a supervisory appraiser overseeing the
135 work of a registered trainee appraiser by which the supervisory
136 appraiser has control over and detailed professional knowledge
137 of the work being done. Direct supervision is achieved when a
138 registered trainee appraiser has regular direction, guidance,
139 and support from a supervisory appraiser who has the
140 competencies as determined by rule of the board.

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141 (q) "Evaluation" means a valuation permitted by any federal
142 financial institutions regulatory agency appraisal regulations
143 for transactions that do not require an appraisal, as they
144 qualify for an applicable exemption under federal law. The
145 board shall adopt rules, as necessary, to define evaluations and
146 the applicable exemptions under federal law.

147 (r) "Federally regulated appraisal management company"
148 means an appraisal management company that is owned and
149 controlled by an insured depository institution, as defined in
150 12 U.S.C. s. 1813, and regulated by the Comptroller of the
151 Currency, the Board of Governors of the Federal Reserve System,
152 or the Federal Deposit Insurance Corporation.

153 (s)~~(p)~~ "Federally related transaction" means any real
154 estate-related financial transaction which a federal financial
155 institutions regulatory agency or the Resolution Trust
156 Corporation engages in, contracts for, or regulates, and which
157 requires the services of a state-licensed or state-certified
158 appraiser.

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

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

167 (v)~~(r)~~ "Registered trainee appraiser" means a person who is
168 registered with the department as qualified to perform appraisal
169 services only under the direct supervision of a certified
170 appraiser. A registered trainee appraiser may accept appraisal
171 assignments only from her or his primary or secondary
172 supervisory appraiser.

173 (w) "Secondary mortgage market participant" means a
174 guarantor, insurer, underwriter, or issuer of mortgage-backed
175 securities. The term includes an individual investor in a
176 mortgage-backed security only if such investor also serves in
177 the capacity of a guarantor, an insurer, an underwriter, or an
178 issuer for the mortgage-backed security.

179 (x)~~(s)~~ "Signature" means personalized evidence indicating
180 authentication of work performed by an appraiser and the
181 acceptance of responsibility for the content of an appraisal,
182 appraisal review, or appraisal consulting service or conclusions
183 in an appraisal report.

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

187 (z)~~(u)~~ "Supervisory appraiser" means a certified
188 residential appraiser or a certified general appraiser
189 responsible for the direct supervision of one or more registered

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190 trainee appraisers and fully responsible for appraisals and
191 appraisal reports prepared by those registered trainee
192 appraisers. The board, by rule, shall determine the
193 responsibilities of a supervisory appraiser, the geographic
194 proximity required, the minimum qualifications and standards
195 required of a certified appraiser before she or he may act in
196 the capacity of a supervisory appraiser, and the maximum number
197 of registered trainee appraisers to be supervised by an
198 individual supervisory appraiser.

199 (aa) ~~(w)~~ "Training" means the process of providing for and
200 making available to a registered trainee appraiser, under direct
201 supervision, a planned, prepared, and coordinated program, or
202 routine of instruction and education, in appraisal professional
203 and technical appraisal skills as determined by rule of the
204 board.

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

208 (cc) ~~(x)~~ "Valuation services" means services pertaining to
209 aspects of property value and includes such services performed
210 by certified appraisers, registered trainee appraisers, and
211 others.

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

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214 (2) Wherever the word "operate" or "operating" appears in
215 this part with respect to a registered trainee appraiser,
216 registered appraisal management company, licensed appraiser, or
217 certified appraiser; in any order, rule, or regulation of the
218 board; in any pleading, indictment, or information under this
219 part; in any court action or proceeding; or in any order or
220 judgment of a court, it shall be deemed to mean the commission
221 of one or more acts described in this part as constituting or
222 defining a registered trainee appraiser, registered appraisal
223 management company, licensed appraiser, or certified appraiser,
224 not including, however, any of the exceptions stated therein. A
225 single act is sufficient to bring a person within the meaning of
226 this subsection, and each act, if prohibited herein, constitutes
227 a separate offense.

228 Section 3. Section 475.612, Florida Statutes, is amended
229 to read:

230 475.612 Certification, licensure, or registration
231 required.—

232 (1) A person may not use the title "certified real estate
233 appraiser," "licensed real estate appraiser," or "registered
234 trainee real estate appraiser," or any abbreviation or words to
235 that effect, or issue an appraisal report, unless such person is
236 certified, licensed, or registered by the department under this
237 part. However, the work upon which an appraisal report is based
238 may be performed by a person who is not a certified or licensed

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239 appraiser or registered trainee appraiser if the work is
240 supervised and approved, and the report is signed, by a
241 certified or licensed appraiser who has full responsibility for
242 all requirements of the report and valuation service. Only a
243 certified or licensed appraiser may issue an appraisal report
244 and receive direct compensation for providing valuation services
245 for the appraisal report. A registered trainee appraiser may
246 only receive compensation for appraisal services from her or his
247 authorized certified appraiser.

248 (2) This section does not preclude a Florida licensed real
249 estate broker, sales associate, or broker associate who is not a
250 Florida certified or licensed real estate appraiser from
251 providing valuation services for compensation. Such persons may
252 continue to provide valuation services for compensation so long
253 as they do not represent themselves as certified, licensed, or
254 registered under this part.

255 (3) This section does not apply to a real estate broker or
256 sales associate who, in the ordinary course of business,
257 performs a comparative market analysis, gives a price opinion,
258 or gives an opinion of the value of real estate. However, in no
259 event may this comparative market analysis, price opinion, or
260 opinion of value of real estate be referred to or construed as
261 an appraisal.

262 (4) This section does not prevent any state court or
263 administrative law judge from certifying as an expert witness in

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264 any legal or administrative proceeding an appraiser who is not
265 certified, licensed, or registered; nor does it prevent any
266 appraiser from testifying, with respect to the results of an
267 appraisal.

268 (5) This section does not apply to any full-time graduate
269 student who is enrolled in a degree program in appraising at a
270 college or university in this state, if the student is acting
271 under the direct supervision of a certified appraiser and is
272 engaged only in appraisal activities related to the approved
273 degree program. Any appraisal report by the student must be
274 issued in the name of the supervising individual who is
275 responsible for the report's content.

276 (6) This section does not apply to any employee of a
277 local, state, or federal agency who performs appraisal services
278 within the scope of her or his employment. However, this
279 exemption does not apply where any local, state, or federal
280 agency requires an employee to be registered, licensed, or
281 certified to perform appraisal services.

282 (7) Notwithstanding any other provision of law, an
283 appraiser may perform an evaluation of real property in
284 connection with a real estate-related financial transaction, as
285 defined by rule of the board, where the transaction is regulated
286 by a federal financial institutions regulatory agency. The
287 appraiser shall be required to comply with the standards for
288 evaluations imposed by the federal financial institutions

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289 regulatory agency and other standards as prescribed by the
290 board. However, in no event may an evaluation be referred to or
291 construed as an appraisal.

292 Section 4. Section 475.6175, Florida Statutes, is
293 repealed.

294 Section 5. Section 475.621, Florida Statutes, is amended
295 to read:

296 475.621 Registry of licensed and certified appraisers;
297 registry of appraisal management companies.-

298 (1) The department shall transmit to the appraisal
299 subcommittee, at least ~~no less than~~ annually, a roster listing
300 individuals who hold a valid state license or certification as
301 an appraiser. The department shall transmit to the appraisal
302 subcommittee, at least annually, a roster listing individuals or
303 companies that hold a valid state registration as an appraisal
304 management company.

305 (2) The department shall collect from such individuals who
306 perform or seek to perform appraisals in federally related
307 transactions, an annual fee as set by rule of, and transmitted
308 to, the appraisal subcommittee. The department shall collect
309 from such appraisal management companies that perform or seek to
310 perform appraisal management services in covered transactions an
311 annual fee set by rule of the board and transmitted to the
312 appraisal subcommittee.

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313 (3) Notwithstanding the prohibition against requiring
314 registration of a federally regulated appraisal management
315 company as provided in s. 475.6235(8)(b), the board shall
316 establish a procedure to collect from a federally regulated
317 appraisal management company an annual fee as set by rule of the
318 board and transmitted to the appraisal subcommittee.

319 Section 6. Subsection (5) and paragraph (b) of subsection
320 (8) of section 475.6235, Florida Statutes, is amended to read:

321 475.6235 Registration of appraisal management companies
322 required; exemptions.—

323 (5) Each person listed in paragraph (2)(f) must be
324 competent and qualified to engage in appraisal management
325 services with safety to the general public and those with whom
326 the person may undertake a relationship of trust and confidence.
327 If any person listed in paragraph (2)(f) has been denied
328 registration, licensure, or certification as an appraiser or has
329 been disbarred, or if the person's registration, license, or
330 certificate to practice or conduct any regulated profession,
331 business, or vocation has been revoked or suspended by this or
332 any other state, any nation, any possession or district of the
333 United States, or any court or lawful agency thereof because of
334 any conduct or practices that would have warranted a like result
335 under this part, or if the person has been guilty of conduct or
336 practices in this state or elsewhere that would have been
337 grounds for disciplining her or his registration, license, or

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338 certification under this part had the person then been a
339 registered trainee appraiser or a licensed or certified
340 appraiser, the person shall be deemed not to be qualified to be
341 registered ~~unless, because of lapse of time and subsequent good~~
342 ~~conduct and reputation, or other reason deemed sufficient, it~~
343 ~~appears to the board that the interest of the public is not~~
344 ~~likely to be endangered by the granting of registration.~~

345 (8) This section does not apply to:

346 (b) A federally regulated ~~An~~ appraisal management company
347 ~~that is a subsidiary owned and controlled by a financial~~
348 ~~institution, as defined in s. 655.005, that is regulated by a~~
349 ~~federal financial institution regulatory agency.~~

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

352 475.6245 Discipline of appraisal management companies.—

353 (1) The board may deny an application for registration or
354 renewal registration of an appraisal management company; may
355 investigate the actions of any appraisal management company
356 registered under this part; may reprimand or impose an
357 administrative fine not to exceed \$5,000 for each count or
358 separate offense against any such appraisal management company;
359 and may revoke or suspend, for a period not to exceed 10 years,
360 the registration of any such appraisal management company, or
361 place any such appraisal management company on probation, if the

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362 board finds that the appraisal management company or any person
363 listed in s. 475.6235(2) (f):

364 (a) Has violated any provision of this part or s.
365 455.227(1); however, any appraisal management company registered
366 under this part is exempt from s. 455.227(1) (i).

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

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

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

389 (e) Has been convicted or found guilty of, or entered a
390 plea of nolo contendere to, regardless of adjudication, a crime
391 in any jurisdiction that directly relates to the activities of
392 an appraisal management company or that involves moral turpitude
393 or fraudulent or dishonest conduct. The record of a conviction
394 certified or authenticated in such form as admissible in
395 evidence under the laws of the state shall be admissible as
396 prima facie evidence of such guilt.

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

409 (g) Has become temporarily incapacitated from acting as an
410 appraisal management company with safety to those in a fiduciary
411 relationship with her or him because of drunkenness, use of

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412 | drugs, or temporary mental derangement; however, suspension of a
413 | registration in such cases shall only be for the period of such
414 | incapacity.

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

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

423 | (j) Has been found guilty, for a second time, of any
424 | misconduct that warrants disciplinary action, or has been found
425 | guilty of a course of conduct or practice that shows that she or
426 | he is incompetent, negligent, dishonest, or untruthful to an
427 | extent that those with whom she or he may sustain a confidential
428 | relationship may not safely do so.

429 | (k) Has made or filed a report or record, either written
430 | or oral, that the appraisal management company knows to be
431 | false; has willfully failed to file a report or record required
432 | by state or federal law; has willfully impeded or obstructed
433 | such filing; or has induced another person to impede or obstruct
434 | such filing. However, such reports or records shall include only
435 | those that are signed or presented in the capacity of an
436 | appraisal management company.

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

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

446 (n) Has instructed an appraiser to violate any standard of
447 professional practice established by rule of the board,
448 including standards for the development or communication of a
449 real estate appraisal or other provision of the Uniform
450 Standards of Professional Appraisal Practice.

451 (o) Has engaged in the development of an appraisal or the
452 preparation of an appraisal report, unless the appraisal
453 management company is owned or controlled by certified
454 appraisers.

455 (p) Has failed to communicate an appraisal without good
456 cause.

457 (q) Has accepted an appraisal assignment if the employment
458 itself is contingent upon the appraisal management company
459 reporting a predetermined result, analysis, or opinion or if the
460 fee to be paid for the performance of the appraisal assignment

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461 is contingent upon the opinion, conclusion, or valuation reached
462 upon the consequences resulting from the appraisal assignment.

463 (r) Has failed to timely notify the department of any
464 change in principal business location as an appraisal management
465 company.

466 (s) Has influenced or attempted to influence the
467 development, reporting, or review of an appraisal through
468 coercion, extortion, collusion, compensation, inducement,
469 intimidation, bribery, or any other means, including, but not
470 limited to:

471 1. Withholding or threatening to withhold timely payment
472 for an appraisal, unless such nonpayment is based upon specific
473 quality or other service issues that constitute noncompliance
474 with the appraisal engagement agreement.

475 2. Withholding or threatening to withhold future business
476 from an appraiser.

477 3. Promising future business, promotions, or increased
478 compensation for an appraiser, whether the promise is express or
479 implied.

480 4. Conditioning a request for appraisal services or the
481 payment of an appraisal fee, salary, or bonus upon the opinion,
482 conclusion, or valuation to be reached or upon a preliminary
483 estimate or opinion requested from an appraiser.

484 5. Requesting that an appraiser provide an estimated,
485 predetermined, or desired valuation in an appraisal report or

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486 provide estimated values or comparable sales at any time before
487 the appraiser's completion of appraisal services.

488 6. Providing to an appraiser an anticipated, estimated,
489 encouraged, or desired value for a subject property or a
490 proposed or target amount to be loaned to the borrower, except
491 that a copy of the sales contract for purchase transactions may
492 be provided.

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

495 8. Allowing the removal of an appraiser from an appraiser
496 panel without prior written notice to the appraiser.

497 9. Obtaining, using, or paying for a second or subsequent
498 appraisal or ordering an automated valuation model in connection
499 with a mortgage financing transaction unless there is a
500 reasonable basis to believe that the initial appraisal was
501 flawed or tainted and such basis is clearly and appropriately
502 noted in the loan file, or unless such appraisal or automated
503 valuation model is issued pursuant to a bona fide prefunding or
504 postfunding appraisal review or quality control process.

505 10. Any other act or practice that impairs or attempts to
506 impair an appraiser's independence, objectivity, or
507 impartiality.

508 (t) Has altered, modified, or otherwise changed a
509 completed appraisal report submitted by an appraiser to an
510 appraisal management company.

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511 (u) Has employed, contracted with, or otherwise retained
512 an appraiser whose registration, license, or certification is
513 suspended or revoked to perform appraisal services or appraisal
514 management services.

515 (v) Has required or attempted to require an appraiser to
516 sign any indemnification agreement that would require the
517 appraiser to hold harmless the appraisal management company or
518 its owners, agents, employees, or independent contractors from
519 any liability, damage, loss, or claim arising from the services
520 performed by the appraisal management company or its owners,
521 agents, employees, or independent contractors and not the
522 services performed by the appraiser.

523 Section 8. For the purpose of incorporating the amendment
524 made by this act to section 475.6245, Florida Statutes, in a
525 reference thereto, paragraph (b) of subsection (1) of section
526 475.626, Florida Statutes, is reenacted to read:

527 475.626 Violations and penalties.—

528 (1) A person may not:

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

531

532 Section 9. Section 475.628, Florida Statutes, is amended
533 to read:

534 475.628 Professional standards for appraisers registered,
535 licensed, or certified under this part.—

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

547 (2) The board may promulgate rules adopting standards of
548 practice other than standards adopted by the Appraisal Standards
549 Board of the Appraisal Foundation for non-federally related
550 transactions. The Board shall require that when performing an
551 appraisal or appraisal service for any purpose other than a
552 federally related transaction, an appraiser must also comply
553 with the Ethics and Competency Rules of the standards adopted by
554 the Appraisal Standards Board of the Appraisal Foundation, and
555 other requirements as determined by rule of the board.
556 Assignments completed using alternate standards will not satisfy
557 the experience requirements of section 475.617, F.S., unless
558 those assignments comply with the standards adopted by the
559 Appraisal Standards Board of the Appraisal Foundation.

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560 Section 10. For the purpose of incorporating the
561 amendment made by this act to section 475.611, Florida Statutes,
562 in a reference thereto, Section 475.629, Florida Statutes, is
563 reenacted to read:

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

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

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

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613 **T I T L E A M E N D M E N T**

614 Remove everything before the enacting clause and insert:

615 An act relating to real estate appraisers; amending s. 475.451,
616 F.S.; revising authorized methods of instruction and certain
617 requirements for specified real estate practice courses;
618 amending s. 475.611, F.S.; defining and redefining terms;
619 amending s. 475.612, F.S.; authorizing appraisers to perform
620 evaluations; repealing s. 475.6175, F.S., relating to registered
621 trainee appraisers; amending s. 475.621, F.S.; requiring the
622 Department of Business and Professional Regulation to transmit a
623 specified roster to an appraisal subcommittee; requiring the
624 department and the Florida Real Estate Appraisal Board to
625 collect an annual fee from certain appraisal management
626 companies and transmit such fee to the appraisal subcommittee;
627 requiring the board to adopt certain rules; amending s.
628 475.6235, F.S.; deleting an exception to a provision that deems
629 a specified person unqualified for registration as an appraisal
630 management company; revising applicability; amending s.
631 475.6245, F.S.; authorizing the board to deny an appraisal
632 management company's registration renewal application;
633 reenacting s. 475.626(1)(b), F.S., relating to violations and
634 penalties, to incorporate the amendment made by the act to s.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 927 (2017)

Amendment No. 1

635 | 475.6245, F.S., in a reference thereto; amending s. 475.628
636 | authorizing the board to adopt rules related to standard of
637 | practice; reenacting s. 475.629, F.S., relating to retention of
638 | records, to incorporate the amendment made by the act to s.
639 | 475.611, F.S., in a reference thereto; providing an effective
640 | date.