

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
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

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~~

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,

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 performs appraisal management services regardless of the use of
96 the term "appraisal management company," "appraiser
97 cooperative," "appraiser portal," "mortgage technology company,"
98 or other term.

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

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

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

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

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

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

124 (h) "Appraiser" means any person who is a registered
125 trainee real estate appraiser, a licensed real estate appraiser,

126 or a certified real estate appraiser. An appraiser renders a
 127 professional service and is a professional within the meaning of
 128 s. 95.11(4) (a).

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

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

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

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

150 (k) "Certified general appraiser" means a person who is

151 certified by the department as qualified to issue appraisal
152 reports for any type of real property.

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

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

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

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

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

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

176 as such valuations qualify for an applicable exemption under
177 federal law. The board shall adopt rules, as necessary, to
178 define the term "evaluation" and the applicable exemptions under
179 federal law.

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

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

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

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

200 (v)~~(r)~~ "Registered trainee appraiser" means a person who

201 is registered with the department as qualified to perform
202 appraisal services only under the direct supervision of a
203 certified appraiser. A registered trainee appraiser may accept
204 appraisal assignments only from her or his primary or secondary
205 supervisory appraiser.

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

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

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

220 (z)~~(u)~~ "Supervisory appraiser" means a certified
221 residential appraiser or a certified general appraiser
222 responsible for the direct supervision of one or more registered
223 trainee appraisers and fully responsible for appraisals and
224 appraisal reports prepared by those registered trainee
225 appraisers. The board, by rule, shall determine the

226 responsibilities of a supervisory appraiser, the geographic
227 proximity required, the minimum qualifications and standards
228 required of a certified appraiser before she or he may act in
229 the capacity of a supervisory appraiser, and the maximum number
230 of registered trainee appraisers to be supervised by an
231 individual supervisory appraiser.

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

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

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

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

247 (2) Wherever the word "operate" or "operating" appears in
248 this part with respect to a registered trainee appraiser,
249 registered appraisal management company, licensed appraiser, or
250 certified appraiser; in any order, rule, or regulation of the

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

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

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

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

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

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

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

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

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

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

301 Section 6. Subsection (5) and paragraph (b) of subsection
302 (8) of section 475.6235, Florida Statutes, are amended to read:
303 475.6235 Registration of appraisal management companies
304 required; exemptions.—

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

326 ~~likely to be endangered by the granting of registration.~~

327 (8) This section does not apply to:

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

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

334 475.6245 Discipline of appraisal management companies.—

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

346 (a) Has violated any provision of this part or s.
347 455.227(1); however, any appraisal management company registered
348 under this part is exempt from s. 455.227(1) (i).

349 (b) Has been guilty of fraud, misrepresentation,
350 concealment, false promises, false pretenses, dishonest conduct,

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

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

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

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

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

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

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

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

401 capacity.

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

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

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

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

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

426 board to obtain a registration, license, or certification under
427 this section.

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

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

437 (p) Has failed to communicate an appraisal without good
438 cause.

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

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

448 (s) Has influenced or attempted to influence the
449 development, reporting, or review of an appraisal through
450 coercion, extortion, collusion, compensation, inducement,

451 intimidation, bribery, or any other means, including, but not
452 limited to:

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

457 2. Withholding or threatening to withhold future business
458 from an appraiser.

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

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

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

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

475 7. Providing to an appraiser, or any person related to the

476 appraiser, stock or other financial or nonfinancial benefits.

477 8. Allowing the removal of an appraiser from an appraiser
478 panel without prior written notice to the appraiser.

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

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

490 (t) Has altered, modified, or otherwise changed a
491 completed appraisal report submitted by an appraiser to an
492 appraisal management company.

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

497 (v) Has required or attempted to require an appraiser to
498 sign any indemnification agreement that would require the
499 appraiser to hold harmless the appraisal management company or
500 its owners, agents, employees, or independent contractors from

501 any liability, damage, loss, or claim arising from the services
 502 performed by the appraisal management company or its owners,
 503 agents, employees, or independent contractors and not the
 504 services performed by the appraiser.

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

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

514 475.626 Violations and penalties.—

515 (1) A person may not:

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

518 Section 9. Section 475.628, Florida Statutes, is amended
 519 to read:

520 475.628 Professional standards for appraisers registered,
 521 licensed, or certified under this part.—

522 (1) The board shall adopt rules establishing standards of
 523 professional practice which meet or exceed nationally recognized
 524 standards of appraisal practice, including standards adopted by
 525 the Appraisal Standards Board of the Appraisal Foundation. Each

526 appraiser registered, licensed, or certified under this part
527 must comply with the rules. Statements on appraisal standards
528 which may be issued for the purpose of clarification,
529 interpretation, explanation, or elaboration through the
530 Appraisal Foundation are binding on any appraiser registered,
531 licensed, or certified under this part, upon adoption by rule of
532 the board.

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

547 Section 10. For the purpose of incorporating the amendment
548 made by this act to section 475.611, Florida Statutes, in a
549 reference thereto, section 475.629, Florida Statutes, is
550 reenacted to read:

551 475.629 Retention of records.—An appraiser registered,
552 licensed, or certified under this part shall prepare and retain
553 a work file for each appraisal, appraisal review, or appraisal
554 consulting assignment. An appraisal management company
555 registered under this part shall prepare and retain an order
556 file for each appraisal, appraisal review, or appraisal
557 consulting assignment. The work file and the order file shall be
558 retained for 5 years or the period specified in the Uniform
559 Standards of Professional Appraisal Practice, whichever is
560 greater. The work file must contain original or true copies of
561 any contracts engaging the appraiser's or appraisal management
562 company's services, appraisal reports, and supporting data
563 assembled and formulated by the appraiser or company in
564 preparing appraisal reports or engaging in appraisal management
565 services and all other data, information, and documentation
566 required by the standards for the development or communication
567 of a real estate appraisal as approved and adopted by the
568 Appraisal Standards Board of The Appraisal Foundation, as
569 established by rule of the board. The order file must contain
570 original or true copies of any contracts engaging the
571 appraiser's services, the appraisal reports, any engagement
572 materials or instructions from the client, and all other
573 documents required by the standards for the development or
574 communication of a real estate appraisal as approved and adopted
575 by the Appraisal Standards Board of The Appraisal Foundation, as

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

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