

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

309-2539-03

1 A bill to be entitled
2 An act relating to real estate appraisers;
3 amending s. 475.611, F.S.; revising and
4 providing definitions applicable to regulation
5 of real estate appraisers; providing that
6 licenses for the category of licensed appraiser
7 shall not be issued after a specified date;
8 redesignating registered assistant appraisers
9 as registered trainee appraisers; amending s.
10 475.612, F.S.; conforming terminology;
11 authorizing real estate brokers,
12 broker-salespersons, and salespersons to
13 provide valuation services without being
14 regulated as appraisers; authorizing brokers
15 and salespersons to give price opinions without
16 being regulated as appraisers; removing
17 authorization for graduate students in
18 appraising to be supervised by licensed
19 brokers; amending s. 475.613, F.S.; granting
20 the Florida Real Estate Appraisal Board power
21 by rule to establish standards for and regulate
22 supervisory appraisers; removing obsolete
23 language; amending s. 475.6147, F.S.;
24 clarifying applicability of fee provisions to
25 certification and registration; amending s.
26 475.617, F.S.; clarifying experience
27 requirements for certification of residential
28 and general appraisers; conforming terminology;
29 creating s. 475.6175, F.S.; requiring
30 postlicensure education for registered trainee
31 appraisers to maintain registration; requiring

1 completion of such education prior to the
2 second renewal following initial registration;
3 requiring requalification for subsequent
4 registration as a trainee appraiser;
5 authorizing a physical hardship extension;
6 amending s. 475.618, F.S.; revising continuing
7 education requirements to authorize and provide
8 for certification of distance learning courses
9 by independent certification organizations;
10 conforming terminology; amending s. 475.6221,
11 F.S.; requiring a registered trainee appraiser
12 to perform appraisal services under the direct
13 supervision of a licensed or certified
14 appraiser; providing that a registered trainee
15 appraiser may only receive compensation through
16 or from the primary supervisory appraiser;
17 creating s. 475.6222, F.S.; providing
18 requirements for supervision of registered
19 trainee appraisers; amending s. 475.6295, F.S.;
20 clarifying authority to inspect appraisers and
21 appraisal offices; creating s. 475.631, F.S.;
22 providing for reciprocity for nonresident
23 appraisers; requiring an irrevocable consent to
24 suits and actions and providing for service of
25 process or pleading; requiring resident
26 appraisers who become nonresidents to notify
27 the board and comply with nonresident
28 requirements; providing penalties; authorizing
29 the board to adopt rules for regulation of
30 nonresident appraisers; amending ss. 475.01,
31 475.011, 475.615, 475.619, 475.620, 475.622,

1 475.624, 475.626, and 475.627, F.S.; conforming
2 terminology; providing an effective date.

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4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. Paragraph (a) of subsection (1) of section
7 475.01, Florida Statutes, is amended to read:

8 475.01 Definitions.--

9 (1) As used in this part:

10 (a) "Broker" means a person who, for another, and for
11 a compensation or valuable consideration directly or
12 indirectly paid or promised, expressly or impliedly, or with
13 an intent to collect or receive a compensation or valuable
14 consideration therefor, appraises, auctions, sells, exchanges,
15 buys, rents, or offers, attempts or agrees to appraise,
16 auction, or negotiate the sale, exchange, purchase, or rental
17 of business enterprises or business opportunities or any real
18 property or any interest in or concerning the same, including
19 mineral rights or leases, or who advertises or holds out to
20 the public by any oral or printed solicitation or
21 representation that she or he is engaged in the business of
22 appraising, auctioning, buying, selling, exchanging, leasing,
23 or renting business enterprises or business opportunities or
24 real property of others or interests therein, including
25 mineral rights, or who takes any part in the procuring of
26 sellers, purchasers, lessors, or lessees of business
27 enterprises or business opportunities or the real property of
28 another, or leases, or interest therein, including mineral
29 rights, or who directs or assists in the procuring of
30 prospects or in the negotiation or closing of any transaction
31 which does, or is calculated to, result in a sale, exchange,

1 or leasing thereof, and who receives, expects, or is promised
2 any compensation or valuable consideration, directly or
3 indirectly therefor; and all persons who advertise rental
4 property information or lists. A broker renders a
5 professional service and is a professional within the meaning
6 of s. 95.11(4)(a). Where the term "appraise" or "appraising"
7 appears in the definition of the term "broker," it
8 specifically excludes those appraisal services which must be
9 performed only by a state-licensed or state-certified
10 appraiser, and those appraisal services which may be performed
11 by a registered trainee ~~assistant~~ appraiser as defined in part
12 II. The term "broker" also includes any person who is a
13 general partner, officer, or director of a partnership or
14 corporation which acts as a broker. The term "broker" also
15 includes any person or entity who undertakes to list or sell
16 one or more timeshare periods per year in one or more
17 timeshare plans on behalf of any number of persons, except as
18 provided in ss. 475.011 and 721.20.

19 Section 2. Subsection (9) of section 475.011, Florida
20 Statutes, is amended to read:

21 475.011 Exemptions.--This part does not apply to:

22 (9) Any person registered, licensed, or certified by
23 the department under part II as an appraiser or trainee
24 ~~assistant~~ appraiser performing appraisals in accordance with
25 that part.

26 Section 3. Subsections (1) and (2) of section 475.611,
27 Florida Statutes, are amended to read:

28 475.611 Definitions.--

29 (1) As used in this part, the term:
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1 (a) "Appraisal" or "appraisal services" means the
2 services provided by certified or licensed appraisers or
3 registered trainee ~~assistant~~ appraisers, and includes:

4 1. "Appraisal assignment" denotes an engagement for
5 which a person is employed or retained to act, or could be
6 perceived by third parties or the public as acting, as an
7 agent or a disinterested third party in rendering an unbiased
8 analysis, opinion, review, or conclusion relating to the
9 nature, quality, value, or utility of specified interests in,
10 or aspects of, identified real property.

11 2. "Analysis assignment" denotes appraisal services
12 that relate to the employer's or client's individual needs or
13 investment objectives and includes specialized marketing,
14 financing, and feasibility studies as well as analyses,
15 opinions, and conclusions given in connection with activities
16 such as real estate brokerage, mortgage banking, ~~or~~ real
17 estate counseling, or real estate consulting.

18 3. "Appraisal review assignment" denotes an engagement
19 for which an appraiser is employed or retained to develop and
20 communicate an opinion about the quality of another
21 appraiser's appraisal, appraisal report, or work. An appraisal
22 review may or may not contain the reviewing appraiser's
23 opinion of value.

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

27 (c) "Appraisal report" means any communication,
28 written or oral, of an appraisal, appraisal review, appraisal
29 consulting service, analysis, opinion, or conclusion ~~issued by~~
30 ~~an appraiser~~ relating to the nature, quality, value, or
31 utility of a specified interest in, or aspect of, identified

1 real property, and includes any ~~a~~ report communicating an
2 appraisal analysis, opinion, or conclusion of value,
3 regardless of title. However, in order to be recognized in a
4 federally related transaction, an appraisal report must be
5 written.

6 (d) "Appraisal review" means the act or process of
7 developing and communicating an opinion about the quality of
8 another appraiser's appraisal, appraisal report, or work.

9 (e)~~(d)~~ "Appraisal subcommittee" means the designees of
10 the heads of the federal financial institutions regulatory
11 agencies established by the Federal Financial Institutions
12 Examination Council Act of 1978 (12 U.S.C. ss. 3301 et seq.),
13 as amended.

14 (f)~~(e)~~ "Appraiser" means any person who is a
15 registered assistant real estate appraiser, licensed real
16 estate appraiser, or a certified real estate appraiser. An
17 appraiser renders a professional service and is a professional
18 within the meaning of s. 95.11(4)(a).

19 (g)~~(f)~~ "Board" means the Florida Real Estate Appraisal
20 Board established under this section.

21 (h)~~(g)~~ "Certified general appraiser" means a person
22 who is certified by the department as qualified to issue
23 appraisal reports for any type of real property.

24 (i)~~(h)~~ "Certified residential appraiser" means a
25 person who is certified by the department as qualified to
26 issue appraisal reports for residential real property of one
27 to four residential units, without regard to transaction value
28 or complexity, or real property as may be authorized by
29 federal regulation.

30 (j)~~(i)~~ "Department" means the Department of Business
31 and Professional Regulation.

1 ~~(k)(j)~~ "Federally related transaction" means any real
2 estate-related financial transaction which a federal financial
3 institutions regulatory agency or the Resolution Trust
4 Corporation engages in, contracts for, or regulates, and which
5 requires the services of a state-licensed or state-certified
6 appraiser.

7 ~~(l)(k)~~ "Licensed appraiser" means a person who is
8 licensed by the department as qualified to issue appraisal
9 reports for residential real property of one to four
10 residential units or on such real estate or real property as
11 may be authorized by federal regulation. After July 1, 2003,
12 the department shall not issue licenses for the category of
13 licensed appraiser.

14 ~~(m)(l)~~ "Registered trainee ~~assistant~~ appraiser" means
15 a person who is registered with the department as qualified to
16 perform appraisal services only under the direct supervision
17 of a licensed or certified appraiser. A registered trainee
18 appraiser may accept appraisal assignments only from her or
19 his primary or secondary supervisory appraiser.

20 ~~(n)~~ "Supervisory appraiser" means a licensed
21 appraiser, a certified residential appraiser, or a certified
22 general appraiser responsible for the direct supervision of
23 one or more registered trainee appraisers and fully
24 responsible for appraisals and appraisal reports prepared by
25 those registered trainee appraisers. The board, by rule, shall
26 determine the responsibilities of a supervisory appraiser, the
27 geographic proximity required, and the maximum number of
28 registered trainee appraisers to be supervised by an
29 individual supervisory appraiser.

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1 ~~(o)(m)~~ "Uniform Standards of Professional Appraisal
2 Practice" means the most recent standards approved and adopted
3 by the Appraisal Standards Board of the Appraisal Foundation.

4 (p) "Valuation services" means services pertaining to
5 aspects of property value and includes such services performed
6 by certified appraisers, registered trainee appraisers, and
7 others.

8 (q) "Work file" means the documentation necessary to
9 support an appraisers analysis, opinions, and conclusions.

10 (2) Wherever the word "operate" or "operating" appears
11 in this part with respect to a registered trainee assistant
12 appraiser, licensed appraiser, or certified appraiser; in any
13 order, rule, or regulation of the board; in any pleading,
14 indictment, or information under this part; in any court
15 action or proceeding; or in any order or judgment of a court,
16 it shall be deemed to mean the commission of one or more acts
17 described in this part as constituting or defining a
18 registered trainee ~~assistant~~ appraiser, licensed appraiser, or
19 certified appraiser, not including, however, any of the
20 exceptions stated therein. A single act is sufficient to
21 bring a person within the meaning of this subsection, and each
22 act, if prohibited herein, constitutes a separate offense.

23 Section 4. Subsections (1), (2), (3), and (5) of
24 section 475.612, Florida Statutes, are amended to read:

25 475.612 Certification, licensure, or registration
26 required.--

27 (1) A person may not use the title "certified real
28 estate appraiser," "licensed real estate appraiser," or
29 "registered trainee ~~assistant~~ real estate appraiser," or any
30 abbreviation or words to that effect, or issue an appraisal
31 report in connection with any federally related transaction,

1 unless such person is certified, licensed, or registered by
2 the department under this part. However, the work upon which
3 an appraisal report is based may be performed by a person who
4 is not a certified or licensed appraiser or registered trainee
5 ~~assistant~~ appraiser if the report is approved and signed by a
6 certified or licensed appraiser.

7 (2) This section does not preclude a broker,
8 salesperson, or broker-salesperson who is not a certified or
9 licensed real estate appraiser or registered trainee ~~assistant~~
10 real estate appraiser from providing valuation services
11 ~~appraising real estate~~ for compensation. Such persons may
12 continue to provide valuation ~~appraisals and appraisal~~
13 services for compensation so long as they do not represent
14 themselves as certified, licensed, or registered under this
15 part.

16 (3) This section does not apply to a real estate
17 broker or salesperson who, in the ordinary course of business,
18 performs a comparative market analysis, gives a ~~broker~~ price
19 opinion, or gives an opinion of the value of real estate.
20 However, in no event may this comparative market analysis,
21 ~~broker~~ price opinion, or opinion of value of real estate be
22 referred to or construed as an appraisal.

23 (5) This section does not apply to any full-time
24 graduate student who is enrolled in a degree program in
25 appraising at a college or university in this state, if the
26 student is acting under the direct supervision of a certified
27 or licensed appraiser ~~or licensed broker~~ and is engaged only
28 in appraisal activities related to the approved degree
29 program. Any appraisal report by the student must be issued in
30 the name of the supervising individual.

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1 Section 5. Section 475.613, Florida Statutes, is
2 amended to read:

3 475.613 Florida Real Estate Appraisal Board.--

4 (1) There is created the Florida Real Estate Appraisal
5 Board, which shall consist of seven members appointed by the
6 Governor, subject to confirmation by the Senate. Four members
7 of the board must be real estate appraisers who have been
8 engaged in the general practice of appraising real property in
9 this state for at least 5 years immediately preceding
10 appointment. In appointing real estate appraisers to the
11 board, while not excluding other appraisers, the Governor
12 shall give preference to real estate appraisers who are not
13 primarily engaged in real estate brokerage or mortgage lending
14 activities. One member of the board must represent
15 organizations that use appraisals for the purpose of eminent
16 domain proceedings, financial transactions, or mortgage
17 insurance. Two members of the board shall be representatives
18 of the general public and shall not be connected in any way
19 with the practice of real estate appraisal, real estate
20 brokerage, or mortgage lending. The appraiser members shall
21 be as representative of the entire industry as possible, and
22 membership in a nationally recognized or state-recognized
23 appraisal organization shall not be a prerequisite to
24 membership on the board. To the extent possible, no more than
25 two members of the board shall be primarily affiliated with
26 any one particular national or state appraisal association.
27 ~~After July 1, 1992,~~ Two of the members must be licensed or
28 certified residential real estate appraisers and two of the
29 members must be certified general real estate appraisers at
30 the time of their appointment.

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1 (a) ~~Initially, four members of the board shall be~~
2 ~~appointed for 3-year terms, and three members shall be~~
3 ~~appointed for 4-year terms. Thereafter, all Members of the~~
4 board shall be appointed for 4-year terms. Any vacancy
5 occurring in the membership of the board shall be filled by
6 appointment by the Governor for the unexpired term. Upon
7 expiration of her or his ~~or her~~ term, a member of the board
8 shall continue to hold office until the appointment and
9 qualification of the member's successor. A member may not be
10 appointed for more than two consecutive terms. The Governor
11 may remove any member for cause.

12 (b) The headquarters for the board shall be in
13 Orlando.

14 (c) The board shall meet at least once each calendar
15 quarter to conduct its business.

16 (d) The members of the board shall elect a chairperson
17 at the first meeting each year.

18 (e) Each member of the board is entitled to per diem
19 and travel expenses as set by legislative appropriation for
20 each day that the member engages in the business of the board.

21 (2) The board shall have, through its rules, full
22 power to regulate the issuance of licenses, certifications,
23 registrations, and permits; to discipline appraisers in any
24 manner permitted under this section; to establish
25 qualifications for licenses, certifications, registrations,
26 and permits consistent with this section; to regulate approved
27 courses; ~~and~~ to establish standards for real estate
28 appraisals; and to establish standards for and regulate
29 supervisory appraisers.

30 Section 6. Section 475.6147, Florida Statutes, is
31 amended to read:

1 475.6147 Fees.--

2 (1) The board by rule may establish fees to be paid
3 for application, licensing and renewal, certification and
4 recertification, registration and reregistration,
5 reinstatement, and recordmaking and recordkeeping. The fee for
6 initial application may not exceed \$150, and the combined cost
7 of the application and examination may not exceed \$300. The
8 initial certification, registration, or license fee and the
9 certification, registration, or license renewal fee may not
10 exceed \$150 for each year of the duration of the
11 certification, registration, or license. The board may also
12 establish by rule a late renewal penalty. The board shall
13 establish fees which are adequate to ensure its continued
14 operation. Fees shall be based on estimates made by the
15 department of the revenue required to implement this part and
16 other provisions of law relating to the regulation of real
17 estate appraisers.

18 (2) Application and certification, registration, and
19 license fees shall be refunded upon a determination by the
20 board that the state is not entitled to the fees or that only
21 a portion of the resources have been expended in the
22 processing of the application or shall be refunded if for any
23 other reason the application is not completely processed. The
24 board shall implement this subsection by rule.

25 Section 7. Subsections (1), (4), and (6) of section
26 475.615, Florida Statutes, are amended to read:

27 475.615 Qualifications for registration, licensure, or
28 certification.--

29 (1) Any person desiring to act as a registered trainee
30 ~~assistant~~ appraiser or as a licensed or certified appraiser
31 must make application in writing to the department in such

1 form and detail as the board shall prescribe. Each applicant
2 must be at least 18 years of age and hold a high school
3 diploma or its equivalent. At the time of application, a
4 person must furnish evidence of successful completion of
5 required education and evidence of required experience, if
6 any.

7 (4) In the event that the applicant is currently a
8 registered trainee ~~assistant~~ appraiser or a licensed or
9 certified appraiser and is making application to obtain a
10 different status of appraisal licensure, should such
11 application be received by the department within 180 days
12 prior to through 180 days after the applicant's scheduled
13 renewal, the charge for the application shall be established
14 by the rules of the board pursuant to s. 475.6147.

15 (6) All applicants must be competent and qualified to
16 make real estate appraisals with safety to those with whom
17 they may undertake a relationship of trust and confidence and
18 the general public. If any applicant has been denied
19 registration, licensure, or certification, or has been
20 disbarred, or the applicant's registration, license, or
21 certificate to practice or conduct any regulated profession,
22 business, or vocation has been revoked or suspended by this or
23 any other state, any nation, or any possession or district of
24 the United States, or any court or lawful agency thereof,
25 because of any conduct or practices which would have warranted
26 a like result under this part, or if the applicant has been
27 guilty of conduct or practices in this state or elsewhere
28 which would have been grounds for disciplining her or his
29 registration, license, or certification under this part had
30 the applicant then been a registered trainee ~~assistant~~
31 appraiser or a licensed or certified appraiser, the applicant

1 shall be deemed not to be qualified unless, because of lapse
2 of time and subsequent good conduct and reputation, or other
3 reason deemed sufficient, it appears to the board that the
4 interest of the public is not likely to be endangered by the
5 granting of registration, licensure, or certification.

6 Section 8. Subsection (1), paragraph (a) of subsection
7 (3), and paragraph (a) of subsection (4) of section 475.617,
8 Florida Statutes, are amended to read:

9 475.617 Education and experience requirements.--

10 (1) To be registered as a trainee ~~an assistant~~
11 appraiser, an applicant must present evidence satisfactory to
12 the board that she or he has successfully completed at least
13 75 hours of approved academic courses in subjects related to
14 real estate appraisal, which shall include coverage of the
15 Uniform Standards of Professional Appraisal Practice from a
16 nationally recognized or state-recognized appraisal
17 organization, area technical center, accredited community
18 college, college, or university, state or federal agency or
19 commission, or proprietary real estate school that holds a
20 permit pursuant to s. 475.451. The board may increase the
21 required number of hours to not more than 100 hours. A
22 classroom hour is defined as 50 minutes out of each 60-minute
23 segment. Past courses may be approved on an hour-for-hour
24 basis.

25 (3) To be certified as a residential appraiser, an
26 applicant must present satisfactory evidence to the board that
27 she or he:

28 (a) Has at least 2,500 hours of experience obtained
29 over a 24-month period in real property appraisal as defined
30 by rule.

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1 (4) To be certified as a general appraiser, an
2 applicant must present evidence satisfactory to the board that
3 she or he:

4 (a) Has at least 3,000 hours of experience obtained
5 over a 30-month period in real property appraisal as defined
6 by rule.

7 Section 9. Section 475.6175, Florida Statutes, is
8 created to read:

9 475.6175 Registered trainee appraiser; postlicensure
10 education required.--

11 (1) The board shall prescribe postlicensure
12 educational requirements in order for a person to maintain a
13 valid registration as a registered trainee appraiser. If
14 prescribed, the postlicensure educational requirements consist
15 of one or more courses which total no more than the total
16 educational hours required to qualify as a state certified
17 residential appraiser. Such courses must be in subjects
18 related to real estate appraisal and shall include coverage of
19 the Uniform Standards of Professional Appraisal Practice. Such
20 courses are provided by a nationally or state-recognized
21 appraisal organization, area technical center, accredited
22 community college, college, or university, state or federal
23 agency or commission, or proprietary real estate school that
24 holds a permit pursuant to s. 475.451.

25 (2) The registration of any registered trainee
26 appraiser who does not complete the board-prescribed
27 postlicensure educational requirements prior to the second
28 renewal following initial registration is void without further
29 administrative action. Such person may requalify to practice
30 as a registered trainee appraiser only by retaking the
31 required education and complying with all other requirements

1 of law to be registered as a registered trainee appraiser. Any
2 registered trainee appraiser registered prior to July 1, 2003,
3 shall comply with the board-prescribed postlicensure
4 educational requirements within the next two biennial renewal
5 cycles following July 1, 2003.

6 (3) The board may allow an additional 6-month period
7 after the second renewal following initial licensure or the
8 effective date of this act for completing the postlicensure
9 education courses for registered trainee appraisers who
10 cannot, due to individual physical hardship, as defined by
11 rule, complete the courses within the required time.

12 Section 10. Subsections (1) and (4) of section
13 475.618, Florida Statutes, are amended to read:

14 475.618 Renewal of registration, license,
15 certification, or instructor permit; continuing education.--

16 (1)(a) The department shall renew a registration,
17 license, certification, or instructor permit upon receipt of
18 the renewal application and proper fee. Such application shall
19 include proof satisfactory to the board that the individual
20 has satisfactorily completed any continuing education that has
21 been prescribed by the board.

22 (b) A distance learning course or courses shall be
23 approved by the board as an option to classroom hours as
24 satisfactory completion of the course or courses as required
25 by this section. The schools authorized by this section have
26 the option of providing classroom courses, distance learning
27 courses, or both. ~~However, satisfactory completion of a~~
28 ~~distance learning course requires the satisfactory completion~~
29 ~~of a timed distance learning course examination. Such~~
30 ~~examination shall not be required to be monitored or given at~~
31 ~~a centralized location.~~

1 (c) The board may authorize independent certification
2 organizations to certify or approve the delivery method of
3 distance learning courses. Certification from such authorized
4 organizations must be provided at the time a distance learning
5 course is submitted to the board by an accredited college,
6 university, community college, area technical center,
7 proprietary real estate school, or board-approved sponsor for
8 content approval.

9 (4) At least 60 days prior to the end of the
10 registration, license, certification, or instructor permit
11 period, the department shall cause to be mailed a notice of
12 renewal and possible reversion to the last known address of
13 the registered trainee ~~assistant~~, licensee, certificateholder,
14 or permitholder.

15 Section 11. Subsection (2) of section 475.619, Florida
16 Statutes, is amended to read:

17 475.619 Inactive status.--

18 (2) Any registration, license, or certification which
19 has been inactive for more than 4 years shall automatically
20 expire. Once a registration, license, or certification
21 expires, it becomes null and void without any further action
22 by the board or department. Two years prior to the expiration
23 of the registration, license, or certification, the department
24 shall give notice by mail to the registered trainee ~~assistant~~,
25 licensee, or certificateholder at her or his last known
26 address. The board shall prescribe by rule a fee not to
27 exceed \$100 for the late renewal of an inactive registration,
28 license, or certification. The department shall collect the
29 current renewal fee for each renewal period in which the
30 registration, license, or certification was inactive, in
31 addition to any applicable late renewal fee.

1 Section 12. Subsection (2) of section 475.620, Florida
2 Statutes, is amended to read:

3 475.620 Corporations and partnerships ineligible for
4 licensure or certification.--

5 (2) The term "state-registered trainee ~~assistant~~
6 appraiser," "state-licensed appraiser," or "state-certified
7 appraiser" may only be used to refer to an individual who is
8 registered, licensed, or certified under this part and may not
9 be used following or immediately in connection with the name
10 or signature of a corporation, partnership, firm, or group, or
11 in such manner that it could be interpreted as implying
12 registration, licensure, or certification under this part of a
13 corporation, partnership, firm, or group, or anyone other than
14 an individual appraiser. Corporations, partnerships, firms, or
15 groups which employ certified or licensed appraisers or
16 registered trainee ~~assistant~~ appraisers who provide appraisal
17 reports, as defined by this part, may represent to the public
18 and advertise that they offer appraisals performed by
19 registered, licensed, or certified appraisers.

20 Section 13. Section 475.622, Florida Statutes, is
21 amended to read:

22 475.622 Display and disclosure of licensure,
23 certification, or registration.--

24 (1) Each appraiser registered, licensed, or certified
25 under this part shall place her or his registration, license,
26 or certification number adjacent to or immediately beneath the
27 designation "state-registered trainee ~~assistant~~ real estate
28 appraiser," "state-licensed real estate appraiser,"
29 "state-certified residential real estate appraiser," or
30 "state-certified general real estate appraiser," or their
31 appropriate abbreviations as defined by rule, as applicable,

1 when such term is used in an appraisal report or in a contract
2 or other instrument used by the appraiser in conducting real
3 property appraisal activities. The applicable designation
4 shall be included in any newspaper, telephone directory, or
5 other advertising medium, as defined by rule, used by the
6 appraiser.

7 (2) A registered trainee ~~assistant~~ appraiser or
8 licensed or certified appraiser may not sign any appraisal
9 report or certification or communicate same without disclosing
10 in writing that she or he is a state-registered trainee
11 ~~assistant~~ appraiser or state-licensed, state-certified
12 residential, or state-certified general appraiser, as
13 applicable, even if the appraisal performed is outside of the
14 scope of the appraiser's registration, licensure, or
15 certification as an appraiser.

16 (3) The primary or secondary supervisory ~~supervising~~
17 ~~licensed or certified~~ appraiser of a registered trainee
18 ~~assistant~~ real estate appraiser must sign each ~~any~~ appraisal
19 report and certification signed by the registered trainee
20 ~~assistant~~.

21 (4) The supervisory ~~supervising~~ appraiser of a
22 registered trainee ~~assistant~~ real estate appraiser must
23 disclose her or his ~~or her~~ appropriate designation and number
24 any time the registered trainee ~~assistant~~ is required to make
25 such disclosures.

26 Section 14. Section 475.6221, Florida Statutes, is
27 amended to read:

28 475.6221 Employment of registered trainee ~~assistant~~
29 real estate appraisers.--

30 (1) A registered trainee ~~assistant~~ real estate
31 appraiser must perform appraisal services under the direct

1 supervision of a licensed or certified appraiser who is
2 designated as the primary supervisory appraiser ~~supervisor~~.
3 The primary supervisory appraiser ~~supervisor~~ may also
4 designate additional licensed or certified appraisers as
5 secondary supervisory appraisers ~~supervisors~~. A secondary
6 supervisory appraiser ~~supervisor~~ must be affiliated with the
7 same firm or business as the primary supervisory appraiser
8 ~~supervisor~~ and the primary or secondary supervisory appraiser
9 ~~supervisor~~ must have the same business address as the
10 registered trainee assistant real estate appraiser. The
11 primary supervisory ~~A registered assistant real estate~~
12 appraiser must notify the Division of Real Estate of the name
13 and address of any primary and secondary supervisory appraiser
14 ~~supervisor~~ for whom the registered trainee ~~assistant~~ will
15 perform appraisal services, and must also notify the division
16 within 10 days after terminating such relationship.
17 Termination of the relationship with a primary supervisory
18 appraiser ~~supervisor~~ automatically terminates the relationship
19 with the secondary supervisory appraiser ~~supervisor~~.

20 (2) A registered trainee ~~assistant~~ real estate
21 appraiser may only ~~not~~ receive compensation through or from
22 ~~payment directly from the recipient of an appraisal report,~~
23 ~~unless~~ the primary supervisory ~~supervising licensed or~~
24 ~~certified appraiser agrees to the payment arrangement.~~

25 Section 15. Section 475.6222, Florida Statutes, is
26 created to read:

27 475.6222 Supervision of registered trainee
28 appraisers.--The primary or secondary supervisory appraiser of
29 a registered trainee appraiser shall provide direct
30 supervision to the registered trainee appraiser. The role and
31

1 responsibility of the supervisory appraiser is determined by
2 rule of the board.

3 Section 16. Section 475.624, Florida Statutes, is
4 amended to read:

5 475.624 Discipline.--The board may deny an application
6 for registration, licensure, or certification; may investigate
7 the actions of any appraiser registered, licensed, or
8 certified under this part; may reprimand or impose an
9 administrative fine not to exceed \$5,000 for each count or
10 separate offense against any such appraiser; and may revoke or
11 suspend, for a period not to exceed 10 years, the
12 registration, license, or certification of any such appraiser,
13 or place any such appraiser on probation, if it finds that the
14 registered trainee ~~assistant~~, licensee, or certificateholder:

15 (1) Has violated any provisions of this part or s.
16 455.227(1); however, certificateholders, registrants, and
17 licensees under this part are exempt from the provisions of s.
18 455.227(1)(i).

19 (2) Has been guilty of fraud, misrepresentation,
20 concealment, false promises, false pretenses, dishonest
21 conduct, culpable negligence, or breach of trust in any
22 business transaction in this state or any other state, nation,
23 or territory; has violated a duty imposed upon her or him by
24 law or by the terms of a contract, whether written, oral,
25 express, or implied, in an appraisal assignment; has aided,
26 assisted, or conspired with any other person engaged in any
27 such misconduct and in furtherance thereof; or has formed an
28 intent, design, or scheme to engage in such misconduct and
29 committed an overt act in furtherance of such intent, design,
30 or scheme. It is immaterial to the guilt of the registered
31 trainee ~~assistant~~, licensee, or certificateholder that the

1 victim or intended victim of the misconduct has sustained no
2 damage or loss; that the damage or loss has been settled and
3 paid after discovery of the misconduct; or that such victim or
4 intended victim was a customer or a person in confidential
5 relation with the registered trainee ~~assistant~~, licensee, or
6 certificateholder, or was an identified member of the general
7 public.

8 (3) Has advertised services in a manner which is
9 fraudulent, false, deceptive, or misleading in form or
10 content.

11 (4) Has violated any of the provisions of this section
12 or any lawful order or rule issued under the provisions of
13 this section or chapter 455.

14 (5) Has been convicted or found guilty of, or entered
15 a plea of nolo contendere to, regardless of adjudication, a
16 crime in any jurisdiction which directly relates to the
17 activities of a registered trainee ~~assistant~~ appraiser or
18 licensed or certified appraiser, or which involves moral
19 turpitude or fraudulent or dishonest conduct. The record of a
20 conviction certified or authenticated in such form as
21 admissible in evidence under the laws of the state shall be
22 admissible as prima facie evidence of such guilt.

23 (6) Has had a registration, license, or certification
24 as an appraiser revoked, suspended, or otherwise acted
25 against, or has been disbarred, or has had her or his
26 registration, license, or certificate to practice or conduct
27 any regulated profession, business, or vocation revoked or
28 suspended by this or any other state, any nation, or any
29 possession or district of the United States, or has had an
30 application for such registration, licensure, or certification
31 to practice or conduct any regulated profession, business, or

1 vocation denied by this or any other state, any nation, or any
2 possession or district of the United States.

3 (7) Has become temporarily incapacitated from acting
4 as an appraiser with safety to those in a fiduciary
5 relationship with her or him because of drunkenness, use of
6 drugs, or temporary mental derangement; however, suspension of
7 a license, certification, or registration in such cases shall
8 only be for the period of such incapacity.

9 (8) Is confined in any county jail, postadjudication;
10 is confined in any state or federal prison or mental
11 institution; or, through mental disease or deterioration, can
12 no longer safely be entrusted to deal with the public or in a
13 confidential capacity.

14 (9) Has failed to inform the board in writing within
15 30 days after pleading guilty or nolo contendere to, or being
16 convicted or found guilty of, any felony.

17 (10) Has been found guilty, for a second time, of any
18 misconduct that warrants disciplinary action, or has been
19 found guilty of a course of conduct or practice which shows
20 that she or he is incompetent, negligent, dishonest, or
21 untruthful to an extent that those with whom she or he may
22 sustain a confidential relationship may not safely do so.

23 (11) Has made or filed a report or record, either
24 written or oral, which the registered trainee ~~assistant~~,
25 licensee, or certificateholder knows to be false; has
26 willfully failed to file a report or record required by state
27 or federal law; has willfully impeded or obstructed such
28 filing, or has induced another person to impede or obstruct
29 such filing. However, such reports or records shall include
30 only those which are signed or presented in the capacity of a
31

1 registered trainee ~~assistant~~ appraiser or licensed or
2 certified appraiser.

3 (12) Has obtained or attempted to obtain a
4 registration, license, or certification by means of knowingly
5 making a false statement, submitting false information,
6 refusing to provide complete information in response to an
7 application question, or engaging in fraud, misrepresentation,
8 or concealment.

9 (13) Has paid money or other valuable consideration,
10 except as required by this section, to any member or employee
11 of the board to obtain a registration, license, or
12 certification under this section.

13 (14) Has violated any standard for the development or
14 communication of a real estate appraisal or other provision of
15 the Uniform Standards of Professional Appraisal Practice.

16 (15) Has failed or refused to exercise reasonable
17 diligence in developing an appraisal or preparing an appraisal
18 report.

19 (16) Has failed to communicate an appraisal without
20 good cause.

21 (17) Has accepted an appraisal assignment if the
22 employment itself is contingent upon the appraiser reporting a
23 predetermined result, analysis, or opinion, or if the fee to
24 be paid for the performance of the appraisal assignment is
25 contingent upon the opinion, conclusion, or valuation reached
26 upon the consequences resulting from the appraisal assignment.

27 (18) Has failed to timely notify the department of any
28 change in business location, or has failed to fully disclose
29 all business locations from which she or he operates as a
30 registered trainee ~~assistant~~ real estate appraiser or licensed
31 or certified real estate appraiser.

1 Section 17. Paragraph (a) of subsection (1) of section
2 475.626, Florida Statutes, is amended to read:

3 475.626 Violations and penalties.--

4 (1) VIOLATIONS.--

5 (a) No person shall operate or attempt to operate as a
6 registered trainee ~~assistant~~ appraiser or licensed or
7 certified appraiser without being the holder of a valid and
8 current registration, license, or certification.

9 Section 18. Subsections (1) and (2) of section
10 475.627, Florida Statutes, are amended to read:

11 475.627 Appraisal course instructors.--

12 (1) Where the course or courses to be taught are
13 prescribed by the board or approved precedent to registration,
14 licensure, certification, or renewal as a registered trainee
15 ~~assistant~~ appraiser, licensed appraiser, or certified
16 residential appraiser, before commencing to instruct noncredit
17 college courses in a college, university, or community
18 college, or courses in an area technical center or proprietary
19 real estate school, a person must certify her or his
20 competency by meeting one of the following requirements:

21 (a) Hold a valid certification as a residential real
22 estate appraiser in this or any other state.

23 (b) Pass an appraiser instructor's examination which
24 shall test knowledge of residential appraisal topics.

25 (2) Where the course or courses to be taught are
26 prescribed by the board or approved precedent to registration,
27 licensure, certification, or renewal as a registered trainee
28 ~~assistant~~ appraiser, licensed appraiser, or certified
29 appraiser, before commencing to instruct noncredit college
30 courses in a college, university, or community college, or
31 courses in an area technical center or proprietary real estate

1 school, a person must certify her or his competency by meeting
2 one of the following requirements:

3 (a) Hold a valid certification as a general real
4 estate appraiser in this or any other state.

5 (b) Pass an appraiser instructor's examination which
6 shall test knowledge of residential and nonresidential
7 appraisal topics.

8 (3) Possession of a permit to teach prescribed or
9 approved appraisal courses does not entitle the permit holder
10 to teach any courses outside the scope of the permit.

11 Section 19. Section 475.6295, Florida Statutes, is
12 amended to read:

13 475.6295 Authority to inspect.--Duly authorized agents
14 and employees of the department shall have the power to
15 inspect in a lawful manner at all reasonable hours any
16 appraiser or appraisal office certified, registered, or
17 licensed under this chapter, for the purpose of determining if
18 any of the provisions of this chapter, chapter 455, or any
19 rule promulgated under authority of either chapter is being
20 violated.

21 Section 20. Section 475.631, Florida Statutes, is
22 created to read:

23 475.631 Nonresident licenses and certifications.--

24 (1) Notwithstanding the requirements for certification
25 set forth in ss. 475.615 and 475.616, the board may enter into
26 written agreements with similar licensing or certification
27 authorities of other states, territories, or jurisdictions of
28 the United States to ensure for state-certified appraisers
29 nonresident licensure or certification opportunities
30 comparable to those afforded to nonresidents by this section.
31 Whenever the board determines that another jurisdiction does

1 not offer nonresident licensure or certification to
2 state-certified appraisers substantially comparable to those
3 afforded to certified appraisers or licensees of that
4 jurisdiction by this section, the board shall require
5 certified appraisers or licensees of that jurisdiction who
6 apply for nonresident certification to meet education,
7 experience, and examination requirements substantially
8 comparable to those required by that jurisdiction with respect
9 to state-certified appraisers who seek nonresident licensure
10 or certification, not to exceed such requirements as are
11 prescribed in ss. 475.615 and 475.616.

12 (2)(a) An applicant who is not a resident of this
13 state shall file an irrevocable consent that suits and actions
14 may be commenced against her or him in any county of this
15 state in which a plaintiff having a cause of action or suit
16 against her or him resides and that service of any process or
17 pleading in suits or actions against her or him may be made by
18 delivering the process or pleading to the director of the
19 Division of Real Estate by certified mail, return receipt
20 requested, and also to the certified appraiser or licensee by
21 registered mail addressed to the certified appraiser or
22 licensee at her or his designated principal place of business.
23 Service, when so made, must be taken and held in all courts to
24 be as valid and binding upon the certified appraiser or
25 licensee as if made upon her or him in this state within the
26 jurisdiction of the court in which the suit or action is
27 filed. The irrevocable consent must be in a form prescribed by
28 the department and be acknowledged before a notary public.

29 (b) Any resident state-certified appraiser who becomes
30 a nonresident shall, within 60 days, notify the board of the
31 change in residency and comply with nonresident requirements.

1 Failure to notify and comply is a violation of the license
2 law, subject to the penalties in s. 475.624.

3 (c) All nonresident applicants, certified appraisers,
4 and licensees shall comply with all requirements of board
5 rules and this part. The board may adopt rules pursuant to ss.
6 120.536(1) and 120.54 necessary for the regulation of
7 nonresident certified appraisers and licensees.

8 Section 21. This act shall take effect July 1, 2003.

9

10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 CS fo SB 2238

12

13 The committee substitute changes the standard from "may" to
14 "shall" for the Florida Real Estate Appraisal Board in
15 recognizing a distance learning class as a method of
certification or renewal of licensure as a real estate
property appraiser.

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