

Florida Real Estate Appraisal Law Book

Chapter 475, Florida Statutes Certified Appraisers, General and Residential Part II

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Chapter 61J1, Florida Administrative Code Florida Real Estate Appraisal Board



Index

Index.....	1	475.629.....	29	61J1-4.007.....	45
CHAPTER 475.....	2	475.6295.....	30	61J1-4.008.....	45
475.610.....	2	475.630.....	30	61J1-4.009.....	48
475.611.....	2	475.631.....	31	61J1-4.010.....	48
475.612.....	7	Chapter 61J1.....	31	61J1-5.001.....	49
475.613.....	8	61J1-1.001.....	32	61J1-6.001.....	50
475.614.....	9	61J1-1.003.....	32	61J1-7.001.....	52
475.6145.....	9	61J1-1.004.....	32	61J1-7.003.....	53
475.6147.....	10	61J1-1.005.....	32	61J1-7.004.....	53
475.615.....	10	61J1-1.006.....	32	61J1-7.005.....	54
475.616.....	12	61J1-1.007.....	32	61J1-7.0065.....	54
475.617.....	12	61J1-1.008.....	32	61J1-7.008.....	55
475.6171.....	14	61J1-1.009.....	32	61J1-7.009.....	55
475.618.....	14	61J1-1.011.....	33	61J1-7.020.....	55
475.619.....	15	61J1-2.001.....	33	61J1-8.001.....	56
475.620.....	16	61J1-2.002.....	34	61J1-8.002.....	57
475.621.....	16	61J1-2.003.....	34	61J1-8.003.....	64
475.622.....	17	61J1-2.004.....	35	61J1-8.004.....	64
475.6221.....	17	61J1-2.0045.....	35	61J1-8.005.....	65
475.6222.....	18	61J1-2.005.....	35	61J1-8.006.....	65
475.623.....	18	61J1-2.007.....	36	61J1-9.001.....	65
475.6235.....	18	61J1-3.001.....	36	61J1-9.002.....	65
475.624.....	20	61J1-3.003.....	37	61J1-10.001.....	67
475.6245.....	23	61J1-3.004.....	37	61J1-10.002.....	68
475.625.....	27	61J1-4.001.....	38	61J1-10.003.....	69
475.626.....	27	61J1-4.002.....	40	61J1-10.004.....	69
475.627.....	28	61J1-4.003.....	40	61J1-11.001.....	70
475.628.....	29	61J1-4.005.....	43		

NOTE: This booklet is not a study guide and is in no way intended to replace your study material which is provided by your approved Real Estate Instructor and School. This booklet is intended to provide a direct access to Chapter 475, Florida Statutes, Part II and 61J1, Florida Administrative Code. This booklet is continually updated, but please reference the Florida Statutes and Administrative Code website before reviewing this booklet.

CHAPTER 475
REAL ESTATE BROKERS, SALES ASSOCIATES, SCHOOLS, AND APPRAISERS
PART II
APPRAISERS

(ss. 475.610-475.631)

- 475.610 Purpose.
- 475.611 Definitions.
- 475.612 Certification, licensure, or registration required.
- 475.613 Florida Real Estate Appraisal Board.
- 475.614 Power of board to adopt rules and decide questions of practice; requirements for protection of appraiser's signature.
- 475.6145 Seal.
- 475.6147 Fees.
- 475.615 Qualifications for registration or certification.
- 475.616 Examination requirements.
- 475.617 Education and experience requirements.
- 475.6171 Issuance of registration or certification.
- 475.618 Renewal of registration, license, certification, or instructor permit; continuing education.
- 475.619 Inactive status.
- 475.620 Corporations and partnerships ineligible for licensure or certification.
- 475.621 Registry of licensed and certified appraisers; registry of appraisal management companies.
- 475.622 Display and disclosure of licensure, certification, or registration.
- 475.6221 Employment of and by registered trainee real estate appraisers.
- 475.6222 Supervision and training of registered trainee appraisers.
- 475.623 Registration of firm or business name and office location.
- 475.6235 Registration of appraisal management companies required; exemptions.
- 475.624 Discipline of appraisers.
- 475.6245 Discipline of appraisal management companies.
- 475.625 Final orders.
- 475.626 Violations and penalties.
- 475.627 Appraisal course instructors.
- 475.628 Professional standards for appraisers registered, licensed, or certified under this part.
- 475.629 Retention of records.
- 475.6295 Authority to inspect.
- 475.630 Temporary practice.
- 475.631 Nonresident licenses and certifications.

475.610 Purpose.—The Legislature deems it necessary in the interest of the public welfare to regulate real estate appraisers in this state.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 14, ch. 2000-332.

475.611 Definitions.—

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

(a) “Appraisal” or “appraisal services” means the services provided by certified or licensed appraisers or registered trainee appraisers, and includes:

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

2. “Analysis assignment” denotes appraisal services that relate to the employer’s or client’s individual needs or investment objectives and includes specialized marketing, financing, and feasibility studies as well as analyses, opinions, and conclusions given in connection with activities such as real estate brokerage, mortgage banking, real estate counseling, or real estate consulting.

3. “Appraisal review assignment” denotes an engagement for which an appraiser is employed or retained to develop and communicate an opinion about the quality of another appraiser’s appraisal, appraisal report, or work. An appraisal review may or may not contain the reviewing appraiser’s opinion of value.

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

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

(d) “Appraisal management services” means the coordination or management of appraisal services for compensation by:

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

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

(e) “Appraisal report” means any communication, written or oral, of an appraisal, appraisal review, appraisal consulting service, analysis, opinion, or conclusion relating to the nature, quality, value, or utility of a specified interest in, or aspect of, identified real property, and includes any report communicating an appraisal analysis, opinion, or conclusion of value,

regardless of title. However, in order to be recognized in a federally related transaction, an appraisal report must be written.

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

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

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

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

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

2. Appraisers employed by, contracted with, or otherwise retained by the appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions.

(j) "Board" means the Florida Real Estate Appraisal Board established under s. 475.613.

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

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

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

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

(o) "Department" means the Department of Business and Professional Regulation.

(p) "Direct supervision" means the degree of supervision required of a supervisory appraiser overseeing the work of a registered trainee appraiser by which the supervisory appraiser has

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

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

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

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

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

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

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

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

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

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

(z) "Supervisory appraiser" means a certified residential appraiser or a certified general appraiser responsible for the direct supervision of one or more registered trainee appraisers and

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

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

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

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

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

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

(3) For the purposes of service on any probable cause panel appointed pursuant to s. 455.225(4), "former board member" includes any person who is a former member of the Appraisal Subcommittee of the Florida Real Estate Commission.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 149, ch. 92-149; s. 148, ch. 94-119; s. 163, ch. 94-218; s. 20, ch. 98-250; s. 3, ch. 2003-164; s. 80, ch. 2004-5; s. 1, ch. 2006-198; s. 1, ch. 2010-84; s. 13, ch. 2012-61; s. 9, ch. 2012-72; s. 2, ch. 2013-144; s. 4, ch. 2015-54; s. 2, ch. 2017-30; s. 66, ch. 2018-110.

475.612 Certification, licensure, or registration required.—

(1) A person may not use the title “certified real estate appraiser,” “licensed real estate appraiser,” or “registered trainee real estate appraiser,” or any abbreviation or words to that effect, or issue an appraisal report, unless such person is certified, licensed, or registered by the department under this part. However, the work upon which an appraisal report is based may be performed by a person who is not a certified or licensed appraiser or registered trainee appraiser if the work is supervised and approved, and the report is signed, by a certified or licensed appraiser who has full responsibility for all requirements of the report and valuation service. Only a certified or licensed appraiser may issue an appraisal report and receive direct compensation for providing valuation services for the appraisal report. A registered trainee appraiser may only receive compensation for appraisal services from her or his authorized certified appraiser.

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

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

(4) This section does not prevent any state court or administrative law judge from certifying as an expert witness in any legal or administrative proceeding an appraiser who is not certified, licensed, or registered; nor does it prevent any appraiser from testifying, with respect to the results of an appraisal.

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

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

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

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 224, ch. 96-410; s. 1119, ch. 97-103; s. 21, ch. 98-250; s. 3, ch. 2000-198; ss. 4, 50, ch. 2003-164; s. 2, ch. 2006-198; s. 3, ch. 2013-144; s. 5, ch. 2015-54; s. 3, ch. 2017-30.

475.613 Florida Real Estate Appraisal Board.—

(1) There is created the Florida Real Estate Appraisal Board, which shall consist of nine members appointed by the Governor, subject to confirmation by the Senate. Four members of the board must be real estate appraisers who have been engaged in the general practice of appraising real property in this state for at least 5 years immediately preceding appointment. In appointing real estate appraisers to the board, while not excluding other appraisers, the Governor shall give preference to real estate appraisers who are not primarily engaged in real estate brokerage or mortgage lending activities. Two members of the board must represent the appraisal management industry. One member of the board must represent organizations that use appraisals for the purpose of eminent domain proceedings, financial transactions, or mortgage insurance. Two members of the board shall be representatives of the general public and shall not be connected in any way with the practice of real estate appraisal. The appraiser members shall be as representative of the entire industry as possible, and membership in a nationally recognized or state-recognized appraisal organization shall not be a prerequisite to membership on the board. To the extent possible, no more than two members of the board shall be primarily affiliated with any one particular national or state appraisal association. Two of the members must be licensed or certified residential real estate appraisers and two of the members must be certified general real estate appraisers at the time of their appointment.

(a) Members of the board shall be appointed for 4-year terms. Any vacancy occurring in the membership of the board shall be filled by appointment by the Governor for the unexpired term. Upon expiration of her or his term, a member of the board shall continue to hold office until the appointment and qualification of the member's successor. A member may not be appointed for more than two consecutive terms. The Governor may remove any member for cause.

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

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

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

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

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

(3) Notwithstanding s. 112.313, any member of the board who is a licensed or certified real estate appraiser and who holds an active appraiser instructor permit issued by the department, to the extent authorized pursuant to such permit, may offer, conduct, or teach any course prescribed or approved by the board or the department.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 150, ch. 92-149; s. 383, ch. 97-103; s. 5, ch. 2003-164; s. 2, ch. 2010-84; s. 37, ch. 2010-106.

475.614 Power of board to adopt rules and decide questions of practice; requirements for protection of appraiser’s signature.—

(1) The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it. The board may decide questions of practice arising in the proceedings before it, having regard to this section and the rules then in force.

(2) The board shall adopt rules specifying the means by which an appraiser’s signature may be affixed to an appraisal report or other work performed by the appraiser. The rules shall include requirements for protecting the security of an appraiser’s signature and prohibiting practices that may discredit the use of an appraiser’s signature to authenticate the work performed by the appraiser.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 147, ch. 98-200; s. 3, ch. 2010-84.

475.6145 Seal.—The board shall adopt a seal by which it shall authenticate its proceedings, records, and acts. Copies of the proceedings, records, and acts of the board, and certificates purporting to relate the facts concerning such proceedings, records, and acts, which are signed by the board chair, the custodian of such records, or any other person authorized to make such certification and which are authenticated by such seal, shall be prima facie evidence of such proceedings, records, and acts in all courts of this state.

History.—s. 22, ch. 98-250.

475.6147 Fees.—

(1)(a) The board by rule may establish fees to be paid for application, licensing and renewal, certification and recertification, registration and reregistration, reinstatement, and recordmaking and recordkeeping.

(b) The fee for initial application of an appraiser may not exceed \$150, and the combined cost of the application and examination may not exceed \$300. The initial certification, registration, or license fee and the certification, registration, or license renewal fee may not exceed \$150 for each year of the duration of the certification, registration, or license.

(c) The fee for initial application of an appraisal management company may not exceed \$150. The initial registration and registration renewal fee may not exceed \$150 for each year of the duration of the registration.

(d) The board may also establish by rule a late renewal penalty.

(e) The board shall establish fees which are adequate to ensure its continued operation. Fees shall be based on estimates made by the department of the revenue required to implement this part and other provisions of law relating to the regulation of real estate appraisers.

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

History.—s. 23, ch. 98-250; s. 6, ch. 2003-164; s. 4, ch. 2010-84.

475.615 Qualifications for registration or certification.—

(1) Any person desiring to act as a registered trainee appraiser or as a certified appraiser must make application in writing to the department in such form and detail as the board shall prescribe. Each applicant must be at least 18 years of age and hold a high school diploma or its equivalent.

(2) The board is authorized to waive or modify any education, experience, or examination requirements established in this part in order to conform with any such requirements established by the Appraiser Qualifications Board of the Appraisal Foundation or any successor body recognized by federal law, including any requirements adopted on December 9, 2011. The board shall implement this section by rule.

(3) Appropriate fees, as set forth in the rules of the board pursuant to s. 475.6147, and a set of fingerprints must accompany all applications for registration or certification. The fingerprints shall be forwarded to the Division of Criminal Justice Information Systems within the

Department of Law Enforcement for processing to determine whether the applicant has a criminal history record. The fingerprints shall also be forwarded to the Federal Bureau of Investigation to determine whether the applicant has a criminal history record. The information obtained by the processing of the fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department to determine whether the applicant is statutorily qualified for registration or certification.

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

(5) At the time of filing an application for registration or certification, the applicant must sign a pledge indicating that upon becoming registered or certified, she or he will comply with the standards of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal, and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application expires 1 year after the date received by the department.

(6) All applicants must be competent and qualified to make real estate appraisals with safety to those with whom they may undertake a relationship of trust and confidence and the general public. If any applicant has been denied registration, licensure, or certification, or has been disbarred, or the applicant's registration, license, or certificate to practice or conduct any regulated profession, business, or vocation has been revoked or suspended by this or any other state, any nation, or any possession or district of the United States, or any court or lawful agency thereof, because of any conduct or practices which would have warranted a like result under this part, or if the applicant has been guilty of conduct or practices in this state or elsewhere which would have been grounds for disciplining her or his registration, license, or certification under this part had the applicant then been a registered trainee appraiser or a licensed or certified appraiser, the applicant is deemed not to be qualified unless the applicant has met the conditions adopted by the Appraiser Qualifications Board of the Appraisal Foundation on December 9, 2011, as prescribed by rule of the board and it appears to the board that the interest of the public is not likely to be endangered by the granting of registration or certification.

(7) No applicant seeking to become registered or certified under this part may be rejected solely by virtue of membership or lack of membership in any particular appraisal organization.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 384, ch. 97-103; s. 24, ch. 98-250; s. 142, ch. 99-251; s. 7, ch. 2003-164; s. 84, ch. 2005-2; s. 3, ch. 2006-198; s. 18, ch. 2009-195; s. 14, ch. 2012-61; s. 42, ch. 2013-116; s. 4, ch. 2013-144.

475.616 Examination requirements.—To be certified as an appraiser, the applicant must demonstrate, by passing a written examination, that she or he possesses:

- (1) A knowledge of technical terms commonly used in real estate appraisal.
- (2) An understanding of the principles of land economics, real estate appraisal processes, reliable sources of appraising data, and problems likely to be encountered in the gathering, interpreting, and processing of data in carrying out appraisal disciplines.
- (3) An understanding of the standards for the development and communication of real estate appraisals as provided in this part.
- (4) An understanding of the types of misconduct for which disciplinary proceedings may be initiated against a licensed or certified appraiser, as set forth in this part.
- (5) Knowledge of the theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 385, ch. 97-103; s. 25, ch. 98-250; s. 4, ch. 2006-198.

475.617 Education and experience requirements.—

(1) To be registered as a trainee appraiser, an applicant must present evidence satisfactory to the board that she or he has successfully completed at least 100 hours of approved qualifying education courses in subjects related to real estate appraisal, which must include coverage of the Uniform Standards of Professional Appraisal Practice, or its equivalent, as established by rule of the board, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. The board may increase the required number of hours to not more than 125 hours. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved on an hour-for-hour basis.

(2) To be certified as a residential appraiser, an applicant must present satisfactory evidence to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe by rule education and experience requirements that meet or exceed the following real property appraiser qualification

criteria adopted on December 9, 2011, by the Appraiser Qualifications Board of the Appraisal Foundation:

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

(b) Has successfully completed at least 200 classroom hours, inclusive of examination, of approved qualifying education courses in subjects related to real estate appraisal, which must include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the board, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

(3) To be certified as a general appraiser, an applicant must present evidence satisfactory to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on December 9, 2011, by the Appraiser Qualifications Board of the Appraisal Foundation:

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

(b) Has successfully completed at least 300 classroom hours, inclusive of examination, of approved qualifying education courses in subjects related to real estate appraisal, which must include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the board, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. All qualifying education courses may be completed through in-person classroom instruction or distance learning. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

(4) A distance learning course may be approved by the board as an option to classroom hours for satisfactory completion of the academic courses required under this section. The schools authorized by this section have the option of providing classroom courses, distance learning courses, or both.

(a) A distance learning course must use a delivery method that is certified or approved by a board-authorized independent certifying organization.

(b) A distance learning course intended for use as academic education must include a written, closed-book final examination. As used in this paragraph, the term “written” refers to an exam that might be written on paper or administered electronically on a computer workstation or other device. Oral exams are not acceptable.

(5) Each applicant must furnish, under oath, a detailed statement of the experience for each year of experience she or he claims. Upon request, the applicant shall furnish to the board, for its examination, copies of appraisal reports or file memoranda to support the claim for experience. Any appraisal report or file memoranda used to support a claim for experience must be maintained by the applicant for no less than 5 years after the date of certification.

(6) The board may implement the provisions of this section by rule.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 386, ch. 97-103; s. 26, ch. 98-250; s. 8, ch. 2003-164; s. 53, ch. 2004-357; s. 5, ch. 2006-198; s. 15, ch. 2012-61; s. 1, ch. 2013-182; s. 120, ch. 2014-17.

475.6171 Issuance of registration or certification.—The registration or certification of an applicant may be issued upon receipt by the board of the following:

(1) A complete application indicating compliance with qualifications as specified in s. 475.615.

(2) Proof of successful course completion as specified in s. 475.617.

(3) Proof of experience for certification as specified in s. 475.617.

(4) If required, proof of passing a written examination as specified in s. 475.616.

(5) The board shall implement this section by rule.

History.—s. 6, ch. 2006-198; s. 16, ch. 2012-61; s. 10, ch. 2012-72.

475.618 Renewal of registration, license, certification, or instructor permit; continuing education.—

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

(b) A distance learning course or courses shall be approved by the board as an option to classroom hours as satisfactory completion of the course or courses as required by this section. The schools authorized by this section have the option of providing classroom courses, distance learning courses, or both.

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

(2) The department shall adopt rules establishing a procedure for the renewal of registration, licenses, certifications, and instructor permits at least every 4 years.

(3) Any registration, license, certification, or instructor permit which is not renewed at the end of the registration, license, certification, or instructor permit period prescribed by the department shall automatically revert to inactive status.

(4) At least 60 days prior to the end of the registration, license, certification, or instructor permit period, the department shall cause to be mailed a notice of renewal and possible reversion to the last known address of the registered trainee, licensee, certificateholder, or permit holder.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 151, ch. 92-149; s. 27, ch. 98-250; s. 5, ch. 2002-9; s. 10, ch. 2003-164; s. 55, ch. 2004-357.

475.619 Inactive status.—

(1) A registration, license, or certification which has become inactive may be renewed upon application to the department. The board shall prescribe by rule continuing education requirements for each year the registration, license, or certification was inactive, as a condition of renewing an inactive registration, license, or certification.

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

(3) The board shall adopt rules relating to inactive registrations, licenses, and certifications and for the renewal of such registrations, licenses, and certifications.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 387, ch. 97-103; s. 28, ch. 98-250; s. 11, ch. 2003-164.

475.620 Corporations and partnerships ineligible for licensure or certification.—

(1) A license or certification may not be issued under this part to a corporation, partnership, firm, or group. However, an appraiser licensed or certified under this part may provide an appraisal report for or on behalf of a corporation, partnership, firm, or group, if the report is prepared by, or under the personal direction of, such appraiser and is reviewed and signed by her or him.

(2) The term “state-registered trainee appraiser,” “state-licensed appraiser,” or “state-certified appraiser” may only be used to refer to an individual who is registered, licensed, or certified under this part and may not be used following or immediately in connection with the name or signature of a corporation, partnership, firm, or group, or in such manner that it could be interpreted as implying registration, licensure, or certification under this part of a corporation, partnership, firm, or group, or anyone other than an individual appraiser. Corporations, partnerships, firms, or groups which employ certified or licensed appraisers or registered trainee appraisers who provide appraisal reports, as defined by this part, may represent to the public and advertise that they offer appraisals performed by registered, licensed, or certified appraisers.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 388, ch. 97-103; s. 29, ch. 98-250; s. 12, ch. 2003-164.

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

(1) The department shall transmit to the appraisal subcommittee, at least annually, a roster listing individuals who hold a valid state license or certification as an appraiser. The department shall transmit to the appraisal subcommittee, at least annually, a roster listing individuals or companies that hold a valid state registration as an appraisal management company.

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

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

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 6, ch. 2015-54; s. 5, ch. 2017-30.

475.622 Display and disclosure of licensure, certification, or registration.—

(1) Each appraiser registered, licensed, or certified under this part shall place her or his registration, license, or certification number adjacent to or immediately beneath the designation “state-registered trainee real estate appraiser,” “state-licensed real estate appraiser,” “state-certified residential real estate appraiser,” or “state-certified general real estate appraiser,” or their appropriate abbreviations as defined by rule, as applicable, when such term is used in an appraisal report or in a contract or other instrument used by the appraiser in conducting real property appraisal activities. The applicable designation shall be included in any newspaper, telephone directory, or other advertising medium, as defined by rule, used by the appraiser.

(2) A registered trainee appraiser or licensed or certified appraiser may not sign any appraisal report or certification or communicate same without disclosing in writing that she or he is a state-registered trainee appraiser or state-licensed, state-certified residential, or state-certified general appraiser, as applicable, even if the appraisal performed is outside of the scope of the appraiser’s registration, licensure, or certification as an appraiser.

(3) The primary or secondary supervisory appraiser of a registered trainee real estate appraiser must sign each appraisal report and certification signed by the registered trainee.

(4) The supervisory appraiser of a registered trainee real estate appraiser must disclose her or his appropriate designation and number any time the registered trainee is required to make such disclosures.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 152, ch. 92-149; s. 389, ch. 97-103; s. 30, ch. 98-250; s. 2, ch. 2001-274; s. 13, ch. 2003-164.

475.6221 Employment of and by registered trainee real estate appraisers.—

(1) A registered trainee real estate appraiser must perform appraisal services under the direct supervision of a certified appraiser who is designated as the primary supervisory appraiser. The primary supervisory appraiser may also designate additional certified appraisers as secondary supervisory appraisers. A secondary supervisory appraiser must be affiliated with the same firm or business as the primary supervisory appraiser and the primary or secondary supervisory appraiser must have the same business address as the registered trainee real estate appraiser. The primary supervisory appraiser must notify the Division of Real Estate of the name and address of any primary and secondary supervisory appraiser for whom the registered trainee will perform appraisal services, and must also notify the division within 10 days after terminating such relationship. Termination of the relationship with a primary supervisory appraiser automatically terminates the relationship with the secondary supervisory appraiser.

(2) A registered trainee real estate appraiser may only receive compensation through or from the primary supervisory appraiser.

(3) A supervisory appraiser may not be employed by a trainee or by a corporation, partnership, firm, or group in which the trainee has a controlling interest.

History.—s. 3, ch. 2001-274; s. 14, ch. 2003-164; s. 81, ch. 2004-5; s. 7, ch. 2006-198; s. 5, ch. 2013-144.

475.6222 Supervision and training of registered trainee appraisers.—The primary or secondary supervisory appraiser of a registered trainee appraiser shall provide direct supervision and training to the registered trainee appraiser. The role and responsibility of the supervisory appraiser is determined by rule of the board.

History.—s. 15, ch. 2003-164; s. 8, ch. 2006-198.

475.623 Registration of firm or business name and office location.—Each appraiser registered, licensed, or certified under this part shall furnish in writing to the department each firm or business name and address from which she or he operates in the performance of appraisal services. Each appraiser must notify the department of any change of firm or business name and any change of address within 10 days on a form provided by the department.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 390, ch. 97-103; s. 31, ch. 98-250; s. 9, ch. 2006-198.

475.6235 Registration of appraisal management companies required; exemptions.—

(1) A person may not engage, or offer to engage, in appraisal management services for compensation in this state, or advertise or represent herself or himself as an appraisal management company, unless the person is registered with the department as an appraisal management company under this section. However, an employee of an appraisal management company is not required to obtain a separate registration.

(2) An application for registration must be submitted to the department in the format prescribed by the department and must include, at a minimum, the following:

(a) The firm or business name under which the appraisal management company conducts business in this state. The appraisal management company must notify the department of any change in the firm or business name, on a form provided by the department, within 10 days after such change.

(b) The mailing address, street address, and telephone number of the appraisal management company's principal business location. The appraisal management company must

notify the department of any change in the mailing or street address, on a form provided by the department, within 10 days after such change.

(c) The appraisal management company's federal employer identification number.

(d) The appraisal management company's type of business organization, such as a corporation, partnership, limited liability company, or sole proprietorship.

(e) A statement as to whether the appraisal management company, if incorporated, is a domestic or foreign corporation, the company's date of incorporation, the state in which the company was incorporated, its charter number, and, if it is a foreign corporation, the date that the company first registered with the Department of State to conduct business in this state.

(f) The full name, street address, telephone number, corporate title, and social security number or federal employer identification number of any person who possesses the authority, directly or indirectly, to direct the management or policies of the appraisal management company, whether through ownership, by contract, or otherwise, including, but not limited to:

1. Each officer and director if the appraisal management company is a corporation.
2. Each general partner if the appraisal management company is a partnership.
3. Each manager or managing member if the appraisal management company is a limited liability company.
4. The owner if the appraisal management company is a sole proprietorship.
5. Each other person who, directly or indirectly, owns or controls 10 percent or more of an ownership interest in the appraisal management company.

(g) The firm or business name under which any person listed in paragraph (f) conducted business as an appraisal management company within the 5 years preceding the date of the application.

(h) The appraisal management company's registered agent for service of process in this state.

(3) Appropriate fees, as set forth in the rules of the board pursuant to s. 475.6147, and a complete set of fingerprints for each person listed in paragraph (2)(f) must accompany all applications for registration. The fingerprints shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprints to determine whether the person has a criminal history record. The fingerprints shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprints to determine whether the person has a criminal history record. The information obtained by the processing of fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining whether the appraisal management company is statutorily qualified for registration.

(4) At the time of filing an application for registration of an appraisal management company, each person listed in paragraph (2)(f) must sign a pledge to comply with applicable standards of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal, and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application expires 1 year after the date received.

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

(6) An applicant seeking to become registered under this part as an appraisal management company may not be rejected solely by virtue of membership or lack of membership of any person listed in paragraph (2)(f) or any employee of the company in any particular appraisal organization.

(7) The department shall renew the registration of an appraisal management company upon receipt of the renewal application and the proper fee. The department shall adopt rules establishing a procedure for renewal of the registration of an appraisal management company at least every 4 years.

(8) This section does not apply to:

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

(b) A federally regulated appraisal management company.

History.—s. 5, ch. 2010-84; s. 18, ch. 2012-61; s. 11, ch. 2012-72; s. 12, ch. 2012-208; s. 86, ch. 2013-15; s. 6, ch. 2017-30.

475.624 Discipline of appraisers.—The board may deny an application for registration or certification of an appraiser; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed \$5,000

for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if the board finds that the registered trainee, licensee, or certificateholder:

(1) Has violated any provision of this part or s. 455.227(1); however, any appraiser registered, licensed, or certified under this part is exempt from s. 455.227(1)(i).

(2) Has been guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest conduct, culpable negligence, or breach of trust in any business transaction in this state or any other state, nation, or territory; has violated a duty imposed upon her or him by law or by the terms of a contract, whether written, oral, express, or implied, in an appraisal assignment; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; or has formed an intent, design, or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design, or scheme. It is immaterial to the guilt of the registered trainee appraiser or licensed or certified appraiser that the victim or intended victim of the misconduct has sustained no damage or loss; that the damage or loss has been settled and paid after discovery of the misconduct; or that such victim or intended victim was a customer or a person in confidential relation with the registered trainee appraiser or licensed or certified appraiser, or was an identified member of the general public.

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

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

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

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

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

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

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

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

(11) Has made or filed a report or record, either written or oral, that the registered trainee appraiser or licensed or certified appraiser knows to be false; has willfully failed to file a report or record required by state or federal law; has willfully impeded or obstructed such filing; or has induced another person to impede or obstruct such filing. However, such reports or records shall include only those that are signed or presented in the capacity of a registered trainee appraiser or licensed or certified appraiser.

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

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

(14) Has violated any standard of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal.

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

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

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

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

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; ss. 10, 149, ch. 94-119; s. 391, ch. 97-103; s. 124, ch. 98-166; s. 32, ch. 98-250; s. 184, ch. 2000-160; s. 16, ch. 2003-164; s. 10, ch. 2006-198; s. 57, ch. 2009-195; s. 6, ch. 2010-84; s. 48, ch. 2010-106; s. 19, ch. 2012-61.

475.6245 Discipline of appraisal management companies.—

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

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

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

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

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

(e) Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the activities of an

appraisal management company or that involves moral turpitude or fraudulent or dishonest conduct. The record of a conviction certified or authenticated in such form as admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The board may reprimand an appraisal management company, conditionally or unconditionally suspend or revoke any registration of an appraisal management company issued under this part, or impose administrative fines not to exceed \$5,000 for each count or separate offense against any such appraisal management company if the board determines that the appraisal management company is attempting to perform, has performed, or has attempted to perform any of the following acts:

(a) Committing any act in violation of this part.

(b) Violating any rule adopted by the board under this part.

(c) Obtaining a registration of an appraisal management company by fraud, misrepresentation, or deceit.

(3) This section does not prohibit an appraisal management company from requesting an appraiser to:

(a) Provide additional information about the basis of a valuation, including consideration of additional comparable data; or

(b) Correct objective factual errors in an appraisal report.

History.—s. 7, ch. 2010-84; s. 20, ch. 2012-61; s. 12, ch. 2012-72; s. 7, ch. 2017-30.

475.625 Final orders.—The board may publish and distribute, in such manner and form as it may prescribe, any of its final orders or decisions made under this section, after they become final by lapse of time or upon affirmance on appeal, or opinions of appellate courts for the guidance of appraisers, appraiser users, and the public. The board may also publish or withhold from publication the names and addresses of any parties concerned. This section shall not be construed to affect compliance with chapter 119.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429.

475.626 Violations and penalties.—

(1) A person may not:

(a) Operate or attempt to operate as a registered trainee appraiser, a licensed or certified appraiser, or an appraisal management company without being the holder of a valid and current registration, license, or certification.

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

(c) Make any false affidavit or affirmation intended for use as evidence by or before the board or any member thereof, or by any of its authorized representatives, nor may any person give false testimony under oath or affirmation to or before the board or any member thereof in any proceeding authorized by this section.

(d) Fail or refuse to appear at the time and place designated in a subpoena issued with respect to a violation of this section, unless such failure to appear is the result of facts or circumstances that are sufficient to excuse appearance in response to a subpoena from the circuit court; nor may a person who is present before the board or a member thereof or one of its authorized representatives acting under authority of this section refuse to be sworn or to affirm or fail or refuse to answer fully any question propounded by the board, the member, or such representative, or by any person by the authority of such officer or appointee.

(e) Obstruct or hinder in any manner the enforcement of this section or the performance of any lawful duty by any person acting under the authority of this section, or interfere with, intimidate, or offer any bribe to any member of the board or any of its employees or any person who is, or is expected to be, a witness in any investigation or proceeding relating to a violation of this section.

(f) Knowingly conceal any information relating to violations of this section.

(2) A person who violates any provision of subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except when a different punishment is prescribed by this section. This section does not prohibit the prosecution under any other criminal statute of this state of any person for an act or conduct prohibited by this section; however, in such cases, the state may prosecute under this section or under such other statute, or may charge both offenses in one prosecution, but the sentence imposed shall not be a greater fine or longer sentence than that prescribed for the offense which carries the more severe penalties. A civil case, a criminal case, or a denial, revocation, or suspension proceeding may arise out of the same alleged state of facts, and the pendency or result of one such case or proceeding shall not stay or control the result of either of the others.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 392, ch. 97-103; s. 33, ch. 98-250; s. 17, ch. 2003-164; s. 8, ch. 2010-84; s. 21, ch. 2012-61; s. 8, ch. 2017-30.

475.627 Appraisal course instructors.—

(1) Where the course or courses to be taught are prescribed by the board or approved precedent to registration, licensure, certification, or renewal as a registered trainee appraiser, licensed appraiser, or certified residential appraiser, before commencing to instruct noncredit college courses in a college, university, or community college, or courses in a career center or proprietary real estate school, a person must certify her or his competency by meeting one of the following requirements:

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

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

(2) Where the course or courses to be taught are prescribed by the board or approved precedent to registration, licensure, certification, or renewal as a registered trainee appraiser, licensed appraiser, or certified appraiser, before commencing to instruct noncredit college courses in a college, university, or community college, or courses in a career center or proprietary real estate school, a person must certify her or his competency by meeting one of the following requirements:

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

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

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

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 153, ch. 92-149; s. 393, ch. 97-103; s. 34, ch. 98-250; s. 18, ch. 2003-164; s. 56, ch. 2004-357.

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

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

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

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 35, ch. 98-250; s. 22, ch. 2012-61; s. 9, ch. 2017-30.

475.629 Retention of records.—An appraiser registered, licensed, or certified under this part shall prepare and retain a work file for each appraisal, appraisal review, or appraisal consulting assignment. An appraisal management company registered under this part shall prepare and retain an order file for each appraisal, appraisal review, or appraisal consulting assignment. The work file and the order file shall be retained for 5 years or the period specified in the Uniform Standards of Professional Appraisal Practice, whichever is greater. The work file must contain original or true copies of any contracts engaging the appraiser's or appraisal management company's services, appraisal reports, and supporting data assembled and formulated by the appraiser or company in preparing appraisal reports or engaging in appraisal management services and all other data, information, and documentation required by the standards for the development or communication of a real estate appraisal as approved and adopted by the Appraisal Standards Board of The Appraisal Foundation, as established by rule

of the board. The order file must contain original or true copies of any contracts engaging the appraiser's services, the appraisal reports, any engagement materials or instructions from the client, and all other documents required by the standards for the development or communication of a real estate appraisal as approved and adopted by the Appraisal Standards Board of The Appraisal Foundation, as established by rule of the board. Notwithstanding the foregoing, while general contracts and materials pertaining to impaneling of an appraiser by an appraisal management company shall be retained under this section, such contracts and materials are not required to be maintained within the order file. Except as otherwise specified in the Uniform Standards of Professional Appraisal Practice, the period for retention of the records applicable to each engagement of the services of the appraiser or appraisal management company runs from the date of the submission of the appraisal report to the client. Appraisal management companies shall also retain the company accounts, correspondence, memoranda, papers, books, and other records in accordance with administrative rules adopted by the board. These records must be made available by the appraiser or appraisal management company for inspection and copying by the department upon reasonable notice to the appraiser or company. If an appraisal has been the subject of or has served as evidence for litigation, reports and records must be retained for at least 2 years after the trial or the period specified in the Uniform Standards of Professional Appraisal Practice, whichever is greater.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 36, ch. 98-250; s. 9, ch. 2010-84; s. 7, ch. 2015-54; s. 10, ch. 2017-30.

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

History.—s. 37, ch. 98-250; s. 19, ch. 2003-164; s. 8, ch. 2015-54.

475.630 Temporary practice.—

(1) The board shall recognize, on a temporary basis, the license or certification of an appraiser issued by another state, if:

- (a) The property to be appraised is part of a federally related transaction.
- (b) The appraiser's business is of a temporary nature.
- (c) The appraiser registers with the board.

(d) The person requesting recognition of a license or certification as an appraiser issued by another state is a nonresident of Florida.

(2) In order to register with the board, the appraiser must:

(a) Pay any required fee as established by rule.

(b) Provide, or cause the state where the applicant may be licensed or certified to furnish, proof of licensure or certification along with the copies of the records of any disciplinary actions taken against the applicant's license or certification in that or other jurisdictions.

(c) Agree in writing to cooperate with any investigation initiated under this part by promptly supplying such documents that any authorized representative of the department may request. If the department sends a notice by certified mail to the last known address of a nonresident appraiser to produce documents or to appear in conjunction with an investigation and the nonresident appraiser fails to comply with that request, the board may impose on that nonresident appraiser any disciplinary action or penalty authorized under this part.

(d) Sign a notarized statement that the applicant has read this section and all applicable rules and agrees to abide by these provisions in all appraisal activities.

History.—ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 38, ch. 98-250.

475.631 Nonresident licenses and certifications.—

(1) Any resident state-certified appraiser who becomes a nonresident shall, within 60 days, notify the board of the change in residency and comply with nonresident requirements. Failure to notify and comply is a violation of the license law, subject to the penalties in s. 475.624.

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

History.—s. 20, ch. 2003-164; s. 13, ch. 2012-208; s. 9, ch. 2015-54.

**Chapter 61J1, Florida Administrative Code
Florida Real Estate Appraisal Board**

61J1-1	INTERNAL ORGANIZATION AND OPERATION
61J1-2	REGISTRATION DETAILS AND FEE STRUCTURE
61J1-3	APPLICATION REQUIREMENTS
61J1-4	MINIMUM EDUCATIONAL REQUIREMENTS
61J1-5	EXAMINATION DETAILS
61J1-6	EXPERIENCE REQUIREMENTS
61J1-7	OPERATION AND BUSINESS
61J1-8	DISCIPLINARY GUIDELINE
61J1-9	STANDARDS OF APPRAISAL PRACTICE
61J1-10	QUALIFICATIONS FOR LICENSURE
61J1-11	DEFINITIONS

**CHAPTER 61J1-1
INTERNAL ORGANIZATION AND OPERATION**

61J1-1.001	Membership (Repealed)
61J1-1.003	Chairperson (Repealed)
61J1-1.004	Minutes (Repealed)
61J1-1.005	Internal (Repealed)
61J1-1.006	Principal Office (Repealed)
61J1-1.007	Board Member Compensation (Repealed)
61J1-1.008	Authorized Signatures on Final Orders (Repealed)
61J1-1.009	Probable Cause Panel
61J1-1.011	Designation of Official Reporter (Repealed)

61J1-1.001 Membership.

Rulemaking Authority 475.614 FS. Law Implemented 455.207(3), 475.613 FS. History–New 10-15-91, Amended 11-8-92, Formerly 21VV-1.001, Repealed 1-30-12.

61J1-1.003 Chairperson.

Rulemaking Authority 475.614 FS. Law Implemented 455.207, 475.613 FS. History–New 10-15-91, Formerly 21VV-1.003, Amended 9-13-09, Repealed 1-30-12.

61J1-1.004 Minutes.

Rulemaking Authority 475.614 FS. Law Implemented 120.53 FS. History–New 10-15-91, Formerly 21VV-1.004, Repealed 1-30-12.

61J1-1.005 Internal.

Rulemaking Authority 475.614 FS. Law Implemented 120.53 FS. History–New 10-15-91, Formerly 21VV-1.005, Repealed 1-30-12.

61J1-1.006 Principal Office.

Rulemaking Authority 475.614 FS. Law Implemented 120.53, 455.205 FS. History–New 10-15-91, Formerly 21VV-1.006, Repealed 1-30-12.

61J1-1.007 Board Member Compensation.

Rulemaking Authority 455.207, 475.614 FS. Law Implemented 455.207, 475.613 FS. History–New 10-15-91, Formerly 21VV-1.007, Amended 3-8-95, Repealed 1-30-12.

61J1-1.008 Authorized Signatures on Final Orders.

Rulemaking Authority 475.614 FS. Law Implemented 120.52, 120.53, 120.569, 455.225 FS. History–New 10-15-91, Formerly 21VV-1.008, Repealed 1-30-12.

61J1-1.009 Probable Cause Panel.

(1) The determination of probable cause that a registrant, licensee, certificate holder, or permit holder has violated the Real Estate Appraisal License Law, Part II, Chapter 475, F.S., or any of the board's rules or orders, shall be made by the probable cause panel of the board.

(2) There may be multiple probable cause panels of the board. The probable cause panels shall be composed of two members which shall constitute a quorum. The members of the panel

shall be appointed by the chairperson of the board and shall serve for the period directed by the chairperson. As provided in Section 455.225(4), F.S., one of the panel members may be a former member of the board, one must be a present member of the board, and one must be a former or present consumer member, if one is available, willing to serve, and is authorized to do so by the chairperson.

Rulemaking Authority 455.225, 475.614 FS. Law Implemented 455.225 FS. History–New 10-15-91, Formerly 21VV-1.009, Amended 8-8-93, 1-29-95, 7-2-95, 1-8-06, 12-4-06, 7-5-10.

61J1-1.011 Designation of Official Reporter.

Rulemaking Authority 475.614 FS. Law Implemented 120.53(4) FS. History–New 9-22-93, Amended 9-6-94, Repealed 1-30-12.

**CHAPTER 61J1-2
REGISTRATION DETAILS AND FEE STRUCTURE**

- 61J1-2.001 Fees
- 61J1-2.002 Renewal Period
- 61J1-2.003 Inactive Renewal
- 61J1-2.004 Exemption of Spouses of Members of Armed Forces from Renewal Provisions
- 61J1-2.0045 Exemption of Members of Armed Forces from Renewal Provisions
- 61J1-2.005 Inactive Registration
- 61J1-2.007 Refund of Applicant and License Fees

61J1-2.001 Fees.

(1)	The application fee shall be as follows:	
	Registered Trainee Appraiser	\$50.00
	Certified Residential Appraiser	\$91.00
	Certified General Appraiser	\$91.00
	Appraisal Management Company	\$150.00
(2)	The biennial fee shall be:	
	Registered Trainee Appraiser	\$175.00
	Licensed Appraiser	\$175.00
	Certified Residential Appraiser	\$175.00
	Certified General Appraiser	\$175.00
	Appraisal Management Company	\$300.00
(3)	The fee for appraisal course instructors shall be:	
	Application for General Appraiser Instructors	\$44.00
	Application for Residential Appraiser Instructors	\$44.75
	Biennial Permit	\$50.00
(4)	Fees for appraisal course related categories shall be:	
	For each sponsor application for evaluation for approval of education offering	\$200.00
	For each sponsor biennial education offering renewal	\$100.00
	For each evaluation of a previously nonaccredited education course	\$50.00
(5)	Temporary Practice fee	\$50.00
(6)	Late Renewal of an inactive registration, license or certification	\$25.00
(7)	Biennial Registry fee for licensed and certified appraisers as required by the Appraisal Subcommittee	\$80.00

(8)	Annual Registry fee for registered appraisal management companies (AMC) as required by the Appraisal Subcommittee.	Varies
(a)	In the case of an AMC that has been in existence for more than a year, the fee shall be \$25.00 multiplied by the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in such state during the previous year.	
(b)	In the case of an AMC that has been in existence for less than a year, the fee shall be \$25.00 multiplied by the number of appraisers who have performed an appraisal for the AMC in connection with a covered transaction in such state since the AMC commenced doing business.	
(9)	Duplicate registration, license or certification	\$20.00
(10)	Checks returned insufficient funds or account closed or an amount up to 5% of the face amount of the check, whichever is greater	\$15.00
(11)	Examination Review	\$35.00
(12)	Unlicensed activity fee for initial licensure and license renewal	\$5.00
(12)	The fee for request for a change of examination date, which must be in	No fee
(a)	Requests received by the examination vendor 3 or more days prior to the scheduled date	\$15.00
(b)	Requests received by the examination vendor less than 3 days prior to the scheduled date	\$61.00
(13)	Application fee for a registered trainee, licensed or certified appraiser to obtain a different status when such application is received by the department within 180 days prior to or after the renewal period established in rule 61J1-2.002, F.A.C.	\$50.00
(14)	Letter of Good Standing	\$25.00

Rulemaking Authority 475.614, 475.621(2) FS. Law Implemented 215.34, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618, 475.621(2) FS. History—New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99, 11-10-03, 2-21-06, 9-21-06, 12-4-06, 3-13-07, 12-4-07, 7-17-11, 7-16-12, 5-8-13, 3-1-17, 6-11-18.

61J1-2.002 Renewal Period.

(1) Each registration, license, certificate or instructor permit shall be renewed on a biennial basis. The schedule for biennial renewal shall be as established in rule 61-6.001, F.A.C.

(2) Each appraisal management company registration shall be renewed on a biennial basis. The schedule for biennial renewal shall be as established in rule 61-6.043, F.A.C.

Rulemaking Authority 475.614 FS. Law Implemented 475.618 FS. History—New 10-15-91, Formerly 21VV-2.002, Amended 7-2-95, 6-11-18.

61J1-2.003 Inactive Renewal.

(1) An inactive registrant, licensee or certificate holder may elect to renew as active by submitting a request, proof of continuing education and the fees established in rule 61J1-2.001, F.A.C. The education requirement for renewal does not apply to appraisal management company registrations.

(2) When the total period of inactive status exceeds 4 years, the registration, license or certification shall automatically expire per section 475.619(2), F.S. Two years prior to the expiration, the Department of Business and Professional Regulation shall give notice by mail to the last known address of the registrant, licensee or certificate holder.

Rulemaking Authority 475.614 FS. Law Implemented 475.619 FS. History—New 10-15-91,

Formerly 21VV-2.003, Amended 1-16-12.

61J1-2.004 Exemption of Spouses of Members of Armed Forces from Renewal Provisions.

A registered trainee appraiser who is the spouse of a member of the Armed Forces of the United States now or hereafter on active duty and who is absent from the State of Florida because of the spouse's duties with the Armed Forces shall be exempt from renewal provisions under the Rules of the Florida Real Estate Appraisal Board provided he or she is not engaged in his or her licensed profession or vocation in the private sector for profit. The exemption shall last during the absence from the state because of the spouse's duties with the Armed Forces and for a period of six months after returning to the state.

Rulemaking Authority 455.02, 475.614 FS. Law Implemented 455.02 FS. History—New 10-15-91, Formerly 21VV-2.004, Amended 12-4-06, 7-5-15.

61J1-2.0045 Exemption of Members of Armed Forces from Renewal Provisions.

Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of becoming such member, was a certified appraiser in good standing with the Florida Real Estate Appraisal board (Board) and was entitled to practice or engage in real estate appraising in the state shall be kept in good standing by the Board, without registering, paying dues or fees, or performing any other act on his or her part to be performed, provided he or she is not engaged in his or her licensed profession or vocation in the private sector for profit. However, all certified or licensed appraisers must complete all necessary continuing education requirements within 180 days after being discharged from active military duty with the United States Armed Forces.

Rulemaking Authority 455.02, 475.614, 475.615(2) FS. Law Implemented 455.02 FS. History—New 12-4-06.

61J1-2.005 Inactive Registration.

(1) An applicant for registration as an appraiser, who has otherwise met the registration requirements, may obtain the registration without the necessity of having designated a certified appraiser as a primary supervisor. The registration shall be designated inactive upon being issued.

(2) At any time after obtaining registration as an appraiser, the registrant may request inactive status by submitting to the Board DBPR form FREAB 16 found in rule 61-35.026, F.A.C. The fee to change licensure status is found in rule 61J1-2.001, F.A.C.

(3) At any time after obtaining registration as an appraiser, the registrant does not have on record with the Department of Business and Professional Regulation the name of a certified appraiser as a primary supervisor, the registration shall be designated inactive.

(4) Pursuant to section 475.618(3), F.S., any registration not renewed at the end of the registration period shall be designated inactive.

(5) A registered appraiser, whose registration is designated inactive pursuant to subsection (1), (2) or (3), may request an active registration on DBPR form FREAB 16. If the inactive duration is less than 2 years and does not extend beyond 1 biennial renewal cycle (registration period), no additional education or fee is required.

(6) A registered appraiser, whose registration is designated inactive pursuant to subsection (4), or whose inactive status extends beyond the biennial renewal cycle, shall comply with the education and fee requirements of rule 61J1-4.007, F.A.C., in order to request an active registration.

(7) Any registration which exceeds 4 years in the inactive status shall automatically expire,

and the person must meet all the requirements for initial registration.

Rulemaking Authority 475.614, 475.619 FS. Law Implemented 475.613(2), 475.618, 475.619 FS. History—New 9-22-93, Amended 7-5-94, 5-8-06, 11-4-15, 10-10-17.

61J1-2.007 Refund of Applicant and License Fees.

Upon written request, a refund of fees will be made under the following circumstances and in the following amounts:

(1) The Board shall refund to the applicant, or the applicant's beneficiary, any portion of the application fee not expended in processing the application. The applicant's application shall be considered null and void upon payment of the refunded amount.

(2) Any fees accepted or collected in error or in excess of that required shall be refunded.

(3) In the event a registered trainee, licensee or certificate holder dies prior to the effective date of a renewal period, the full amount of the fee collected for the renewal of the registration, license or certificate shall be refunded to the beneficiary.

Rulemaking Authority 475.614 FS. Law Implemented 475.6147 FS. History—New 10-29-98, Amended 2-16-04.

CHAPTER 61J1-3 APPLICATION REQUIREMENTS

- 61J1-3.001 Application by Individuals
- 61J1-3.003 Notice of Denial (Repealed)
- 61J1-3.004 Issuance of Certification

61J1-3.001 Application by Individuals.

(1) An applicant for registration or certification as an appraiser shall submit an application in such a manner as provided by the Department.

(2) The applicant must show that the applicant has the necessary qualifications as follows:

(a) That the applicant is 18 years of age or older.

(b) That the applicant holds a high school diploma or its equivalent.

(3) The applicant shall indicate whether the applicant is seeking registration, or certification.

(4) At the time of application, the applicant must furnish evidence of successful completion of the required education pursuant to Rule 61J1-4.001 or 61J1-4.002, F.A.C., and evidence of the required experience pursuant to Rule 61J1-6.001, F.A.C.

(5) At the time of filing the application for registration, or certification, the applicant must sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(v), F.S., and must indicate in writing that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated.

(6) The applicant must make it possible for the Board to begin the inquiry as to whether the applicant is competent and qualified to make real estate appraisals with safety to those with whom the applicant may undertake a relationship of trust and confidence and the general public:

(a) By disclosing whether the applicant has ever been convicted or found guilty, or entered a plea of guilty or nolo contendere (no contest) to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of an appraiser, or which involves moral turpitude or fraudulent or dishonest conduct; and

(b) By disclosing any civil proceedings pending against the applicant or if any civil judgment has been rendered against the applicant in a case wherein the pleadings charged the applicant with fraudulent or dishonest dealings; and

(c) By disclosing if the applicant has had a registration, license, or certification to practice

any regulated profession, business, or vocation revoked, suspended, disbarred or otherwise acted against by this or any other state, any nation, or any possession or district of the United States, or has had an application for such registration, licensure or certification to practice or conduct any regulated profession, business or vocation denied by this or any other state, any nation, or any possession or district of the United States.

(d) If an applicant disclosed information pursuant to paragraph 61J1-3.001(6)(a), (b), or (c), F.A.C., then the applicant must submit certified copies of the following documents along with his or her application to be considered for licensure: criminal judgments and sentences, civil judgments, civil decrees, and/or final orders by administrative and/or regulatory agencies pertaining to licensure. If such documents are no longer retained by a clerk of court or agency clerk or are no longer in existence, then the applicant must submit proof, such as a written affidavit or statement from a clerk of court or agency clerk, that said documents are no longer retained or are no longer in existence.

(7) If the applicant fails to take the examination or fails to successfully complete the examination within 1 year of the Department receiving the application, the application shall expire and a new application must be filed.

Rulemaking Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History—New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99, 2-21-02, 5-25-04, 1-8-06, 12-4-06, 3-13-07.

61J1-3.003 Notice of Denial.

Rulemaking Authority 475.614 FS. Law Implemented 120.57, 120.60 FS. History—New 10-15-91, Formerly 21VV-3.003, Amended 1-7-99, Repealed 6-18-14.

61J1-3.004 Issuance of Certification.

Any applicant requesting the issuance of his or her certification shall submit an application after completing the required education and experience components and shall submit to the Board the following in order for the applicant's certification to be issued:

(1) Have completed and submitted an application for certification in the manner prescribed by Rule 61J1-3.001, F.A.C., that demonstrates compliance with qualifications for certification as specified in Section 475.615, F.S.;

(2) Provide the Board with proof of successful completion of the education component as specified in Section 475.617, F.S., and as further defined in Rules 61J1-10.002, 61J1-10.003, 61J1-10.004, F.A.C.; and

(3) Provide the Board with proof of completion of the experience component for certification as specified in Section 475.617, F.S., and as further defined in Rule 61J1-6.001, F.A.C.

(4) Effective January 1, 2015, an applicant who is certified in another state shall:

(a) Demonstrates successful completion of the Florida Supplemental exam with a passing score; and

(b) Demonstrates that the applicant has complied with subsections 61J1-3.001(1), (5), and (6), F.A.C.

Rulemaking Authority 475.613(2), 475.614, 475.6171 FS. Law Implemented 475.6171 FS. History—New 5-14-07, Amended 12-11-07, 3-24-09, 1-12-15.

CHAPTER 61J1-4 MINIMUM EDUCATIONAL REQUIREMENTS

- 61J1-4.001 Education
- 61J1-4.002 Equivalency Education

- 61J1-4.003 Continuing Education
- 61J1-4.005 Notice of Satisfactory Course Completion
- 61J1-4.007 Renewal of Inactive Registrations, Licenses and Certifications
- 61J1-4.008 Continuing Education for School Instructors
- 61J1-4.009 Post-Licensing Education for Registered Trainee Appraisers (Repealed)
- 61J1-4.010 Supervision and Training of Registered Trainee Appraisers

61J1-4.001 Education.

(1) Board prescribed or approved courses and end-of-course examinations shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, or proprietary real estate schools registered pursuant to Section 475.451, F.S. A copy of the course application shall be submitted to the board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations. The Board will notify the entity within 60 days whether the course and exams meet the criteria set out in subsection (2) below and Rules 61J1-10.001, 61J1-10.002, 61J1-10.003, 61J1-10.004, F.A.C. Approval must be granted before the course is conducted. Institutions, entities and schools offering Board prescribed or approved appraisal educational courses are responsible for keeping the course subject matter current and accurate.

(2) The Board shall also approve past appraisal courses which cover substantially the same subject matter, classroom hours of attendance, and completion standards as the board approved courses offered by the entities as set out in subsections (1) and (3) and Rules 61J1-10.001, 61J1-10.002, 61J1-10.003, 61J1-10.004, F.A.C. If the requested information is found lacking to show course equivalency the Board may request supportive documentation to determine course equivalency.

(3) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on a Board approved end-of-course examination. The provider shall develop at least two forms of the end-of-course examinations and submit them for approval with a detailed course syllabus, detailed timeline and two copies of the course material. The answer key must be unique for each form of the examination and reference the page numbers containing the information on which each question and correct answer is based. At least 70% of the questions on each examination form shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific fact, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering prescribed courses must maintain a sufficient bank of questions to assure examination validity. A course that is more than 30 hours shall contain at least 100 items. A course that is 30 hours or less shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. No examination shall contain more than 20% duplication of questions. The examination shall comply with the Item Writing Guidelines as of January 29, 2004, incorporated herein by reference.

(4) The institution or school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. Notice of course completion shall be made on the form prescribed by the Board in Rule 61J1-4.005, F.A.C.

(5) Where any national or state recognized appraisal organization, accredited university, college, community college, area vocational-technical center, state or federal agency or commission, or proprietary real estate school allows the Board approved end-of-course examination to be retaken, students failing the Board approved end-of-course examination must wait at least 30 days from the date of the original examination to take the alternate end-of-course examination. Within one year of the original end-of-course examination, a student may retake the prescribed end-of-course exam a maximum of one time. Otherwise, students failing the appraisal education course examination must repeat the Board prescribed or approved course prior to being eligible to again take the end-of-course examinations. Makeup classes to enable the student to take the end-of-course examination and makeup examination, which are due to student or family illness, may not extend more than 30 days beyond the class scheduled examination without approval from the Board.

(6)(a) The qualifying education courses required in this rule may be satisfied by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be evaluated in the same manner as the course offered by classroom instruction, having due regard however, to the different method of presentation. The institution offering distance education courses must provide proof of certification of the delivery method by an independent certified organization approved by the AQB.

(b) The Board shall also approve past distance education appraisal courses taken after January 1, 2008 which cover substantially the same subject matter and completion standards as the board approved courses offered by the entities as set out in subsections (1) and (3) and Rules 61J1-10.001, 61J1-10.002, 61J1-10.003, 61J1-10.004, F.A.C. If the requested information is found lacking to show course equivalency the Board may request supportive documentation to determine course equivalency.

(c) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board rules pursuant to Section 475.615(2), F.S. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(d) For distance learning, class hours are defined as 60 minutes, of which 50 minutes are instruction attended by the student. Fifty minutes of each 60 minute class segment shall be timed.

(e) Satisfactory completion of the Board prescribed qualifying education course(s) through distance education is demonstrated by achieving a grade of 75% or higher on the Board approved examination. Students failing the Board approved end-of-course examination must wait at least 30 days from the date of the original examination to take the alternate end-of-course examination. Within one year of the original end-of-course examination, a student may retake the prescribed end-of-course exam a maximum of one time. Otherwise, students failing the appraisal education course examination must repeat the Board prescribed or approved course prior to being eligible to again take the end-of-course examinations.

(f) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. A course that is

more than 30 hours shall contain at least 100 items. A course that is 30 hours or less shall contain a minimum of 50 items. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The answer key must be unique for each form of the examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. The examination shall comply with the Item Writing Guidelines as of January 29, 2004, incorporated by reference in subsection (3) above.

(g) In all Board approved qualifying education courses by distance education, the institution, school or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquiries.

(h) Qualifying education courses by distance education or classroom will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. Students must be notified of the course expiration date upon receipt of the course materials.

Rulemaking Authority 475.614, 471.617 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04, 5-15-05, 1-17-06, 2-6-07, 12-6-07, 3-24-09, 4-28-10, 8-1-10, 7-30-14, 8-5-15.

61J1-4.002 Equivalency Education.

The criteria for approval of equivalency for courses completed by individuals seeking credit for pre-registration, pre-certification, post-licensing, or appraiser continuing education shall be that the course or courses covered substantially the same subject matter, hours of attendance, hours of instruction, and completion standards as prescribed by the Florida Real Estate Appraisal Board in Rules 61J1-4.001, .003 or .007, F.A.C. Application for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken together with the date completed and grade received. If the requested information is found lacking to show course equivalency, the Board shall request supportive documentation to determine course equivalency.

Rulemaking Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.002, Amended 4-6-98, 3-31-02, 2-16-04.

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, F.A.C. The 30 hours shall include the 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor, without significant duplication of material, as defined in Section 475.611(1)(q), F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal Law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals.

A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 6 months. Registered appraisers who comply with the Post Licensure requirements and Florida laws and rule update,

as set forth in Rule 61J1-4.009, F.A.C., are not required to complete any additional continuing education for that renewal cycle.

(2) The Board shall approve for appraisal continuing education credit any course, seminar or conference in the real estate appraisal practice area provided by national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission or proprietary real estate school. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date. The criteria for approval shall be as set out in subsection (3) below.

(3) Satisfactory completion of the Board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 2 hours of instruction and cover real estate appraisal related topics such as ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange.

(a) A copy of the course application and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(b) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, F.A.C.

(c) For purposes of this rule, "application level" is defined as the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information.

(d) For purposes of this rule, "knowledge level" is defined as recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.

(4)(a) The continuing education courses required in this rule may be satisfied by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be evaluated in the same manner as the course offered by classroom instruction, having due regard however, to the different method of presentation. The institution offering distance education courses must provide proof of certification of the delivery method by an independent certified organization approved by the AQB.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) Satisfactory completion of the Board prescribed continuing education course(s) through distance education is demonstrated by achieving a grade of 80% or higher on the Board approved examination. Students failing the Board prescribed course examination must repeat the Board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed.

(d) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 3 questions per instructional hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The answer key must be unique for each form of the examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. The examination shall comply with the Item Writing Guidelines as of January 29, 2004, incorporated herein reference.

(e) In all Board approved continuing education courses by distance education, the institution, school or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquiries.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. Students must be notified of the course expiration date upon receipt of the course materials.

(5) The Florida institution, organization, permitted real estate school or Board approved entity offering these Board prescribed or approved courses shall fully inform each student of the standards, requirements and criteria at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. Notice of course completion shall be as prescribed by Rule 61J1-4.005, F.A.C.

(6) These Board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, area technical centers, accredited university, college and community college, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to Section 475.451, F.S., or at a place approved by the Board. Satisfactory completion of these courses will not entitle any person to renew a registration, license or certification until such person has met all requirements of law.

(7) A registrant, licensee, or certificate holder, including a Board member, may earn five (5) classroom hours by attending an entire meeting where the Board considers disciplinary cases, for a maximum of seven (7) of the required thirty (30) hours; provided that, the individual is not

appearing as a party to a disciplinary action and notifies the Division of Real Estate, Education Section, of the intent to attend at least seven (7) days prior to the meeting.

(8) Credit towards the continuing education requirement of this rule may also be satisfied by teaching Board approved appraisal courses. Credit shall only be granted on a one-time basis per renewal cycle for teaching a particular appraisal course and shall be limited to 50% of the required classroom hours for that renewal cycle. The Board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Rulemaking Authority 475.614 FS. Law Implemented 475.613, 475.618, 475.628 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02, 5-25-04, 5-15-05, 1-8-06, 12-4-06, 12-6-07, 6-7-10, 7-17-11, 4-9-13, Amended 11-17-15.

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, licensure or certification a grade report as proof to the department that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 61J1-4.002, F.A.C.

(2) An application for renewal of an existing license shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). Each institution or school approved to offer post and continuing education courses shall comply with Section 455.2178(1), F.S., by electronically submitting course attendance rosters to the Department of Business and Professional Regulation. Upon request of the Board, the department shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007, 61J1-4.008 and 61J1-4.009, F.A.C., or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) The grade report must be typed or printed in ink and must be completely filled out by the institution, school or entity certifying successful course completion. The grade report must also include the authorized signature of the school permit holder, chief administrative person or entity.

(4) The grade reports shall contain the following information for the type of course being completed:

(a) Pre-registration, Pre-certification, or Postlicensing Course for Appraiser:

1. Name of School, Institution or Entity,
2. Address of School, Institution or Entity,
3. Course Title,
4. Course Hours,
5. Course Number.
6. Provider Number:
7. Start Date,
8. Finish Date,
9. Exam Date,
10. Student's Name,
11. Student's Address,

12. Authorized Signature for the School, Institution or Entity.

(b) Appraisers Continuing Education:

1. Name of School, Institution or Entity,
2. Address of School, Institution or Entity,
3. Course Title,
4. Course Hours,
5. Course Number,
6. Provider Number,
7. Start Date,
8. Finish Date,
9. Registration, License or Certificate Number,
10. Student's Name,
11. Student's Address,
12. Authorized Signature for the School, Institution or Entity.

(c) Instructor Continuing Education:

1. Name of School, Institution or Entity,
2. Address of School, Institution or Entity,
3. Course Title,
4. Course Hours,
5. Course Number,
6. Provider Number,
7. Start Date,
8. Finish Date,
9. Permit Number,
10. Student's Name,
11. Student's Address,
12. Authorized Signature for the School, Institution or Entity.

(d) Post Licensure Course for Appraiser:

1. Name of School, Institution or Entity,
2. Address of School, Institution or Entity,
3. Course Title,
4. Course Hours,
5. Course Number,
6. Provider Number,
7. Start Date,
8. Finish Date,
9. Exam Date,
10. Student's Name,
11. Student's Address,
12. Authorized Signature for the School, Institution or Entity.

(5) Each grade report shall state: The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Appraisal Board.

(6) The original grade report is to be given to the student and a copy retained by the school.

Rulemaking Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.6175, 475.618 FS. History—New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, 3-31-02, 11-14-04, 5-31-05, 1-8-06, 12-4-06.

61J1-4.007 Renewal of Inactive Registrations, Licenses and Certifications.

(1) Pursuant to Section 475.618(3), F.S., a registration, license, or certification which is not renewed at the end of the registration, license, or certification period as prescribed by the Department of Business and Professional Regulation shall automatically revert to inactive status. An inactive status may only be maintained for four (4) years at which time the registration, license, or certification shall automatically expire.

(2) At any time after the registration, license, or certification becomes inactive, the registration, license, or certification may be renewed and reactivated upon application to the Department of Business and Professional Regulation, payment of the required fee(s) in Rule 61J1-2.001, F.A.C., and the satisfactory completion of the educational requirements listed below. Seven hours of the total required education for each level must include a 7-hour National USPAP update course or its equivalent which must be taught by an AQP certified instructor.

(a) Level One Reactivation is when the inactive status does not exceed one (1) year. The reactivation education for all appraiser categories is as follows: thirty (30) hours of appraiser continuing education (ACE).

(b) Level Two Reactivation is when the inactive status is more than one (1) year but does not exceed two (2) years. The reactivation education for all appraiser categories is as follows: thirty (30) hours of approved pre-certification education with end of course exam applicable to the licensee's licensure category as defined in Rules 61J1-10.002, 61J1-10.003 and 61J1-10.004, F.A.C.; minimum three (3) hour Supervisor and Trainee course as defined in Rule 61J1-4.010, F.A.C.; and thirty (30) hours of appraiser continuing education (ACE).

(c) Level Three Reactivation is when the inactive status is more than two (2) years but does not exceed the four (4) year period. The reactivation education for all appraiser categories is as follows: seventy-five (75) hours of approved pre-certification education with end of course exam applicable to the licensee's licensure category as defined in Rules 61J1-10.002, 61J1-10.003 and 61J1-10.004, F.A.C.; minimum three (3) hour Supervisor and Trainee course as defined in Rule 61J1-4.010, F.A.C.; and thirty (30) hours of appraiser continuing education (ACE).

(3) The reactivation education may be completed by classroom or distance education as defined by Rule 61J1-4.001, F.A.C.

(4) Any registration, license or certification which exceeds four (4) years in the inactive status shall automatically expire and become null and void pursuant to Section 475.619, F.S. The person must meet all requirements of Sections 475.615, 475.616 and 475.617, F.S., and Rules 61J1-2.001, 61J1-3.001, 61J1-4.001, 61J1-5.001 and 61J1-6.001, F.A.C., in order to be registered or certified again as an appraiser. Further, applicants must meet the requirements of Rule 61J1-10.001, 61J1-10.003 or 61J1-10.004, F.A.C., depending upon the type of registration or certification sought.

Rulemaking Authority 475.614, 475.619 FS. Law Implemented 475.618, 475.619 FS. History—New 8-8-93, Amended 2-16-04, 3-1-06, 8-29-06, 12-4-06, 8-19-10, 2-2-16, 10-10-17.

61J1-4.008 Continuing Education for School Instructors.

(1) All persons holding "school instructor" permits shall re-certify their competency during each renewal period as defined in Rule 61J1-2.002, F.A.C., by satisfactorily completing a minimum of 21 hours of instruction in real estate appraisal subjects and instructional techniques as prescribed by the Board. A school instructor is not required to complete the 21 hours of re-certification education as a condition for initial permit renewal if the time between the effective date on the initial permit as an instructor and the beginning of the initial renewal permit is less than 12 months. Of the required 21 hours, up to 14 hours may be applied toward the continuing education requirement for registration, licensure, or certification pursuant to Rule 61J1-4.003, F.A.C.

(2) All Board prescribed 21 hours of instruction shall consist of 3 hours Florida Laws and Rules; 4 hours of Instructional Techniques; 7 hours of real estate appraisal subjects and a minimum of 7 hours of Board approved instruction consisting of an update of the Uniform Standards of Professional Appraisal Practice (USPAP) as defined in Section 475.611(1)(q), F.S. The 21 hours of instruction may be offered by accredited universities, colleges, and community colleges in the state, by real estate schools registered pursuant to Section 475.451, F.S., and entities approved by the Board. Requests for approval to offer the 14 hours of instruction in real estate appraisal subjects, Florida Laws and Rules: Instructional Techniques; and the 7 hours of instruction in USPAP shall be made to the Board at least 90 days prior to offering the course. The requests shall include a detailed course description and the criteria for satisfactory course completion. The Board will issue a status report to the course provider at least 60 days after submission of the course. Approval must be granted before the course may be offered. The criteria for approval shall be as set in subsection (4), below.

(3)(a) Satisfactory completion of instruction is demonstrated by completing the Board approved course(s) in accordance with the standards established by the Board in Rule 61J1-4.003, F.A.C.

(b) An instructor who teaches Florida Laws and Rules: Instructional Techniques shall not receive four (4) hours credit toward the individual requirement of four (4) hours Instructional Techniques, and shall be required to complete a separate course to fulfill the requirement for instructor license renewal.

(4) The institution, school or approved entity offering the Board approved courses outlined in this section shall inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. The enforcement thereof shall be the responsibility of the Board and the DBPR and their decision on any such matters shall be final. The institution, school or approved entity will be responsible for issuing a grade report. The information required in the grade report can be located in Rule 61J1-4.005, F.A.C.

(a) The Board shall approve any course, seminar, or conference in the real estate appraisal practice area provided by a national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school for appraisal continuing education credit for school instructors. The standards for Board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry. The course will be approved for 24 months. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(b) Satisfactory completion of the Board prescribed or approved continuing education course or courses is demonstrated by successfully meeting standards established for each Board prescribed course.

(c) A copy of the course and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board-approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(d) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary

real estate school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Board in Rule 61J1-4.005, F.A.C.

(5)(a) The continuing education courses required in this rule may be taught by a Board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination may be administered at the end of the course or portions of the examination may be administered to students at appropriate intervals during the course. The Board will issue a status report to the course provider within 60 days after submission of the courses and examinations. Approval must be granted before the course and examination may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards, and laws. It is the responsibility of the institution, school, or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) Satisfactory completion of the Board prescribed continuing education course(s) through distance education is demonstrated by achieving a grade of 80% or higher on the Board approved examination. Students failing the Board prescribed course examination must repeat the Board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed.

(d) The objective of the distance education course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 3 questions per instructional hour. All question shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The answer key must be unique for each form of the examination. At least 70% of the questions on each form of the test shall be at the application level or higher. No more that 10% of the questions on each form of the test shall be at the knowledge level.

(e) In all Board approved continuing education courses by distance education, the institution, school, or entity shall provide to students an address, telephone number, or e-mail address of a Board approved instructor to answer inquiries.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. Students must be notified of the course expiration date upon receipt of the course materials.

Rulemaking Authority 475.614 FS. Law Implemented 475.618 FS. History—New 10-1-95, Amended 9-6-98, 11-15-99, 3-31-02, 2-16-04, 12-4-06, 1-3-18.

61J1-4.009 Post-Licensing Education for Registered Trainee Appraisers.

Rulemaking Authority 475.614, 475.6175 FS. Law Implemented 475.6175 FS. History—New 2-16-04, Amended 10-27-05, 12-4-06, 5-28-15, Repealed 10-4-17.

61J1-4.010 Supervision and Training of Registered Trainee Appraisers.

(1) All registered trainee appraisers shall be subject to direct supervision by a supervisory appraiser. In order to qualify as a supervisory appraiser and be responsible for the direct supervision of registered trainee appraisers, not to exceed three (3), the following conditions must be met:

(a) A supervisory appraiser must accept, acknowledge and recognize full responsibility for compliance with the Uniform Standards of Professional Appraisal Practice, Florida law or regulation for any and all research data collection, analysis, development or communication of any appraisal, appraisal review or appraisal report prepared with the assistance of a registered trainee appraiser as if the work was performed personally by the supervisory appraiser;

(b) A supervisory appraiser must be currently state-certified and have been in good standing with the certifying jurisdiction for at least three (3) years and shall not have been subject to any disciplinary action in any jurisdiction within at least the last three (3) years that affects the supervisory appraiser's legal eligibility to engage in appraisal practice. In addition, an appraiser who is currently under probation may not act as a supervisory appraiser.

(c) Supervisory appraisers shall have been state-certified for a minimum of three (3) years prior to being eligible to become a supervisory appraiser.

(d) Prior to registering as a supervisor to any registered trainee appraiser, a certified appraiser shall complete a board approved supervisory course of a minimum of three (3) hours, within the preceding four (4) years. The course must comply with the course content adopted by the Appraiser Qualifications Board of the Appraisal Foundation December 9, 2011, pursuant to Section 475.615(2), F.S.

(2) The supervisory appraiser shall be responsible for the training and direct supervision of the registered trainee appraiser by:

(a) Accepting full and complete responsibility for any research, data collection, development, analysis or communication of any appraisal review or the appraisal report by signing and certifying the report is in compliance with the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(s), F.S.;

(b) Reviewing and verifying the accuracy of the registered trainee appraiser's research, data collection, development, analysis or communication of any part of the appraisal, appraisal review, or, appraisal report writing process;

(c) Personally inspecting each appraised property with the registered trainee appraiser until the registered trainee appraiser is competent in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, as required by Rule 61J1-9.001, F.A.C., but for at least a minimum of the first six (6) months and 150 hours in sections I, II, and III of the Appraisal Experience Log for DBPR-RE-2300 of the registered trainee's initial registration. This provision shall not be construed to require that the registered trainee appraiser attend all inspections.

(d) "Personally inspecting each appraised property" as stated in paragraph 61J1-4.010(2)(c), F.A.C., shall mean that the supervisory appraiser and registered trainee appraiser shall be at the property being appraised simultaneously and the occasion shall be used for teaching the

registered trainee how to competently perform an inspection for valuation purposes.

(e) Once the supervisory appraiser is not required to accompany the registered trainee appraiser on each appraised property, the supervisory appraiser shall accept complete responsibility for any data or analysis developed by a registered trainee appraiser who performed an inspection of the property being appraised without the supervisory appraiser being present.

(f) Registering the trainee appraiser with Department through use of DBPR FREAB 14, Supervisor Designation/Termination Form as set forth in the Department's Rule 61-35.026, F.A.C. Failure to properly file form DBPR FREAB 14 shall subject the supervisor appraiser to disciplinary action. Any experience gained by the trainee while not properly registered shall not count toward the required training for an appraiser.

(3) A registered trainee appraiser is permitted to have more than one supervisory appraiser as specified in Section 475.6221, F.S.

(4) Any supervising appraiser, whether acting as primary or secondary supervisor, may not supervise more than three (3) registered trainee appraisers at one time.

(5) An appraisal experience log shall be maintained jointly by the supervisory appraiser and the registered trainee appraiser. It is the responsibility of both the supervisory appraiser and the registered trainee appraiser to ensure the experience log is accurate, current and complies with the requirements of the registered trainee appraiser's credentialing jurisdiction.

(6) A supervisory appraiser may not be employed by a registered trainee appraiser or by a corporation, partnership, firm, or group in which the registered trainee appraiser has a controlling interest.

(7) A registered trainee appraiser may accept appraisal assignments only from his or her primary or secondary supervisory appraiser.

(8) A registered trainee appraiser may only receive compensation for appraisal services through or from his or her authorized certified Supervisory Appraiser. Compensation from an employer of the supervisory appraiser is considered payment through the supervisor to the trainee appraiser.

(9) A registered trainee appraiser who made any contribution to the development or reporting of an appraisal must be named in the appraisal report and the work performed by the registered trainee appraiser must be described in detail.

(10) A supervisory appraiser must include the following statement in any report in which a registered trainee appraiser contributed to the development of the appraisal or the writing of the appraisal report: "I, the supervisory appraiser of a registered trainee appraiser who contributed to the development or communication of this appraisal, hereby accept full and complete responsibility for any work performed by the registered trainee appraiser named in this report as if it were my own work."

Rulemaking Authority 475.611, 475.614, 475.615 FS. Law Implemented 475.611, 475.615, 475.6221, 475.6222 FS. History—New 2-16-04, Amended 3-1-06, 12-4-06, 8-12-07, 11-25-07, 5-3-10, 12-11-11, 6-3-13, 4-15-15, 2-2-16, 8-16-17.

CHAPTER 61J1-5 EXAMINATION DETAILS

61J1-5.001 Appraisal Examination Areas of Competency

61J1-5.001 Appraisal Examination Areas of Competency.

(1) To be certified as an appraiser, the applicant must demonstrate by passing an examination that is appropriate for the classification applied for, that he or she possesses:

(a) A knowledge of technical terms commonly used in real estate appraisal.

(b) An understanding of the principles of land economics, real estate appraisal processes, reliable sources of appraising data, and problems likely to be encountered in the gathering, interpreting, and processing of data in carrying out appraisal disciplines.

(c) An understanding of the standards for the development and communication of real estate appraisals as provided in the Real Estate Appraisal License Law.

(d) An understanding of the types of misconduct for which disciplinary proceedings may be initiated against a licensed or certified appraiser as provided in the Real Estate Appraisal License Law.

(e) Knowledge of theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal.

(2)(a) The Board adopts the passing score for the national uniform examination as determined by the Appraisal Qualifications Board (AQB) of the Appraisal Foundation or any successor body recognized by federal law.

(b) A passing score on the Florida Supplemental examination shall be a score of 75% or better. All questions shall be weighed equally and percentages shall be rounded off to whole numbers. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be dropped. The passing score is valid for 24 months from the date of the examination.

(3) The subject content of the examination shall be as endorsed by the Appraisal Foundation as defined in Section 475.611(1)(b), F.S.

Specific Authority 455.217, 475.614 FS. Law Implemented 455.217, 475.616 FS. History—New 10-15-91, Formerly 21VV-5.001, Amended 2-16-04, 12-11-07, 3-24-09.

CHAPTER 61J1-6 EXPERIENCE REQUIREMENTS

61J1-6.001 Experience Requirement

61J1-6.001 Experience Requirement.

(1) All applicants for certification must present evidence satisfactory to the Board that the applicant has the experience required in Section 475.617, F.S., in real property appraisal activity. Acceptable appraisal experience includes fee and staff appraisals, ad valorem tax appraisals, condemnation appraisals, technical review appraisals, appraisal analysis, real estate counseling, highest and best use analysis, and feasibility analysis/study.

(2) Experience is described as follows:

(a)1. For the certified residential appraiser – two thousand five hundred (2500) hours of real property appraisal experience obtained over a 24-month period.

2. For the certified general appraiser – three thousand (3000) hours of real property appraisal experience obtained over a 30-month period.

(b) For the certified residential appraiser and the certified general appraiser, the experience claimed must have been accumulated in a time period of not less than 24 months and 30 months, respectively.

(c) All experience claimed for all licensure classifications must be obtained after January 30, 1989, and must be Uniform Standards of Professional Appraisal Practice (USPAP) compliant as set forth in Rule 61J1-9.001, F.A.C.

(3) For the certified general appraiser, at least 50% (1500 hours) of the claimed experience must be in nonresidential appraisal work. Residential is defined as one to four residential units.

(4) Each applicant shall verify the required experience by certifying in such a manner as provided by the Department. Any proportional combination of required reports or hours, as required below, will be acceptable as long as the experience for the certified general appraiser

is at least 50% nonresidential appraisal work as stated in subsection (3) above.

(5) Experience as defined in subsection (2) above shall be accounted for on an appraisal experience log, which shall include the following minimum information: type of property, date of report, address of appraised property, description of work performed by the registered trainee/applicant and scope of the review and supervision of the supervising appraiser, number of work hours, and signature and license number of supervising appraiser. The log and supporting documents shall be retained for a minimum of 5 years after licensure or certification. All work submitted for experience shall comply with the Uniform Standards of Professional Appraisal Practice, as defined in Rule 61J1-9.001, F.A.C. Types of acceptable experience are, as follows:

(a) Fee and staff appraisers:

1. Certified residential: Experience shall consist of a minimum of 150 supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.

2. Certified general: Experience shall consist of a minimum of 23 Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice; or 12 nonresidential Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(w), F.S., and 135 non-narrative supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.

(b) Mass appraisals:

1. Mass appraisals must be as set forth in Standard 6 of the Uniform Standards of Professional Appraisal Practice set forth in Rule 61J1-9.001, F.A.C.

2. Mass appraisal experience claimed by the applicant should be given credit to the extent that it demonstrates proficiency in appraisal practices, techniques, or skills used by appraisers practicing under USPAP Standard 1 adopted in June 1997.

3. In developing a mass appraisal, an appraiser must be aware of, understand, and correctly employ those recognized methods and techniques necessary to produce and communicate credible mass appraisals.

4. Mass appraisal experience shall include:

a. Identifying properties to be appraised;

b. Defining market area of consistent behavior that applies to properties;

c. Identifying characteristics (supply and demand) that affect the creation of value in that market area;

d. Determining highest and best use;

Demonstrating proficiency with elements and concept of highest and best use through separate analysis if not contained in appraisals submitted for audit;

e. Developing a model structure to determine the contribution of the individual characteristics affecting value;

f. Calibrating the model structure to determine the contribution of the individual characteristics affecting value;

g. Applying the conclusions reflected in the model to the characteristics of the property or properties being appraised; and

h. Reviewing the mass appraisal results.

All other components of the mass appraisal process are not eligible for experience credit.

5. Experience will be granted for appraisals of individual parcels of real estate.

(c) Review Appraiser:

1. Certified residential: Experience shall consist of a minimum of 300 appraisal review reports.

2. Certified general: Experience shall consist of a minimum of 150 appraisal review reports of narrative appraisal reports. At least 50% (1500 hours) of the experience must be in nonresidential appraisal work as defined in subsection (3) above.

a. Review appraisal experience shall be granted only when the applicant has performed review(s) of appraisals prepared either by employees, associates, or others, provided the appraisal report was not signed by the review appraiser.

b. Review appraisal experience may be claimed only when reviews are as set forth in Standard Rule 3 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q), F.S.

(d) Appraisal analysis, real estate counseling and highest and best use analysis:

1. Experience shall consist of a minimum of 150 narrative reports.

2. Experience may be claimed only when performed as set forth in Standard Rules 4 and 5 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q), F.S., as applicable.

(e) Feasibility analysis/study:

1. Experience shall consist of a minimum of 150 narrative reports.

2. Experience may be claimed only when the analysis/study is prepared as set forth in Standard Rules 1 and 2 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q), F.S., and the applicant can demonstrate that he is using similar techniques as appraisers to value properties and effectively utilize the appraisal process.

(6) The Board shall require an applicant to document experience by producing appraisal reports, file memoranda, or other documentation to support the experience claimed.

Rulemaking Authority 475.614, 475.615(2) FS. Law Implemented 455.213, 475.611(1)(q), 475.615(2), 475.617, 475.628 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, 6-1-04, 3-1-06, 12-4-06, 4-18-07, 11-25-07, 11-12-09, 2-10-14, 7-30-14.

CHAPTER 61J1-7 OPERATION AND BUSINESS

61J1-7.001 Display and Disclosure of Registration, License or Certification Designation

61J1-7.003 Advertising

61J1-7.004 Office

61J1-7.005 Temporary Practice

61J1-7.0065 Signatures on Appraisal Report and Certification

61J1-7.008 Address of Record

61J1-7.009 Use of Association Names

61J1-7.020 Public Comment

61J1-7.001 Display and Disclosure of Registration, License or Certification Designation.

(1) All appraisers registered, licensed or certified pursuant to Part II, Chapter 475, F.S., shall disclose and display the appropriate designation in writing in all appraisal reports which are signed by the appraiser. Disclosure of the appropriate designation is required even if the appraisal performed is outside of the scope of registration, licensure, or certification as an appraiser.

(2) The following designations or abbreviations shall be used:

(a) "State-registered trainee appraiser" or "Trainee RI####."

(b) "State-licensed real estate appraiser" or "Licensed RH####."

(c) "State-certified residential real estate appraiser" or "Cert Res RD####."

(d) "State-certified general real estate appraiser" or "Cert Gen RZ####."

(3) No other designation or abbreviation thereof shall be used. The above designations and abbreviations may be used without regard to capitalization or punctuation.

Rulemaking Authority 475.614 FS. Law Implemented 475.622 FS. History—New 10-15-91, Formerly 21VV-7.001, Amended 10-29-98, 2-12-03, 2-16-04, 7-17-11.

61J1-7.003 Advertising.

(1) All appraisers registered, licensed or certified pursuant to Part II, Chapter 475, F.S., shall include the appropriate designation and number as required in Section 475.622, F.S., and Rule 61J1-7.001, F.A.C., in the following forms of advertising:

(a) Newspaper advertisement when displaying the services of the appraiser.

(b) A yellow page telephone advertisement when displaying the services of the appraiser. A white page listing need not contain the designation and number if a yellow page advertisement of the same publisher and locality contains the designation and number of the individual appraiser.

(c) Magazine advertisements when displaying the services of the appraiser.

(d) Controlled publications which display the services of the appraiser when the publication is printed or produced in the State of Florida.

(e) Business cards which display the services of the appraiser. An appraiser who is employed by a governmental entity need not display the designation or number on a business card when the appraiser is prohibited from engaging in an independent fee appraisal.

(f) Television and radio advertisements which display the services of the individual appraiser.

(g) Letterhead which contains the name(s) of one or more individual appraisers and the letter is being used for appraisal related activities.

(h) Internet advertising.

(i) Any other type or form of advertising intended to display the services of the appraiser.

(2) The following are not considered to be advertisement for purposes of this rule and Section 475.622(1), F.S.:

(a) Invoices or billing statements.

(b) Checks or other type of negotiable instruments.

(c) Return address on an envelope.

(d) The use of a private trade association designation unless used to display the services of the appraiser.

(3) All trainee advertising must include the following:

(a) The trainee's name;

(b) The trainee's designation as a "state-registered trainee real estate appraiser", "registered trainee", or "trainee";

(c) The trainee's license number; and

(d) The name and license number of the trainee's supervisory appraiser.

Rulemaking Authority 475.614 FS. Law Implemented 475.622 FS. History—New 10-15-91, Formerly 21VV-7.003, Amended 7-5-94, 7-23-97, 1-8-06, 3-24-09.

61J1-7.004 Office.

(1) All appraisers who have an active registration, license or certification pursuant to Part II, Chapter 475, F.S., shall furnish in writing to the Department of Business and Professional Regulation each business name, trade name, or firm name and address from which he or she operates in the performance of appraisal services. All appraisal management companies who

have an active registration pursuant to Part II, Chapter 475, F.S., shall furnish in writing to the Department of Business and Professional Regulation each firm or business name, mailing address, street address, and telephone number of the appraisal management company's principal business location from which the appraisal management company operates in the performance of appraisal management services.

(2) Each such appraiser or appraisal management company must notify the Department of any change of business name, trade name, or firm name and address within 10 days of the change of name or address in such a manner as determined by the Department.

(3) In instances when an appraiser has registered more than one (1) business address, the appraiser must designate the primary business address.

Rulemaking Authority 475.614 FS. Law Implemented 475.623, 475.6235 FS. History—New 10-15-91, Formerly 21VV-7.004, Amended 2-16-04, 12-4-06, 1-16-12.

61J1-7.005 Temporary Practice.

(1) Pursuant to the provisions of Section 475.630, F.S., the Board shall recognize, on a temporary basis, the license or certification of an appraiser issued by another state, if:

(a) The property to be appraised is part of a federally related transaction, as that term is defined in Section 475.611(1)(p), F.S.

(b) The appraiser's business is of a temporary nature. Temporary nature shall be defined to mean a single appraisal assignment for the time necessary to perform the appraisal assignment.

(c) The appraiser registers with the Board. Registration shall be in such a manner as determined by the Department.

(d) The person requesting recognition of a license or certification as an appraiser issued by another state is a nonresident of Florida.

(2) In order to register with the Board, the appraiser must:

(a) Pay the fee as established in Rule 61J1-2.001, F.A.C.

(b) Provide certified copies of proof of licensure or certification in another state and certified copies of the records of any disciplinary action taken against the appraiser's license or certification in that or any other jurisdiction. If no disciplinary action has taken place, then a certification of no action must be provided.

(c) Agree in writing to cooperate with any investigation initiated under Part II, Chapter 475, F.S., as provided in Section 475.630(2)(c), F.S.

(d) Sign a notarized statement that the appraiser has read Part II, Chapter 475, F.S. and Rule Title 61J1, F.A.C., and agrees to abide by these provisions in all appraisal activities.

(3) The Department shall issue a numbered temporary permit and the number shall be used in the appraisal report performed under the permit.

Rulemaking Authority 475.614 FS. Law Implemented 455.213, 475.630 FS. History—New 10-15-91, Formerly 21VV-7.005, Amended 6-1-04.

61J1-7.0065 Signatures on Appraisal Report and Certification.

(1) Each appraiser signing a certification of an appraisal report must sign the certification with the name that the licensee has registered with the Department. A signature may be represented by a handwritten mark or a digitized image controlled by a personal identification number, password, or other security feature. A facsimile signature may be either affixed by hand or electronically by computer software. An appraiser shall at all times maintain direct control of the appraiser's signature.

(2) An appraiser shall develop and maintain a written method by which his or her signature shall be affixed, for its security protection and the prohibition of practices that might discredit its use.

(3) An appraiser shall not grant blanket authority to another to affix the appraiser's signature to an appraisal report or other work performed by the appraiser. Any grant of permission to another to affix an appraiser's signature to an appraisal report or other work performed by the appraiser shall meet the following requirements:

- (a) Be in writing;
- (b) Extend only to one specific appraisal report; and
- (c) Be maintained in the appraiser's work file.

Rulemaking Authority 475.614 FS. Law Implemented 475.613(2), 475.614 FS. History—New 12-4-06, Amended 12-20-11.

61J1-7.008 Address of Record.

Each registrant, licensee, certificate holder and permit holder is required to notify the Department in writing of any changes in the address of record within 10 days after the change.

Rulemaking Authority 475.614 FS. Law Implemented 455.275 FS. History—New 5-14-95, Amended 3-26-96, 1-30-12, 9-10-14.

61J1-7.009 Use of Association Names.

No registrant, licensee or certificate holder shall use an identification or designation of any association or organization unless entitled to use such identification or designation by the association or organization.

Rulemaking Authority 475.614 FS. Law Implemented 475.624(2), (3) FS. History—New 3-26-96.

61J1-7.020 Public Comment.

The Florida Real Estate Appraisal Board invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following.

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.

(2) Members of the public shall be limited to five (5) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.

(3) Members of the public shall notify board staff in writing of their interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of three (3) or more persons.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History—New 8-6-14.

CHAPTER 61J1-8 DISCIPLINARY GUIDELINE

- 61J1-8.001 Citation Authority
- 61J1-8.002 Disciplinary Guidelines
- 61J1-8.003 Notice of Noncompliance

- 61J1-8.004 Mediation
- 61J1-8.005 Revocation
- 61J1-8.006 Time for Payment of Administrative Fines and Costs

61J1-8.001 Citation Authority.

(1) Pursuant to section 455.224, F.S., the board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the fine to be imposed.

(2) The following violations with accompanying fine may be disposed of by citation:

(a) Section 475.624(4), F.S. – has violated any of the provisions of chapter 455 or 475, Part II, F.S., by –

- | | |
|---|----------|
| 1. Failing to place the registration, license, or certification number adjacent to or immediately beneath the state designation as required in section 475.622, F.S. | \$300.00 |
| 2. Failing to use the state registration, license, or certification designation in all appraisal reports as required in section 475.622, F.S., and rule 61J1-7.001, F.A.C. | \$300.00 |
| 3. Failing to include the appropriate designation and number in an advertisement as required in section 475.622, F.S., and rule 61J1-7.003, F.A.C. | \$300.00 |
| 4. Failing to notify the department in writing of the current mailing address or any change in the current mailing address as required in section 455.275(1), F.S., and subsection 61J1-7.008(2), F.A.C. | \$300.00 |
| 5.a. Failing to register the name of the trainee as required by section 475.6221(1), F.S. | \$500.00 |
| b. Failing to register the name of the supervisory appraiser as required by section 475.6221(1), F.S. | \$500.00 |
| 6. Failing to notify the department of the termination of the relationship with the supervising appraiser as required by section 475.6221(1), F.S. | \$300.00 |
| 7.a. Failing to sign a certification pursuant to section 475.624(14), F.S. | \$500.00 |
| b. Failing to sign certification with same name registered with the department. | \$500.00 |
| 8.a. Failing to state reporting options as required by section 475.624(14), F.S. | \$300.00 |
| b. Failing to timely notify the department of any change in business location or change of business name, trade name, or firm name, or has failed to fully disclose all business locations from which he operates as an appraiser as required by section 475.624(18), F.S., and rule 61J1-7.004, F.A.C. | \$300.00 |
| 9. Failing to register the firm or business name and location as required by section 475.623, F.S. | \$500.00 |
| 10. Failure to timely report being convicted or found guilty of, or entering a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction (up to 30 days late) as required by section 455.227(1)(t), F.S. | \$300.00 |

(3) Citations may be issued to real estate appraisers by the Division of Real Estate and may be subject to legal review by the Office of Consumer Complaints and Legal Services of the Division of Real Estate. Such review may be by telephone, in writing or facsimile machine.

(4) Citations are to be served upon the subject either by personal service or certified mail, restricted delivery, to the subject's last known address.

(5) The subject has 30 days from the date the citation becomes a final order to pay the fine. All fines are to be made payable to the "Department of Business and Professional Regulation – Citations" and sent to either the Department of Business and Professional Regulation in Tallahassee or the Division of Real Estate in Orlando. A copy of the citation shall accompany

the payment of the fine.

Rulemaking Authority 475.614 FS. Law Implemented 455.224, 455.275, 475.622(1), 475.6221(1), 475.624(14), (18) FS. History–New 12-4-91, Amended 4-21-92, Formerly 21VV-8.001, Amended 8-8-93, 5-14-95, 3-26-96, 7-23-96, 7-10-97, 11-11-97, 11-20-05, 12-4-06, 11-25-07, 9-1-10.

61J1-8.002 Disciplinary Guidelines.

(1) Pursuant to section 455.2273, F.S., the Florida Real Estate Appraisal Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees guilty of violating chapter 455 or part II, chapter 475, F.S. (For purposes of this rule, the term licensee shall refer to registrants, license holders, certificate holders, or appraisal management companies.) The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which normally will be imposed for each count following a section 120.57, F.S., hearing. The brief description of each violation is provided for quick reference and is not meant to convey all elements of any given statutory provision; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation or denial. Pursuant to section 475.624 or 475.6245, F.S., combinations of these penalties are permissible by law. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand, which may be included in the final penalty at the Board’s discretion. Nothing in this rule shall preclude any discipline imposed upon a licensee pursuant to a stipulation or settlement agreement, nor shall the ranges of penalties set forth in this rule preclude the probable cause panel from issuing a letter of guidance in lieu of a finding of probable cause, where appropriate.

(2) As provided in section 475.624 or 475.6245, F.S., the Florida Real Estate Appraisal Board may, in addition to other disciplinary penalties, place a licensee on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Board may specify. Standard probationary conditions may include, but are not limited to, requiring the licensee: to attend pre-licensure courses; to satisfactorily complete a pre-licensure course; to attend and satisfactorily complete continuing education courses; to submit to reexamination through the state-administered examination, which must be successfully completed; to be subject to periodic inspections and interviews by an investigator of the Department of Business and Professional Regulation.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4):

VIOLATION	PENALTY RANGE	
	FIRST VIOLATION	SECOND AND SUBSEQUENT VIOLATIONS
(a) Section 475.622(1), F.S. Failed to place the registration, license or certification number adjacent to or immediately beneath the state designation.	Up to 30 days suspension and an administrative fine of \$500.	Up to 90 days suspension and an administrative fine of \$1,000.
(b) Section 475.622(1), F.S. Failed to include the appropriate designation and	Up to 30 days suspension and an administrative fine of \$500.	Up to 90 days suspension and an administrative fine of \$1,000.

number in an advertisement.		
(c) Section 475.622(2), F.S. Failed to use the state registration, license or certification designation in any appraisal report.	Up to 30 days suspension and an administrative fine of \$500.	Up to 90 days suspension and an administrative fine of \$1,000.
(d) Section 455.227(1)(g), F.S., Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.	Revocation and an administrative fine up to \$5,000.	Revocation and an administrative fine of \$5,000.
(e) Section 475.624(2) or 475.6245(1)(b), F.S. Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence or breach of trust, or section 455.227(1)(m), F.S.	<p>In the case of fraud, misrepresentation and dishonest dealing, revocation and an administrative fine up to \$5,000.</p> <p>In the case of concealment, false promises and false pretenses, 3 to 5 year suspension and an administrative fine of \$1,000.</p> <p>In the case of culpable negligence and breach of trust, \$1,000 fine to a 1 year suspension.</p> <p>In the case of untrue statement, \$1,000 fine to a 1 year suspension.</p>	<p>Revocation and an administrative fine of \$5,000.</p> <p>Revocation and an administrative fine of \$5,000.</p> <p>Revocation and an administrative fine of \$5,000.</p> <p>Revocation and an administrative fine of \$5,000.</p>
(f) Section 475.624(3) or 475.6245(1)(c), F.S. False, deceptive or misleading advertising, or section 455.227(1)(a), F.S.	\$1,000 fine to a 1 year suspension.	Revocation and an administrative fine of \$5,000.
(g) Section 475.624(4) or 475.6245(1)(d), F.S. Violated any of the provisions of this section or any lawful order or rule issued under the provisions of this section or chapter 455, F.S., or section 455.227(1)(b), F.S.	Probation or revocation and an administrative fine up to \$5,000.	Revocation and an administrative fine of \$5,000.

<p>(h) Section 475.624(5) or 475.6245(1)(e), F.S. Convicted or found guilty of a crime related to appraising or appraisal management company activities involves moral turpitude or fraudulent or dishonest dealing, or Section 455.227(1)(c), F.S.</p>	<p>Suspension to revocation and an administrative fine up to \$2,500.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(i) Section 475.624(6) or 475.6245(1)(f), F.S. Has license disciplined or acted against or an application denied by another jurisdiction, or section 455.227(1)(f), F.S.</p>	<p>Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension of the license until the license is unencumbered in the jurisdiction, in which the disciplinary action was originally taken, and an administrative fine of \$1,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(j) Section 475.624(7) or 475.6245(1)(g), F.S. Impairment by drunkenness, or use of drugs or temporary mental derangement.</p>	<p>Suspension for the period of incapacity and an administrative fine up to \$1,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(k) Section 475.624(8) or 475.6245(1)(h), F.S. Confined in jail, prison or mental institution; or through mental disease can no longer practice with skill or in a confidential capacity.</p>	<p>Suspension and an administrative fine up to \$1,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(l) Section 475.624(9) or 475.6245(1)(i), F.S. Failed to give the Board written notice within 30 days after a guilty or nolo contendere plea or having been convicted of any felony.</p>	<p>5 year suspension to revocation and an administrative fine of \$1,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>
<p>(m) Section 475.624(10) or 475.6245(1)(j), F.S. Guilty for the second time of misconduct in the practice of real estate appraisal that demonstrates incompetent dishonest or negligent</p>	<p>Suspension to revocation and an administrative fine up to \$5,000.</p>	<p>Revocation and an administrative fine of \$5,000.</p>

dealings with those persons with whom the licensee sustains a confidential relationship.		
(n) Section 475.624(11) or 475.6245(1)(k), F.S. Has made or filed a report or record which the licensee knows to be false or willfully failed to file a report or record or willfully impeded such filing as required by state or federal law, or section 455.227(1)(l), F.S.	Suspension to revocation and an administrative fine up to \$2,500.	Revocation and an administrative fine of \$5,000.
(o) Section 475.624(12) or 475.6245(1)(l), F.S. Obtained a license or renewal by fraud, misrepresentation or concealment, or section 455.227(1)(h), F.S.	Revocation.	Revocation.
(p) Section 475.624(13) or 475.6245(1)(m), F.S. Has paid money or other consideration to a member of the Board or employee of the Board to obtain a license registration or certification, or section 455.227(1)(h), F.S.	Revocation.	Revocation.
(q) Section 475.624(14) or 475.6245(1)(n), F.S. Has violated any standard for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice.	Probation up to a 1 year suspension and an administrative fine of up to \$5,000.	Up to 5 year suspension to revocation and an administrative fine of \$5,000.
(r) Section 475.624(15) or 475.6245(1)(o), F.S. Has failed or refused to exercise reasonable diligence in developing or preparing an appraisal report.	1 year Probation to revocation and an administrative fine of \$1,000.	Up to 5 year suspension to revocation and an administrative fine of \$5,000.
(s) Section 475.624(16) or 475.6245(1)(p), F.S. Has failed to communicate	\$1,000 fine to a 1 year suspension.	Up to 5 year suspension to revocation and an administrative fine of \$5,000.

an appraisal without good cause.		
(t) Section 475.624(17) or 475.6245(1)(q), F.S. Has accepted an appraisal assignment contingent upon the licensee reporting a predetermined result, analysis or opinion.	30 day suspension up to revocation.	Revocation.
(u) Section 475.624(18) or 475.6245(1)(r), F.S. Has failed to timely notify the department of any change in business location, or has failed to fully disclose all business locations from which he operates as an appraiser.	Up to 90 days suspension and an administrative fine of \$500.	Up to 6 month suspension and an administrative fine of \$1,000.
(v) Section 475.626(1)(a), F.S. Has practiced without a valid and current license, registration or certification.	5 year suspension to revocation and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(w) Section 475.626(1)(b), F.S. Has violated any order or rule of the Board.	Probation to revocation and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(x) Section 475.626(1)(c), F.S. Made a false affidavit or affirmation or gave false testimony before the Board.	Up to 5 years suspension to revocation and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(y) Section 475.626(1)(d), F.S. Failed to comply with subpoena issued by the Department of Business and Professional Regulation, or section 455.227(1)(q), F.S.	Up to 5 years suspension to revocation and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(z) Section 475.626(1)(e), F.S. Obstructed or hindered the enforcement of part II of chapter 475, F.S., or section 455.227(1)(r), F.S.	Up to 5 years suspension to revocation and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(aa) Section 475.626(1)(f), F.S. Knowingly concealed information relating to	Up to 90 days suspension and an administrative fine of \$1,000.	Up to 5 year suspension and an administrative fine of \$5,000.

violations of chapter 475, F.S., part II		
(bb) Section 475.6221(3), F.S. Supervisory appraiser employed by a trainee appraiser.	Revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(cc) Section 475.6222, F.S. Failure to provide direct supervision or training of trainee appraiser.	Suspension to revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(dd) Section 455.227(1)(j), F.S. Aiding unlicensed activity.	Suspension to revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(ee) Section 455.227(1)(k), F.S. Failure to perform any statutory or legal obligation.	Up to 5 years suspension and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(ff) Section 455.227(1)(n), F.S. Exercising influence on client for licensee's or third party's financial gain.	Up to 5 years suspension and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(gg) Section 455.227(1)(o), F.S. Practicing or offering to practice beyond permitted scope.	Up to a 5 year suspension and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(hh) Section 455.227(1)(p), F.S. Delegating beyond permitted scope.	Up to a 5 year suspension and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(ii) Section 455.227(1)(t), F.S. Failure to timely report being convicted or found guilty of, or entering a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction (more than 30 days late).	Reprimand and an administrative fine of \$1,000.	Revocation and an administrative fine of \$5,000.
(jj) Section 475.6245(1)(s), F.S. Has influenced or attempted to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery, or other means.	Revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(kk) Section 475.6245(1)(t), F.S. Has altered, modified, or otherwise changed a	Revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.

completed appraisal report submitted by an appraiser to an appraisal management company.		
(ll) Section 475.6245(1)(u), F.S. Has employed, contracted with, or otherwise retained an appraiser whose registration, license, or certification is suspended or revoked to perform appraisal services or appraisal management services.	Up to revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(mm) Section 475.6245(1)(v), F.S. Has required or attempted to require and appraiser to sign any indemnification agreement that would require the appraiser to hold harmless the appraisal management company or its owners, agents, employees, or independent contractors and not the services performed by the appraiser.	Up to revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.
(nn) Section 475.6245(1)(w), F.S. Has required or attempted to require a client to sign any indemnification agreement that would require the client to hold harmless the appraisal management company or its owners, agents, or employees from any liability, damage, loss, or claim arising from the services performed by an appraiser.	Up to revocation and an administrative fine of \$5,000.	Revocation and an administrative fine of \$5,000.

(4)(a) When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the Board by clear and convincing evidence, the Board shall be entitled to deviate from the above guidelines in imposing discipline upon a licensee. Whenever the petitioner or respondent intends to introduce such evidence to the Board in a section 120.57(2), F.S., hearing, advance notice of no less than seven (7) days shall be given to the other party or else the evidence can be properly excluded by the Board.

(b) Aggravating or mitigating circumstances may include, but are not limited to, the following:

1. The degree of harm to the consumer or public.
2. The number of counts in the administrative complaint.

3. The disciplinary history of the licensee.
4. The status of the licensee at the time the offense was committed.
5. The degree of financial hardship incurred by a licensee as a result of the imposition of a fine or suspension of the license.
6. Violation of the provision of part II of chapter 475, F.S., wherein a letter of guidance as provided in section 455.225(3), F.S., previously has been issued to the licensee.

Rulemaking Authority 455.2273, 475.614 FS. Law Implemented 455.227, 475.622, 475.6221(3), 475.624, 475.626, 475.6245 FS. History–New 1-7-92, Formerly 21VV-8.002, Amended 1-9-94, 8-17-97, 6-8-03, 12-4-06, 11-25-07, 1-11-11, 1-30-12, 12-23-12, 7-5-18.

61J1-8.003 Notice of Noncompliance.

(1) Pursuant to Sections 455.225(3) and 120.695, F.S., the board sets forth below those rules which are considered minor violations for which the DBPR shall provide a registrant, licensee or certificate holder with a notice of noncompliance. A violation of a rule is considered a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. The notice of noncompliance shall only be issued for an initial offense of a listed minor violation.

(a) Rule 61J1-7.001, F.A.C. – Display and disclosure of registration, license or certification designation.

(b) Section 475.622, F.S. – Display of number.

(c) Rule 61J1-7.003, F.A.C. – Designation and number in advertising.

(d) Section 475.6221(1), F.S. – Registering the name of supervising appraiser; notification of termination of relationship with supervising appraiser.

(e) Subsection 61J1-7.008(2), F.A.C. – Registration or change of current mailing address as defined in Rule 61J1-7.008, F.A.C.

(2) The DBPR shall issue a notice of noncompliance to the registrant, licensee or certificate holder subject to the rule that the rule has been violated. The notice of noncompliance shall identify the rule being violated and shall provide information on how to comply with the rule. The DBPR shall allow 10 calendar days for compliance with the rule and shall so notify the registrant, licensee or certificate holder. The time for compliance shall begin to run from the time the registrant, licensee or certificate holder receives the notice of noncompliance. The failure of a registrant, licensee or certificate holder to comply with the notice of noncompliance within the time allowed shall thereafter result in the issuance of a citation pursuant to Rule 61J1-8.001, F.A.C., and, if there is no citation for the violation, then the institution of regular disciplinary proceeding pursuant to Section 455.225, F.S.

(3) The notice of noncompliance may be delivered to the registrant, licensee or certificate holder's current mailing address by certified mail, restricted delivery or by personal service. The notice of noncompliance may be issued by the Division of Real Estate.

Rulemaking Authority 475.614 FS. Law Implemented 120.695, 455.225(3) FS. History–New 3-28-94, Amended 1-1-96, 12-4-06.

61J1-8.004 Mediation.

(1) "Mediation" means a process, pursuant to Section 455.2235, F.S., whereby a mediator appointed by the DBPR acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal process with the objective of assisting the complainant and subject of the complaint to reach a mutually acceptable resolution.

(2) The board finds that mediation is an acceptable method of dispute resolution for the following violation as it is economic in nature or can be remedied by the subject of the complaint: Has failed to communicate an appraisal without good cause pursuant to Section

475.624(16), F.S.

Rulemaking Authority 455.2235, 475.614 FS. Law Implemented 455.2235 FS. History–New 1-29-95, Amended 7-10-97.

61J1-8.005 Revocation.

(1) Pursuant to Section 455.227(5), F.S., revocation of a registration, license or certification is permanent except for the following violation: Rule 61J1-4.005, F.A.C. – filing an application for renewal of a registration, license or certification when the individual had not complied with the provisions of Rule 61J1-4.003, F.A.C.

(2) An individual whose registration, license or certification has been revoked for the above listed violation may not apply for registration for a period of five (5) years after the date of filing of the final order revoking the registration, license or certification. The applicant must meet all the requirements for initial registration as a registrant. Certification, licensure or registration will be based upon the criteria listed in Sections 475.615 and 475.624 or 475.6235 and 475.6245, F.S., as applicable.

Rulemaking Authority 475.614 FS. Law Implemented 455.227(5) FS. History–New 3-26-96, Amended 1-30-12.

61J1-8.006 Time for Payment of Administrative Fines and Costs.

In disciplinary cases where the board imposes an administrative fine, costs, or both, for violation of Chapters 455 and 475, Part II, F.S., or both, or the rules promulgated thereunder, the fine and costs shall be paid within 30 days of the filing date of the final order unless otherwise directed by the board.

Rulemaking Authority 455.227(3), 475.614 FS. Law Implemented 455.227(3), 475.624, 475.626 FS. History–New 7-1-98.

**CHAPTER 61J1-9
STANDARDS OF APPRAISAL PRACTICE**

61J1-9.001 Standards of Appraisal Practice

61J1-9.002 Standards of Professional Practice for Appraisal Management Companies; Development and Communications of Real Estate Appraisals

61J1-9.001 Standards of Appraisal Practice.

All registered, licensed, or certified appraisers shall comply with the 2018-2019 Uniform Standards of Professional Appraisal Practice (USPAP), effective January 1, 2018, which is incorporated by reference. The copyrighted material may be viewed at the Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801. The incorporated material will be available for public inspection and examination at the Department of State, Administrative Code and Register Section, Room 701, The Capitol, Tallahassee, Florida 32399-0250.

Rulemaking Authority 475.614 FS. Law Implemented 475.613(2), 475.628 FS. History–New 8-29-06, Amended 3-24-09, 1-30-12, 4-10-14, 12-10-15, 12-31-17.

61J1-9.002 Standards of Professional Practice for Appraisal Management Companies; Development and Communications of Real Estate Appraisals.

(1) Upon issuance of a registration number by the Department, an appraisal management

company shall disclose its issued registration number on each solicitation for engagement and each engagement letter utilized in assigning an appraisal request for real estate appraisal assignments in Florida.

(2) An appraisal management company shall verify that an appraiser being added to its appraiser panel to appraise properties in Florida holds a license in good standing in Florida. The appraisal management company shall verify the status of the appraiser by contacting the Department or utilizing the National Registry of the Appraisal Subcommittee.

(3) Before or at the time an appraiser accepts an assignment, the appraisal management company shall require the appraiser to declare in writing or via electronic means that the appraiser receiving the assignment is a competent appraiser for the performance of the appraisal being assigned.

(4) An appraisal management company must include instructions to appraisers in letters of engagement to decline the assignment in the event the appraiser is not geographically competent or the assignment falls outside the appraiser's scope of practice restrictions.

(5) An appraisal management company cannot:

(a) Require that an appraiser prepare an appraisal if the appraiser, in the appraiser's own independent professional judgment believes that she or he does not have the necessary expertise for the assignment or for the specific geographic area and has notified the appraisal management company and declined the assignment;

(b) Require that an appraiser prepare an appraisal within a time frame that the appraiser, in the appraiser's own professional judgment believes does not afford he or she the ability to meet all the relevant legal and professional obligations, and the appraiser has notified the appraisal management company and declined the assignment; or

(c) Require that an appraiser provide the appraisal management company with the appraiser's digital signature or seal.

(6) An appraisal management company that has a reasonable basis to believe an appraiser has failed to comply with the Uniform Standards of Professional Appraisal Practice or any applicable laws or rules in connection with an appraisal, shall refer the matter to the Board if the failure to comply is likely to significantly affect the opinion of value.

(7) In complying with Section 475.629, F.S., all appropriate records may be maintained in printed electronic form. Such records shall include:

(a) For appraisals ordered, the name of the appraiser who performs the appraisal, the physical address or legal identification of the subject property, the name of the appraisal management company's client for the appraisal and the amount paid to the appraiser.

(b) Accounts, correspondence, memoranda, papers, books, and other records related to services provided by the appraisal management company.

(c) Records documenting any notices provided to appraisers removed from the appraisal management company's panel.

(8) When removing an appraiser from an appraisal management company's appraiser panel, the appraisal management company shall:

(a) Document the appraisal report or communication, appraisal review report or communication, or consulting assignment report or communication, supporting such action, if applicable;

(b) Document the provision of the appraiser with prior written notice as to the reasons for the appraiser's removal, in compliance with Section 475.6245(1)(s)8., F.S.; and

(c) Provide the appraiser the opportunity to respond to such notice prior to removal.

(9) Each solicitation for engagement by an appraisal management company for an appraiser's services must include the following items:

(a) The name of the AMC;

(b) Appraisal management company's registration number;

- (c) If the assignment is retrospective the effective date must be provided;
- (d) The specific intended use;
- (e) Type of value;
- (f) A description of the reporting level expected;
- (g) The identification of the subject to include the property address, county, property type and property rights as requested by the client;
- (h) Point of contact for discussion of conditions and scope of work;
- (i) Other assignment conditions;
- (j) The expected delivery date; and
- (k) The terms of payment to the appraiser unless otherwise in a contract.

Rulemaking Authority 475.614, 475.6235 FS. Law Implemented 475.614, 475.6235 FS. History–New 6-26-13.

CHAPTER 61J1-10 QUALIFICATIONS FOR LICENSURE

- 61J1-10.001 General Requirements
- 61J1-10.002 Registered Trainee Real Estate Appraiser
- 61J1-10.003 Certified Residential Appraiser
- 61J1-10.004 Certified General Appraiser

61J1-10.001 General Requirements.

(1) Definitions.

(a) “Accredited” means accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

(b) “AQB” means Appraiser Qualifications Board, which is an independent board of the Appraisal Foundation.

(c) “Classroom hour” is defined as 50 minutes out of each 60-minute segment.

(d) “USPAP” means Uniform Standards of Professional Appraisal Practice, as set forth in Rule 61J1-9.001, F.A.C.

(2) Classroom Hours.

(a) The classroom hours may include the classroom pre-license education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, the classroom pre-license education required to become a certified residential appraiser, or the applicable classroom hours of post-license education for registered trainee appraisers.

(b) Credit towards the classroom hour requirement shall only be granted where the length of the educational offering is at least 15 classroom hours, and the person successfully completes an examination pertinent to that educational offering. Any applicant requesting the issuance of his or her certification shall provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. Examination results are only valid for a maximum period of 24 months from the exam date.

Rulemaking Authority 475.614 FS. Law Implemented 475.611(1)(w), 475.613(2), 475.615(2), 475.616, 475.617 FS. History–New 12-27-07, Amended 3-31-09, 2-10-14.

61J1-10.002 Registered Trainee Real Estate Appraiser.

(1) An applicant for registration as a trainee real estate appraiser must present evidence satisfactory to the Board that the applicant has successfully completed within five (5) years of making application at least 100 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required curriculum:

- (a) Basic appraisal principles (30 hours);
- (b) Basic appraisal procedures (30 hours);

(c) The 15-hour National USPAP course, or its equivalent, taught by an AQB-certified USPAP instructor; and,

(d) Appraisal Subject Matter Electives (25 hours) which shall include three (3) hours of the Florida laws and rules.

(2) Board approved pre-registration courses for trainee appraisers must include the following subject matter:

- (a) Real property concepts and characteristics;
- (b) Legal consideration;
- (c) Influences on real estate values;
- (d) Types of value;
- (e) Economic principles;
- (f) Overview of real estate markets and analysis;
- (g) Ethics and how they apply in appraisal theory and practice;
- (h) Overview of approaches to value;
- (i) Valuation procedures;
- (j) Property description;
- (k) Residential applications;
- (l) Coverage of the Uniform Standards of Professional Appraisal Practice; and,

(m) Coverage of Florida rules and regulations that pertain to the practice of appraisal. Effective December 1, 2014, Board approved pre-registration courses for trainee appraisers must include a minimum of three (3) hours coverage of Florida laws, rules, and regulations that pertain to the practice of appraisal; and,

(n) Effective December 1, 2014, Board approved pre-registration courses for trainee appraisers must include a minimum of three (3) hours of instruction and cover the following topics regarding the roles and rules of supervisor and trainee appraisers:

1. The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611(1)(o), (r), (u), (v) and (y), F.S.

2. Review of Chapter 475, Part II, F.S., sections regarding the post-licensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records.

3. Review of Rule Title 61J1, F.A.C., sections regarding post-licensing education for registered trainee appraisers, supervision of registered trainee appraisers, display and disclosure of registration, licensure or certification designation and advertising.

4. Review of the Uniform Standards of Professional Appraisal Practice as referenced and incorporated by Rule 61J1-9.001, F.A.C., including at least the following topics: USPAP Advisory Opinion 31, USPAP Standards Rules 2-3 and 3-3, signature authority and security, competency, and preparation of appraisals.

(3) An applicant must have passed examinations in the prerequisite courses set forth in subsection 61J1-10.002(1), F.A.C., for the courses to be acceptable.

(4) An applicant must have completed the 15-hour National USPAP course, or its equivalent, within the 2 years immediately preceding the receipt of the application for registration by the Board or department.

(5) An applicant who was previously registered as a trainee real estate appraiser and whose registration expired due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., may not use the qualifying education for the void trainee real estate appraiser registration to obtain another trainee real estate appraiser registration.

Rulemaking Authority 475.614 FS. Law Implemented 475.611(1)(r), (u), (v), 475.613(2), 475.615, 475.617(1) FS. History—New 12-27-07, Amended 3-31-09, 7-17-11, 12-23-12, 8-6-14, 1-11-15, 10-10-17.

61J1-10.003 Certified Residential Appraiser.

An applicant for certification as a residential real estate appraiser must present evidence satisfactory to the Board that the applicant meets the following minimum education, experience, and examination requirements:

(1) Education requirement.

(a) An Bachelor's degree, or higher, from an accredited college or university; and

(b) Satisfactory completion of at least 200 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required core curriculum that are prerequisites to taking the AQB-approved examination in subsection (3) of this rule:

1. Basic appraisal principles (30 hours);

2. Basic appraisal procedures (30 hours);

3. The 15-hour National USPAP course, or its equivalent, taught by an AQB-certified USPAP instructor;

4. Residential Market Analysis and Highest and Best Use (15 hours);

5. Residential Appraiser Site Valuation and Cost Approach (15 hours);

6. Residential Sales Comparison and Income Approaches (30 hours);

7. Residential Report Writing and Case Studies (15 hours);

8. Statistics, Modeling and Finance (15 hours);

9. Advanced Residential Applications and Case Studies (15 hours); and

10. Appraisal Subject Matter Electives (20 hours) which shall include six (6) hours of the Florida laws and rules.

(2) Experience requirements. At least 2500 hours as set forth in Rule 61J1-6.001, F.A.C.

(3) Examination. Successful completion of the AQB-approved Certified Residential Real Property Examination and the Florida laws and rules examination.

Rulemaking Authority 475.614 FS. Law Implemented 475.613(2), 475.617(2) FS. History—New 12-27-07, Amended 3-31-09, 7-17-11, 9-8-14.

61J1-10.004 Certified General Appraiser.

An applicant for certification as a general real estate appraiser must present evidence satisfactory to the Board that the applicant meets the following minimum education, experience, and examination requirements:

(1) Education requirement.

(a) A Bachelor's degree, or higher, from an accredited college or university; and

(b) Satisfactory completion of at least 300 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required core curriculum that are prerequisites to taking the AQB-approved examination in subsection (3) of this rule:

1. Basic appraisal principles (30 hours);

2. Basic appraisal procedures (30 hours);

3. The 15-hour National USPAP course, or its equivalent, taught by an AQB certified USPAP instructor (15 hours);

4. General Appraiser Market Analysis and Highest and Best Use (30 hours);

5. Statistics, Modeling and Finance (15 hours);
6. General Appraiser Sales Comparison Approach (30 hours);
7. General Appraiser Site Valuation and Cost Approach (30 hours);
8. General Appraiser Income Approach (60 hours);
9. General Appraiser Report Writing and Case Studies (30 hours); and
10. Appraisal Subject Matter Electives (30 hours) which shall include six (6) hours of the Florida laws and rules.

(2) Experience requirements. At least 3000 hours as set forth in Rule 61J1-6.001, F.A.C.

(3) Examination. Successful completion of the AQB-approved Certified General Real Property Appraiser Examination and the Florida laws and rules examination.

Rulemaking Authority 475.614 FS. Law Implemented 475.613(2), 475.617(3) FS. History—New 12-27-07, Amended 3-31-09, 7-17-11, 9-8-14, 1-11-15.

61J1-11.001 Definitions.

(1) “Address of record” means the mailing address of the appraisal management company.

(2) “Authorized representative” means any person who possesses the authority, directly or indirectly, to direct the management or policies of the appraisal management company, whether through ownership, by contract, or otherwise, as provided in Section 475.6235(2)(f), F.S.

Rulemaking Authority 475.614 FS. Law Implemented 455.275(1), 475.613, 475.6235, 475.624 FS. History—New 7-16-12.