



## DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION

Jeb Bush, Governor

Kim Binkley-Seyer, Secretary

April 17, 2001

Thomas E. Watson, Jr.  
Chairman  
Appraisal Subcommittee  
2000 K Street, NW  
Suite 310  
Florida, !C 20006

Dear Mr. Watson:

Thank you for the results of the Appraisal Subcommittee's review of Florida's appraiser regulatory program dated February 22, 2001. In order to provide the Board members the opportunity to discuss the ASC's findings in a noticed, public forum, this response follows our April 3rd Board meeting.

Please accept our commendation for Ms. Kathryn Gearheard and Mr. Dennis Greene who were courteous, helpful and professional to the Board and staff during the review. The following addresses each item presented in your report.

- **Florida allows for continuing education that is not within AQB criteria.**

The board intends to take action on this item that would alter our current rule that permits Board members to earn 100% of continuing education credit by attendance at Board meetings. The revision requires that a multiple-step rulemaking process be followed that may run six months in length from drafting of the rule (or amendment) to its filing for adoption with the Bureau of Administrative Code.

A coalition of appraisers has requested to be included in a rewrite of the Florida Statute Chapter 475, Part 11. Such rewrite would incorporate this change along with numerous others. We will work toward this revision in the short term through an amendment or via the rewrite of the Statute.

- **Florida delays approval of many temporary practice applications to obtain Federal regulatory agency information.**

We appreciate the observation that the timeliness of our process of issuing temporary practice permits has improved: the improvement is the direct result of our capable staff.

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The rules of the FREAB set forth the requirements for obtaining a temporary practice permit. Our rule incorporates Title XI, Section 1122 (a)(1) and (2).

We are concerned with abandoning our current process of application approval and relying strictly on the ASC Web site, or any Web site, for obtaining information with regard to an applicant's license history. The potential for a breach of security of the Web site data is a real concern. In addition, should the Web site become inaccessible (due to "down time", or any other reason) we would have no alternative to further application processing until the Web site is again operable.

Our current procedure does not have such a hindrance. However, we will examine our law further and consider amending Chapter 475.630 F.S.

- **Florida's Registered Assistant appraisers have limited controls and may be performing outside their scope of work.**

Florida's Registered Assistant appraiser classification is a trainee category. We are evaluating statutory and regulatory changes to our entire appraiser license law via a careful and thoughtful rewrite of Chapter 475, Part 11, F.S. Proposed changes include revising the name of the classification to "appraiser trainee" and preventing "appraiser trainees" from signing an appraisal report. We will keep the ASC apprised of this long-term effort that is a high priority of the Board and many Florida appraisers.

- **Florida does not provide for reciprocity with other States.**

We are continuing our efforts to enact legislation that would provide for reciprocity with other states.

- **The Board recently approved "distance learning" opportunities.**

The Board was extremely pleased at the "excellent" rating given to our education program, as stated by Ms. Gearheard during the oral report at our December Board meeting subsequent to the review.

The recent approval of distance education was discussed at our April Board meeting. It is believed that our regulation meets or exceeds the AQB criteria.

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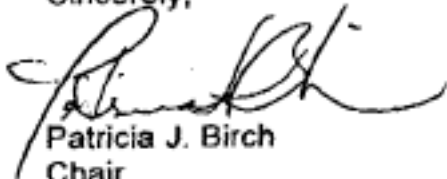
- **Florida's enforcement program has more than 114 cases open longer than one year.**

As of March 30th, our legal section is fully staffed due to recent hires. In addition, the Probable Cause Panel will meet once per month, instead of every other month. The combination of a fully staffed legal section and a monthly schedule of reviews by the PC panel will provide for a reduction in the current case backlog and a more timely resolution of complaints and legal cases.

In limited circumstances, due to the involvement of the FBI and/or the State of Florida, there were specific cases that the prosecution put on a hold status while the agencies resolved related issues. Further, we are pleased to report that there were recent arrests of four persons related to seventeen legal cases. We will continue to monitor the case backlog and encourage the reduction of cases that approach or surpass the one-year time frame.

Thank you for this opportunity to respond to the ASC's report. We are satisfied that the ASC's findings were that Florida's appraiser regulatory program complies with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. On behalf of the Florida Real Estate Appraisal Board (FREAB), I am

Sincerely,



Patricia J. Birch  
Chair  
Florida Real Estate Appraisal Board