

Division of Real Estate  
Thomas O'Bryant, Jr., Director  
400 West Robinson Street  
Orlando, Florida 32801-1736

Phone: 407.481.5662  
Fax: 407.317.7245  
[www.MyFlorida.com/dbpr](http://www.MyFlorida.com/dbpr)  
[www.MyFloridaLicense.com](http://www.MyFloridaLicense.com)

MAY 03 2007

April 26, 2007

Ms. Virginia M. Gibbs  
Appraisal Subcommittee  
Federal Financial Institutions Examination Council  
2000 K Street NW, Suite 310

Dear Ms. Gibbs:

The Florida Division of Real Estate (DRE), the Department of Business and Professional Regulation (DBPR) and the Florida Real Estate Appraisal Board (FREAB) are in receipt of your letter of March 2, 2007 regarding the Appraisal Subcommittee (ASC) review of Florida's real estate appraiser regulatory program. As a result of that letter I have outlined below the DRE response to the issues raised in your correspondence.

**Florida allowed tax assessors to be granted appraiser credentials without documents conformance to AQB criteria.**

Your letter correctly states that Florida Administrative Code (FAC) § 61J1-6.001 allowed tax assessors to be granted appraiser credentials based upon affidavits attesting to the required hours of experience. FREAB acted at its meeting of February 5, 2007 to amend this rule to comply with ASC Policy Statement 10B and 10F. Specifically, FREAB rescinded 61J1-6.001(5)(b)(5)(FAC) and 61J1-6.001(7) FAC which were promulgated and became effective April 18, 2007.

The Department has ceased awarding licenses using this practice unless the experience fully conforms to the Appraisal Qualifications Board's (AQB) experience criteria for certification and ASC Policy Statement 10 B and 10 F.

In addition to the actions mentioned above the DRE will take the following actions:

1. Determine all appraisers who were issued licenses based upon mass appraisal experience since August 2001 (Projected completion date: June 1, 2007)
2. Using the information gleaned from step one, determine whether each appraiser file contains documentation to support conformance to AQB criteria and ASC Policy Statement 10B and 10F (Projected completion date: July 2, 2007)
3. Send letter to all appraisers determined to be deficient in step 2 requesting documentation of appraiser experience obtained since being licensed (Projected completion date: July 9, 2007)
4. Identify from responses in step 3, whether any of the appraisers licensees identified have failed to document AQB qualifying experience (Projected completion date: August 13, 2007)
  - a. For each appraiser licensee who fails to document the needed experience the Department will provide a listing to the ASC identifying each appraiser by name and license number so that each of these licensees can be listed on

the National Registry as "non-AQB compliant." (Projected completion date: August 31, 2007)

**Florida's complaint investigation and resolution process does not comply with Title XI and ASC Policy Statement 10 because complaints are not investigated and resolved in a timely manner.**

We agree that an effective and timely complaint investigation and resolution program is critical to the State of Florida's effective supervision of its appraiser as required by Title XI and we share the desire of the ASC to resolve these complaints in a timely manner. At the same time, the reality remains that there are factors impacting the resolution of many of these complaints which remain outside the control of the Department. I and the other DRE supervisors continue to monitor and act on every appropriate opportunity to resolve these complaints as quickly as possible.

The DRE has taken the following steps to assist in this area:

1. Redesigned the approach of the DRE legal section by beginning the process of cross training all DRE attorneys to be able to handle FREAB cases.
2. Added two attorney's to the section since the field review. This has enabled FREAB to have additional cases placed on their legal docket which will have a positive impact in the resolution of complaint cases.
3. The Florida Attorney Generals Office has assigned new counsel to the FREAB and this counsel ensures the timely issuance of Final Orders to bring the resolution program to a close.

The DRE will continue to provide on a quarterly basis our complaint log to enable the ASC to monitor our progress in this area.

**Florida approved continuing education courses that do not conform to AQB criteria.**

The DRE, working through the Department's Bureau of Education and Testing, has contacted the provider of these courses which has agreed to cease the offering of these courses.

If you have questions or comments concerning our response please let me know.

Sincerely,

Thomas O'Bryant, Jr.  
Director

CC: Holly Benson, Secretary, DBPR  
Michael Martinez, Office of General Counsel  
Francois Gregoier, Chair, FREAB