

1                   A bill to be entitled  
2           An act relating to property insurance appraisal  
3           umpires and property insurance appraisers; amending s.  
4           20.121, F.S.; establishing specified programs within  
5           the Department of Financial Services; creating part  
6           VII of chapter 624, F.S., relating to property  
7           insurance appraisal umpires; creating the property  
8           insurance appraisal umpire licensing program within  
9           the department; providing legislative findings;  
10          providing applicability; providing definitions;  
11          authorizing the department to establish fees;  
12          providing for the deposit of fees; providing licensing  
13          application requirements; providing authority and  
14          procedures regarding submission and processing of  
15          fingerprints; providing examination requirements;  
16          providing application requirements for licensure as a  
17          property insurance appraisal umpire; providing  
18          licensure renewal requirements; authorizing the  
19          department to adopt rules; providing continuing  
20          education requirements; providing requirements for the  
21          inactivation of a license by a licensee; providing  
22          requirements for renewing an inactive license;  
23          establishing license reactivation fees; providing for  
24          certification of partnerships and corporations  
25          offering property insurance appraisal umpire services;  
26          providing grounds for compulsory refusal, suspension,

27 | or revocation of an umpire's license; providing  
28 | grounds for discretionary denial, suspension, or  
29 | revocation of an umpire's license; providing ethical  
30 | standards for property insurance appraisal umpires;  
31 | providing prohibitions and penalties; authorizing the  
32 | department to adopt rules; creating part VIII of  
33 | chapter 624, F.S., relating to property insurance  
34 | appraisers; creating the property insurance appraiser  
35 | licensing program within the department; providing  
36 | legislative findings; providing applicability;  
37 | providing definitions; authorizing the department to  
38 | establish fees; limiting fee amounts; providing  
39 | licensing application requirements; providing  
40 | authority and procedures regarding submission and  
41 | processing of fingerprints; providing examination  
42 | requirements; providing application requirements for  
43 | licensure as a property insurance appraiser; providing  
44 | licensure renewal requirements; authorizing the  
45 | department to adopt rules; providing for the deposit  
46 | of fees; providing continuing education requirements;  
47 | providing requirements for the inactivation of a  
48 | license by a licensee; providing requirements for  
49 | renewing an inactive license; establishing license  
50 | reactivation fees; providing for certification of  
51 | partnerships and corporations offering property  
52 | insurance appraiser services; providing grounds for

53 compulsory refusal, suspension, or revocation of an  
 54 appraiser's license; providing grounds for  
 55 discretionary denial, suspension, or revocation of an  
 56 appraiser's license; providing ethical standards;  
 57 providing prohibitions and penalties; authorizing the  
 58 department to adopt rules; providing an appropriation  
 59 and authorizing positions; providing applicability;  
 60 providing an effective date.

61

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

63

64 Section 1. Paragraph (m) of subsection (2) of section  
 65 20.121, Florida Statutes, is amended to read:

66 20.121 Department of Financial Services.—There is created  
 67 a Department of Financial Services.

68 (2) DIVISIONS.—The Department of Financial Services shall  
 69 consist of the following divisions:

70 (m) The Office of Insurance Consumer Advocate, which shall  
 71 include the following programs:

72 1. Property insurance appraisal umpires licensing program,  
 73 created under part VII of chapter 624.

74 2. Property insurance appraisers licensing program,  
 75 created under part VIII of chapter 624.

76 Section 2. Part VII of chapter 624, Florida Statutes,  
 77 consisting of sections 624.921 through 624.935, is created to  
 78 read:

PART VII

PROPERTY INSURANCE APPRAISAL UMPIRES

624.921 Property insurance appraisal umpire licensing program; legislative purpose; scope of part.—

(1) The property insurance appraisal umpire licensing program is created within the department.

(2) The Legislature finds it necessary in the interest of the public safety and welfare to prevent damage to real and personal property, to avert economic injury to the residents of this state, and to regulate persons and companies that hold themselves out to the public as qualified to perform as property insurance appraisal umpires.

(3) This part applies to residential and commercial residential property insurance contracts and to the umpires and appraisers who participate in the appraisal process.

624.922 Definitions.—As used in this part, the term:

(1) "Appraisal" means the process of dispute resolution, as defined in the property insurance contract, for determining the amount of loss after coverage is established and the insurer and insured are unable to agree on the amount of the loss, or for determining the scope of repairs if the insurer has elected to repair the property and the insurer and insured are unable to agree on the scope of repairs.

(2) "Competent" means sufficiently qualified and capable of performing an appraisal.

(3) "Independent" means not subject to control,

105 restriction, modification, and limitation by the appointing  
106 party. To be independent, an umpire must conduct his or her  
107 investigation, evaluation, and estimation without instruction by  
108 an appointing party and may not accept an appointment as an  
109 umpire if the appointment is contingent upon the umpire  
110 reporting a predetermined result, analysis, or opinion, or if  
111 the fee to be paid for the services of the umpire is contingent  
112 upon the opinion, conclusion, or valuation reached by the  
113 umpire.

114 (4) "Property insurance appraisal umpire" or "umpire"  
115 means a third party selected by the licensed appraisers for the  
116 insurer and the insured to resolve issues that the licensed  
117 appraisers are unable to reach an agreement during the course of  
118 the appraisal process pursuant to a residential or commercial  
119 property insurance contract that is required to provide for  
120 resolution of a claim dispute by appraisal as defined in the  
121 property insurance contract.

122 (5) "Property insurance appraiser" or "appraiser" means a  
123 person who is licensed pursuant to part VIII of chapter 624.

124 624.923 Fees.—

125 (1) The department, by rule, may establish fees to be paid  
126 for application, examination, reexamination, licensing and  
127 renewal, inactive status application, reactivation of inactive  
128 licenses, and application for providers of continuing education.  
129 The department may also establish by rule a delinquency fee.  
130 Fees shall be based on department estimates of the revenue

131 required to implement the provisions of this part. Fees shall be  
132 remitted with the application, examination, reexamination,  
133 licensing and renewal, inactive status application, and  
134 reactivation of inactive licenses, and application for providers  
135 of continuing education.

136 (2) The application fee shall not exceed \$200 and is  
137 nonrefundable. The examination fee shall not exceed \$200 plus  
138 the actual per applicant cost to the department to purchase the  
139 examination, if the department chooses to purchase the  
140 examination. The examination fee shall be in an amount that  
141 covers the cost of obtaining and administering the examination  
142 and shall be refunded if the applicant is found ineligible to  
143 sit for the examination.

144 (3) The fee for an initial license shall not exceed \$250.

145 (4) The fee for a biennial license renewal shall not  
146 exceed \$500.

147 (5) The fee for application for inactive status shall not  
148 exceed \$125.

149 (6) The fee for reactivation of an inactive license shall  
150 not exceed \$250.

151 (7) The fee for applications from providers of continuing  
152 education may not exceed \$600.

153 (8) All fees shall be deposited into the Insurance  
154 Regulatory Trust Fund of the Department of Financial Services.

155 624.924 Application for license as a property insurance  
156 appraisal umpire.-

157 (1) The department shall not issue a license as a property  
158 insurance appraisal umpire to any person except upon application  
159 previously filed with the department. Any such application shall  
160 be made under oath or affirmation and signed by the applicant.

161 (2) In the application, the applicant shall set forth:

162 (a) His or her full name, age, social security number,  
163 residence address, business address, mailing address, contact  
164 telephone numbers, including a business telephone number, and e-  
165 mail address.

166 (b) Whether he or she has been refused or has voluntarily  
167 surrendered or has had suspended or revoked a professional  
168 license by the supervising officials of any state.

169 (c) Proof that the applicant meets the requirements for  
170 licensure as a property insurance appraisal umpire as set forth  
171 in this part.

172 (d) The applicant's gender.

173 (e) The applicant's native language.

174 (f) The applicant's highest achieved level of education.

175 (g) All education requirements that the applicant has  
176 completed to qualify as a property insurance appraisal umpire,  
177 including the name of the course, the course provider, and the  
178 course completion dates.

179 (3) Each application shall be accompanied by payment of  
180 any applicable fee.

181 (4) An applicant must submit a full set of fingerprints to  
182 the department or to a vendor, entity, or agency authorized by

183 s. 943.053(13). The department, vendor, entity, or agency must  
184 forward the fingerprints to the Department of Law Enforcement  
185 for state processing, and the Department of Law Enforcement  
186 shall forward the fingerprints to the Federal Bureau of  
187 Investigation for national processing. Fees for state and  
188 federal fingerprint processing shall be borne by the applicant.  
189 The state cost for fingerprint processing is that authorized in  
190 s. 943.053(3) (b) for records provided to persons or entities  
191 other than those specified as exceptions therein.

192 (5) The department shall develop and maintain as a public  
193 record a current list of licensed property insurance appraisal  
194 umpires.

195 624.925 Examinations.-

196 (1) A person desiring to be licensed as a property  
197 insurance appraisal umpire must apply to the department after  
198 satisfying the examination requirements of this part. The  
199 following persons are exempt from the examination requirements  
200 of this part:

201 (a) Retired county, circuit, and appellate judges.

202 (b) Circuit court civil certified mediators approved by  
203 the Supreme Court pursuant to the Florida Rules for Certified  
204 and Court-Appointed Mediators.

205 (c) Mediators who are on the list of approved mediators  
206 pursuant to rule 69J-166.031, Florida Administrative Code.

207 (2) An applicant may practice in this state as a property  
208 insurance appraisal umpire if he or she passes the required



209 examination, is of good moral character, and meets one of the  
210 following requirements:

211 (a) The applicant is currently licensed as an engineer  
212 pursuant to chapter 471 or is a retired professional engineer as  
213 defined in s. 471.005, and has taught or successfully completed  
214 4 hours of coursework, approved by the department, specifically  
215 related to construction, building codes, appraisal procedures,  
216 appraisal preparation, and any other related material deemed  
217 appropriate by the department.

218 (b) The applicant is currently or, within the 5 years  
219 immediately preceding the date on which the application is filed  
220 with the department, has been licensed as a general contractor,  
221 building contractor, or residential contractor pursuant to part  
222 I of chapter 489 and has taught or successfully completed 4  
223 hours of coursework, approved by the department, specifically  
224 related to construction, building codes, appraisal procedure,  
225 appraisal preparation, and any other related material deemed  
226 appropriate by the department.

227 (c) The applicant is currently or, within the 5 years  
228 immediately preceding the date on which the application is filed  
229 with the department, has been licensed or registered as an  
230 architect to engage in the practice of architecture pursuant to  
231 part I of chapter 481 and has taught or successfully completed 4  
232 hours of coursework, approved by the department, specifically  
233 related to construction, building codes, appraisal procedure,  
234 appraisal preparation, and any other related material deemed

235 appropriate by the department.

236 (d) The applicant is currently or, within the 5 years  
237 immediately preceding the date on which the application is filed  
238 with the department, has been a licensed attorney in this state  
239 and has taught or successfully completed 4 hours of coursework,  
240 approved by the department, specifically related to  
241 construction, building codes, appraisal procedure, appraisal  
242 preparation, and any other related material deemed appropriate  
243 by the department.

244 (e) The applicant is currently licensed as an adjuster  
245 pursuant to part VI of chapter 626 whose license includes the  
246 property and casualty class of insurance. The currently licensed  
247 adjuster must be licensed for at least 5 years to qualify for a  
248 property insurance appraisal umpire's license.

249 (3) The department shall review and approve courses of  
250 study for the continuing education of property insurance  
251 appraisal umpires.

252 (4) The department may not issue a license as a property  
253 insurance appraisal umpire to any individual found by it to be  
254 untrustworthy or incompetent or who:

255 (a) Has not filed an application with the department in  
256 accordance with s. 624.924.

257 (b) Is not a natural person who is at least 18 years of  
258 age.

259 (c) Is not a United States citizen or legal alien who  
260 possesses work authorization from the United States Citizenship

261 and Immigration Services.

262 (d) Has not completed the education, experience, or  
 263 licensing requirements of this section.

264 (5) An incomplete application expires 6 months after the  
 265 date it is received by the department.

266 (6) An applicant seeking to become licensed under this  
 267 part may not be rejected solely by virtue of membership or lack  
 268 of membership in any particular appraisal organization.

269 624.926 Licensure.-

270 (1) Effective October 1, 2017, the department shall  
 271 license any applicant who the department certifies is qualified  
 272 to practice as a property insurance appraisal umpire.

273 (2) The department shall not issue a license by  
 274 endorsement to any applicant for a property insurance appraisal  
 275 umpire license who is under investigation in another state for  
 276 any act that would constitute a violation of this part until  
 277 such time that the investigation is complete and disciplinary  
 278 proceedings have been terminated.

279 624.927 Renewal of license.-

280 (1) The department shall renew a license upon receipt of  
 281 the renewal application and fee and upon certification by the  
 282 department that the licensee has satisfactorily completed the  
 283 continuing education requirements of s. 624.928.

284 (2) The department shall adopt rules establishing a  
 285 procedure for the biennial renewal of licenses.

286 624.928 Continuing education.-

287       (1) The department may not renew a license until the  
288 licensee submits satisfactory proof to the department that,  
289 during the 2 years before his or her application for renewal,  
290 the licensee completed at least 25 hours of continuing education  
291 in addition to 5 hours of ethics. Criteria and course content  
292 shall be appraisal specific and approved by the department by  
293 rule.

294       (2) The department may prescribe by rule additional  
295 continuing professional education hours, not to exceed 25  
296 percent of the total required hours, for failure to complete the  
297 required hours by the end of the renewal period.

298       (3) Each umpire course provider, instructor, and classroom  
299 course must be approved by and registered with the department  
300 before prelicensure courses for property insurance appraisal  
301 umpires may be offered. Each classroom course must include a  
302 written examination at the conclusion of the course and must  
303 cover all of the material contained in the course. A student may  
304 not receive credit for the course unless the student achieves a  
305 grade of at least 75 on the examination.

306       (4) The department shall adopt rules establishing  
307 standards for the approval, registration, discipline, or removal  
308 from registration of course providers, instructors, and courses.  
309 The standards must be designed to ensure that instructors have  
310 the knowledge, competence, and integrity to fulfill the  
311 educational objectives of the prelicensure requirements of this  
312 part.

313 (5) Approval to teach prescribed or approved appraisal  
314 courses does not entitle the instructor to teach any courses  
315 outside the scope of this part.

316 624.929 Inactive license.-

317 (1) A licensee may request that his or her license be  
318 placed on inactive status by filing an application with the  
319 department.

320 (2) A license that has become inactive may be reactivated  
321 upon application to the department. The department may prescribe  
322 by rule continuing education requirements as a condition for  
323 reactivation of an inactive license. The continuing education  
324 requirements for reactivating a license may not exceed 14 hours  
325 for each year the license was inactive.

326 (3) The department shall adopt rules relating to licenses  
327 that have become inactive and for the renewal of inactive  
328 licenses. The department shall prescribe by rule a fee not to  
329 exceed \$250 for the reactivation of an inactive license and a  
330 fee not to exceed \$250 for the renewal of an inactive license.

331 624.930 Partnerships, corporations, and other business  
332 entities.-The practice of or the offer to practice as a property  
333 insurance appraisal umpire by licensees through a partnership,  
334 corporation, or other business entity offering property  
335 insurance appraisal umpire services to the public, or by a  
336 partnership, corporation, or other business entities through  
337 licensees under this part as agents, employees, officers, or  
338 partners is permitted, subject to the provisions of this part.

339 This section does not allow a corporation or other business  
340 entities to hold a license to practice property insurance  
341 appraisal umpire services. A partnership, corporation, or other  
342 business entity is not relieved of responsibility for the  
343 conduct or acts of its agents, employees, or officers by reason  
344 of its compliance with this section. An individual practicing as  
345 a property insurance appraisal umpire is not relieved of  
346 responsibility for professional services performed by reason of  
347 his or her employment or relationship with a partnership,  
348 corporation, or other business entity.

349 624.931 Grounds for compulsory refusal, suspension, or  
350 revocation of an umpire's license.-The department shall deny an  
351 application for, suspend, revoke, or refuse to renew or continue  
352 the license or appointment of any applicant, property insurance  
353 appraisal umpire or licensee and shall suspend or revoke the  
354 eligibility to hold a license or appointment of any such person  
355 if it finds that any one or more of the following applicable  
356 grounds exist:

357 (1) Lack of one or more of the qualifications for the  
358 license as specified in this part.

359 (2) Material misstatement, misrepresentation, or fraud in  
360 obtaining the license or in attempting to obtain the license or  
361 appointment.

362 (3) Failure to pass to the satisfaction of the department  
363 any examination required under this chapter.

364 (4) That the license or appointment was willfully used to

365 circumvent any of the requirements or prohibitions of this  
366 chapter.

367 (5) Demonstrated a lack of fitness or trustworthiness to  
368 engage as a property insurance appraisal umpire.

369 (6) Demonstrated a lack of reasonably adequate knowledge  
370 and technical competence to engage in the transactions  
371 authorized by the license.

372 (7) Fraudulent or dishonest practices in the conduct of  
373 business under the license.

374 (8) Willful failure to comply with, or willful violation  
375 of, any proper order or rule of the department or willful  
376 violation of any provision of this part.

377 (9) Having been found guilty of or having pled guilty or  
378 nolo contendere to a felony or a crime punishable by  
379 imprisonment of 1 year or more under the law of the United  
380 States or of any state thereof or under the law of any other  
381 country which involves moral turpitude, without regard to  
382 whether a judgment of conviction has been entered by the court  
383 having jurisdiction of such cases.

384 (10) (a) Violated a duty imposed upon her or him by law or  
385 by the terms of a contract, whether written, oral, expressed, or  
386 implied, in an appraisal;

387 (b) Has aided, assisted, or conspired with any other  
388 person engaged in any such misconduct and in furtherance  
389 thereof; or

390 (c) Has formed an intent, design, or scheme to engage in

391 such misconduct and committed an overt act in furtherance of  
 392 such intent, design, or scheme.

393  
 394 It is immaterial to a finding that a licensee has committed a  
 395 violation of this subsection that the victim or intended victim  
 396 of the misconduct has sustained no damage or loss, that the  
 397 damage or loss has been settled and paid after the discovery of  
 398 misconduct, or that such victim or intended victim was a  
 399 customer or a person in a confidential relationship with the  
 400 licensee or was an identified member of the general public.

401 (11) (a) Had a registration, license, or certification as  
 402 an umpire revoked, suspended, or otherwise acted against;

403 (b) Has had his or her registration, license, or  
 404 certificate to practice or conduct any regulated profession,  
 405 business, or vocation revoked or suspended by this or any other  
 406 state, any nation, or any possession or district of the United  
 407 States; or

408 (c) Has had an application for such registration,  
 409 licensure, or certification to practice or conduct any regulated  
 410 profession, business, or vocation denied by this or any other  
 411 state, any nation, or any possession or district of the United  
 412 States.

413 (12) (a) Made or filed a report or record, written or oral,  
 414 which the licensee knows to be false;

415 (b) Has willfully failed to file a report or record  
 416 required by state or federal law;



417 (c) Has willfully impeded or obstructed such filing; or  
418 (d) Has induced another person to impede or obstruct such  
419 filing.

420 (13) Accepted an appointment as an umpire if the  
421 appointment is contingent upon the umpire reporting a  
422 predetermined result, analysis, or opinion, or if the fee to be  
423 paid for the services of the umpire is contingent upon the  
424 opinion, conclusion, or valuation reached by the umpire.

425 624.932 Grounds for discretionary denial, suspension, or  
426 revocation of an umpire's license.—The department may deny an  
427 application for and suspend, revoke, or refuse to renew or  
428 continue a license as a property insurance appraisal umpire if  
429 the applicant or licensee has:

430 (1) Failed to timely communicate with the appraisers  
431 without good cause.

432 (2) Failed or refused to exercise reasonable diligence in  
433 submitting recommendations to the appraisers.

434 (3) Violated any ethical standard for property insurance  
435 appraisal umpires set forth in s. 624.933.

436 (4) Failed to inform the department in writing within 30  
437 days after pleading guilty or nolo contendere to, or being  
438 convicted or found guilty of, a felony.

439 (5) Failed to timely notify the department of any change  
440 in business location, or has failed to fully disclose all  
441 business locations from which he or she operates as a property  
442 insurance appraisal umpire.

443 624.933 Ethical standards for property insurance appraisal  
 444 umpires.—

445 (1) CONFIDENTIALITY.—An umpire shall maintain  
 446 confidentiality of all information revealed during an appraisal  
 447 except where disclosure is required by law.

448 (2) RECORDKEEPING.—An umpire shall maintain  
 449 confidentiality in the storage and disposal of records and may  
 450 not disclose any identifying information when materials are used  
 451 for research, training, or statistical compilations.

452 (3) FEES AND EXPENSES.—Fees charged for appraisal services  
 453 shall be reasonable and consistent with the nature of the case.  
 454 An umpire shall be guided by the following in determining fees:

455 (a) All charges for services as an umpire based on time  
 456 may not exceed actual time spent or allocated.

457 (b) Charges for costs shall be for those actually  
 458 incurred.

459 (c) An umpire may not charge, agree to, or accept as  
 460 compensation or reimbursement any payment, commission, or fee  
 461 that is based on a percentage basis, or that is contingent upon  
 462 arriving at a particular value or any future happening or  
 463 outcome of the assignment.

464 (4) MAINTENANCE OF RECORDS.—An umpire shall maintain  
 465 records necessary to support charges for services and expenses,  
 466 and upon request shall provide an accounting of all applicable  
 467 charges to the parties. An umpire licensed under this part shall  
 468 retain original or true copies of any contracts engaging the

469 umpire's services, appraisal reports, and supporting data  
470 assembled and formulated by the umpire in preparing appraisal  
471 reports for at least 5 years. The period for retaining the  
472 records applicable to each engagement starts on the date of the  
473 submission of the appraisal report to the client. The records  
474 must be made available by the umpire for inspection and copying  
475 by the department upon reasonable notice to the umpire. If an  
476 appraisal has been the subject of, or has been admitted as  
477 evidence in, a lawsuit, reports, and records, the appraisal must  
478 be retained for at least 2 years after the date that the trial  
479 ends.

480 (5) ADVERTISING.—An umpire may not engage in marketing  
481 practices that contain false or misleading information. An  
482 umpire shall ensure that any advertisements of the umpire's  
483 qualifications, services to be rendered, or the appraisal  
484 process are accurate and honest. An umpire may not make claims  
485 of achieving specific outcomes or promises implying favoritism  
486 for the purpose of obtaining business.

487 (6) INTEGRITY AND IMPARTIALITY.—An umpire may not engage  
488 in any business, provide any service, or perform any act that  
489 would compromise the umpire's integrity or impartiality.

490 (7) SKILL AND EXPERIENCE.—An umpire shall decline an  
491 appointment or selection, withdraw, or request appropriate  
492 assistance when the facts and circumstances of the appraisal are  
493 beyond the umpire's skill or experience.

494 (8) GIFTS AND SOLICITATION.—An umpire may not give or

495 accept any gift, favor, loan, or other item of value in an  
496 appraisal process except for the umpire's reasonable fee. During  
497 the appraisal process, an umpire may not solicit or otherwise  
498 attempt to procure future professional services.

499 624.934 Prohibitions; penalties.—

500 (1) Effective October 1, 2017, a person may not:

501 (a) Act, or offer to act, as a property insurance  
502 appraisal umpire unless the person is licensed pursuant to this  
503 part.

504 (b) Use the name or title "property insurance appraisal  
505 umpire" or "umpire" unless the person is licensed pursuant to  
506 this part.

507 (2) A person who is found to be in violation of any  
508 provision of this section commits a misdemeanor of the first  
509 degree, punishable as provided in s. 775.082 or s. 775.083.

510 624.935 Rulemaking authority.—The department may adopt  
511 rules to administer this part, including rules:

512 (1) Establishing a process for determining compliance with  
513 the prelicensure requirements.

514 (2) Prescribing necessary forms.

515 (3) Implementing specific rulemaking authority pursuant to  
516 this section.

517 Section 3. Part VIII of chapter 624, Florida Statutes,  
518 consisting of sections 624.941 through 624.955, is created to  
519 read:

520 PART VIII

PROPERTY INSURANCE APPRAISERS

624.941 Property insurance appraiser licensing program;  
legislative purpose; scope of part.-

(1) The property insurance appraiser licensing program is  
created within the department.

(2) The Legislature finds it necessary and in the interest  
of the public safety and welfare, to prevent damage to real and  
personal property, to avert economic injury to the residents of  
this state, and to regulate persons and companies that hold  
themselves out to the public as qualified to perform as a  
property insurance appraiser.

(3) This part applies to residential and commercial  
residential property insurance contracts and to the umpires and  
appraisers who participate in the appraisal process.

624.942 Definitions.-As used in this part, the term:

(1) "Appraisal" means the process of dispute resolution,  
as defined in the property insurance contract, for determining  
the amount of loss after coverage is established and the insurer  
and insured are unable to agree on the amount of the loss, or  
for determining the scope of repairs if the insurer has elected  
to repair the property and the insurer and insured are unable to  
agree on the scope of repairs.

(2) "Competent" means sufficiently qualified and capable  
to performing an appraisal.

(3) "Independent" means not subject to control,  
restriction, modification, and limitation by the appointing

547 party. To be independent, a person may not accept an appointment  
548 as an appraiser if the appointment is contingent upon the  
549 appraiser reporting a predetermined result, analysis, or  
550 opinion, or if the fee to be paid for the services of the  
551 appraiser is contingent upon the opinion, conclusion, or  
552 valuation reached by the appraiser.

553 (4) "Property insurance appraisal umpire" or "umpire"  
554 means a person who is licensed pursuant to part VII of chapter  
555 624.

556 (5) "Property insurance appraiser" or "appraiser" means a  
557 third party selected by an insurer or an insured to develop an  
558 appraisal for purposes of the appraisal process under a  
559 residential or commercial property insurance contract that  
560 provides for resolution of a claim dispute by appraisal.

561 624.943 Fees.—

562 (1) The department, by rule, may establish fees to be paid  
563 for application, examination, reexamination, licensing and  
564 renewal, inactive status application, reactivation of inactive  
565 licenses, and application for providers of continuing education.  
566 The department may also establish by rule a delinquency fee.  
567 Fees shall be based on department estimates of the revenue  
568 required to implement the provisions of this part. Fees shall be  
569 remitted with the application, examination, reexamination,  
570 licensing and renewal, inactive status application, and  
571 reactivation of inactive licenses, and application for providers  
572 of continuing education.

573       (2) The application fee shall not exceed \$200 and is  
574 nonrefundable. The examination fee shall not exceed \$200 plus  
575 the actual per applicant cost to the department to purchase the  
576 examination, if the department chooses to purchase the  
577 examination. The examination fee shall be in an amount that  
578 covers the cost of obtaining and administering the examination  
579 and shall be refunded if the applicant is found ineligible to  
580 sit for the examination.

581       (3) The fee for an initial license shall not exceed \$250.

582       (4) The fee for a biennial license renewal shall not  
583 exceed \$500.

584       (5) The fee for application for inactive status shall not  
585 exceed \$125.

586       (6) The fee for reactivation of an inactive license shall  
587 not exceed \$250.

588       (7) The fee for applications from providers of continuing  
589 education may not exceed \$600.

590       (8) All fees shall be deposited into the Insurance  
591 Regulatory Trust Fund of the Department of Financial Services.

592       624.944 Application for license as a property insurance  
593 appraiser.—

594       (1) The department shall not issue a license as a property  
595 insurance appraiser to any person except upon application  
596 previously filed with the department. Any such application shall  
597 be made under oath or affirmation of and signed by the  
598 applicant.

599       (2) In the application, the applicant shall set forth:  
600       (a) His or her full name, age, social security number,  
601 residence address, business address, mailing address, contact  
602 telephone numbers, including a business telephone number, and e-  
603 mail address.  
604       (b) Whether he or she has been refused or has voluntarily  
605 surrendered or has had suspended or revoked a professional  
606 license by the supervising officials of any state.  
607       (c) Proof that the applicant meets the requirements of  
608 licensure as a property insurance appraiser as set forth in this  
609 part.  
610       (d) The applicant's gender.  
611       (e) The applicant's native language.  
612       (f) The applicant's highest achieved level of education.  
613       (g) All education requirements that the applicant has  
614 completed to qualify as a property insurance appraiser,  
615 including the name of the course, the course provider, and the  
616 course completion dates.  
617       (3) Each application shall be accompanied by payment of  
618 any applicable fee.  
619       (4) An applicant must submit a full set of fingerprints to  
620 the department or to a vendor, entity, or agency authorized by  
621 s. 943.053(13). The department, vendor, entity, or agency must  
622 forward the fingerprints to the Department of Law Enforcement  
623 for state processing, and the Department of Law Enforcement  
624 shall forward the fingerprints to the Federal Bureau of



625 Investigation for national processing. Fees for state and  
626 federal fingerprint processing shall be borne by the applicant.  
627 The state cost for fingerprint processing is that authorized in  
628 s. 943.053(3)(b) for records provided to persons or entities  
629 other than those specified as exceptions therein.

630 (5) The department shall develop and maintain as a public  
631 record a current list of licensed property insurance appraisers.

632 624.945 Examinations.-

633 (1) A person desiring to be licensed as a property  
634 insurance appraiser must apply to the department after  
635 satisfying the examination requirements of this part. The  
636 following persons are exempt from the examination requirements  
637 of this part:

638 (a) Retired county, circuit, and appellate judges.

639 (b) Circuit court civil certified mediators approved by  
640 the Supreme Court pursuant to the Florida Rules for Certified  
641 and Court-Appointed Mediators.

642 (c) Mediators who are on the list of approved mediators  
643 pursuant to rule 69J-166.031, Florida Administrative Code.

644 (2) An applicant may practice in this state as a property  
645 insurance appraiser if he or she passes the required  
646 examination, is of good moral character, and meets one of the  
647 following requirements:

648 (a) The applicant is currently licensed as an engineer  
649 pursuant to chapter 471 or is a retired professional engineer as  
650 defined in s. 471.005, and has taught or successfully completed

651 4 hours of coursework, approved by the department, specifically  
652 related to construction, building codes, appraisal procedures,  
653 appraisal preparation, and any other related material deemed  
654 appropriate by the department.

655 (b) The applicant is currently or, within the 5 years  
656 immediately preceding the date on which the application is filed  
657 with the department, has been licensed as a general contractor,  
658 building contractor, or residential contractor pursuant to part  
659 I of chapter 489 and has taught or successfully completed 4  
660 hours of coursework, approved by the department, specifically  
661 related to construction, building codes, appraisal procedure,  
662 appraisal preparation, and any other related material deemed  
663 appropriate by the department.

664 (c) The applicant is currently or, within the 5 years  
665 immediately preceding the date on which the application is filed  
666 with the department, has been licensed or registered as an  
667 architect to engage in the practice of architecture pursuant to  
668 part I of chapter 481 and has taught or successfully completed 4  
669 hours of coursework, approved by the department, specifically  
670 related to construction, building codes, appraisal procedure,  
671 appraisal preparation, and any other related material deemed  
672 appropriate by the department.

673 (d) The applicant is currently or, within the 5 years  
674 immediately preceding the date on which the application is filed  
675 with the department, has been a licensed attorney in this state  
676 and has taught or successfully completed 4 hours of coursework,

677 approved by the department, specifically related to  
678 construction, building codes, appraisal procedure, appraisal  
679 preparation, and any other related material deemed appropriate  
680 by the department.

681 (e) The applicant is currently licensed as an adjuster  
682 pursuant to part VI of chapter 626 whose license includes the  
683 property and casualty class of insurance. The currently licensed  
684 adjuster must be licensed for at least 3 years to qualify for a  
685 property insurance appraiser's license.

686 (3) The department shall review and approve courses of  
687 study for the continuing education of property insurance  
688 appraisers.

689 (4) The department may not issue a license as a property  
690 insurance appraiser to any individual found by it to be  
691 untrustworthy or incompetent or who:

692 (a) Has not filed an application with the department in  
693 accordance with s. 624.944.

694 (b) Is not a natural person who is at least 18 years of  
695 age.

696 (c) Is not a United States citizen or legal alien who  
697 possesses work authorization from the United States Citizenship  
698 and Immigration Services.

699 (d) Has not completed the education, experience, or  
700 licensing requirements in this section.

701 (5) An incomplete application expires 6 months after the  
702 date it is received by the department.

703 (6) An applicant seeking to become licensed under this  
 704 part may not be rejected solely by virtue of membership or lack  
 705 of membership in any particular appraisal organization.

706 624.946 Licensure.—

707 (1) Effective October 1, 2017, the department shall  
 708 license any applicant who the department certifies is qualified  
 709 to practice as a property insurance appraiser.

710 (2) The department shall not issue a license by  
 711 endorsement to any applicant for a property insurance appraiser  
 712 license who is under investigation in another state for any act  
 713 that would constitute a violation of this part until such time  
 714 that the investigation is complete and disciplinary proceedings  
 715 have been terminated.

716 624.947 Renewal of license.—

717 (1) The department shall renew a license upon receipt of  
 718 the renewal application and fee and upon certification by the  
 719 department that the licensee has satisfactorily completed the  
 720 continuing education requirements of s. 624.948.

721 (2) The department shall adopt rules establishing a  
 722 procedure for the biennial renewal of licenses.

723 624.948 Continuing education.—

724 (1) The department may not renew a license until the  
 725 licensee submits satisfactory proof to the department that,  
 726 during the 2 years before his or her application for renewal,  
 727 the licensee completed at least 25 hours of continuing education  
 728 in addition to 5 hours of ethics. Criteria and course content

729 shall be appraisal specific and approved by the department by  
730 rule.

731 (2) The department may prescribe by rule additional  
732 continuing professional education hours, not to exceed 25  
733 percent of the total required hours, for failure to complete the  
734 required hours for renewal by the end of the renewal period.

735 (3) Each appraiser course provider, instructor, and  
736 classroom course must be approved by and registered with the  
737 department before prelicensure courses for property insurance  
738 appraisers may be offered. Each classroom course must include a  
739 written examination at the conclusion of the course and must  
740 cover all of the material contained in the course. A student may  
741 not receive credit for the course unless the student achieves a  
742 grade of at least 75 on the examination.

743 (4) The department shall adopt rules establishing  
744 standards for the approval, registration, discipline, or removal  
745 from registration of course providers, instructors, and courses.  
746 The standards must be designed to ensure that instructors have  
747 the knowledge, competence, and integrity to fulfill the  
748 educational objectives of the prelicensure requirements of this  
749 part.

750 (5) Approval to teach prescribed or approved appraisal  
751 courses does not entitle the instructor to teach any courses  
752 outside the scope of this part.

753 624.949 Inactive license.—

754 (1) A licensee may request that his or her license be

755 placed on inactive status by filing an application with the  
756 department.

757 (2) A license that has become inactive may be reactivated  
758 upon application to the department. The department may prescribe  
759 by rule continuing education requirements as a condition for  
760 reactivation of an inactive license. The continuing education  
761 requirements for reactivating a license may not exceed 14 hours  
762 for each year the license was inactive.

763 (3) The department shall adopt rules relating to licenses  
764 that have become inactive and for the renewal of inactive  
765 licenses. The department shall prescribe by rule a fee not to  
766 exceed \$250 for the reactivation of an inactive license and a  
767 fee not to exceed \$250 for the renewal of an inactive license.

768 624.951 Partnerships, corporations, and other business  
769 entities.—The practice of or the offer to practice as a property  
770 insurance appraiser by licensees through a partnership,  
771 corporation, or other business entity offering property  
772 insurance appraiser services to the public, or by a partnership,  
773 corporation, or other business entity through licensees under  
774 this part as agents, employees, officers, or partners is  
775 permitted subject to the provisions of this part. This section  
776 does not allow a corporation or other business entity to hold a  
777 license to practice property insurance appraiser services. A  
778 partnership, corporation, or other business entity is not  
779 relieved of responsibility for the conduct or acts of its  
780 agents, employees, or officers by reason of its compliance with

781 this section. An individual practicing as a property insurance  
782 appraiser is not relieved of responsibility for professional  
783 services performed by reason of his or her employment or  
784 relationship with a partnership, corporation, or other business  
785 entity.

786 624.952 Grounds for compulsory refusal, suspension, or  
787 revocation of an appraiser's license.—The department shall deny  
788 an application for, suspend, revoke, or refuse to renew or  
789 continue the license or appointment of any applicant, property  
790 insurance appraiser or licensee and shall suspend or revoke the  
791 eligibility to hold a license or appointment of any such person  
792 if it finds that any one or more of the following applicable  
793 grounds exist:

794 (1) Lack of one or more of the qualifications for the  
795 license as specified in this part.

796 (2) Material misstatement, misrepresentation, or fraud in  
797 obtaining the license or in attempting to obtain the license or  
798 appointment.

799 (3) Failure to pass to the satisfaction of the department  
800 any examination required under this part.

801 (4) That the license or appointment was willfully used to  
802 circumvent any of the requirements or prohibitions of this code.

803 (5) Demonstrated a lack of fitness or trustworthiness to  
804 engage as a property insurance appraiser.

805 (6) Demonstrated a lack of reasonably adequate knowledge  
806 and technical competence to engage in the transactions

807 authorized by the license.

808 (7) Fraudulent or dishonest practices in the conduct of  
809 business under the license.

810 (8) Willful failure to comply with, or willful violation  
811 of, any proper order or rule of the department or willful  
812 violation of any provision of this part.

813 (9) Having been found guilty of or having pled guilty or  
814 nolo contendere to a felony or a crime punishable by  
815 imprisonment of 1 year or more under the law of the United  
816 States or of any state thereof or under the law of any other  
817 country which involves moral turpitude, without regard to  
818 whether a judgment of conviction has been entered by the court  
819 having jurisdiction of such cases.

820 (10) (a) Violated a duty imposed upon her or him by law or  
821 by the terms of a contract, whether written, oral, expressed, or  
822 implied, in an appraisal;

823 (b) Has aided, assisted, or conspired with any other  
824 person engaged in any such misconduct and in furtherance  
825 thereof; or

826 (c) Has formed an intent, design, or scheme to engage in  
827 such misconduct and committed an overt act in furtherance of  
828 such intent, design, or scheme.

829  
830 It is immaterial to a finding that a licensee has committed a  
831 violation of this subsection that the victim or intended victim  
832 of the misconduct has sustained no damage or loss, that the



833 damage or loss has been settled and paid after the discovery of  
834 misconduct, or that such victim or intended victim was a  
835 customer or a person in a confidential relationship with the  
836 licensee or was an identified member of the general public.

837 (11) (a) Had a registration, license, or certification as  
838 an appraiser revoked, suspended, or otherwise acted against;

839 (b) Has had his or her registration, license, or  
840 certificate to practice or conduct any regulated profession,  
841 business, or vocation revoked or suspended by this or any other  
842 state, any nation, or any possession or district of the United  
843 States; or

844 (c) Has had an application for such registration,  
845 licensure, or certification to practice or conduct any regulated  
846 profession, business, or vocation denied by this or any other  
847 state, any nation, or any possession or district of the United  
848 States.

849 (12) (a) Made or filed a report or record, written or oral,  
850 which the licensee knows to be false;

851 (b) Has willfully failed to file a report or record  
852 required by state or federal law;

853 (c) Has willfully impeded or obstructed such filing; or

854 (d) Has induced another person to impede or obstruct such  
855 filing.

856 (13) Accepted an appointment as an appraiser if the  
857 appointment is contingent upon the appraiser reporting a  
858 predetermined result, analysis, or opinion, or if the fee to be

859 paid for the services of the appraiser is contingent upon the  
860 opinion, conclusion, or valuation reached by the appraiser.

861 624.953 Grounds for discretionary denial, suspension, or  
862 revocation of an appraiser's license.-The department may deny an  
863 application for and suspend, revoke, or refuse to renew or  
864 continue a license as a property insurance appraiser if the  
865 applicant or licensee has:

866 (1) Failed to timely communicate with the opposing party's  
867 appraiser without good cause.

868 (2) Failed or refused to exercise reasonable diligence in  
869 submitting recommendations to the opposing party's appraiser.

870 (3) Violated any ethical standard for property insurance  
871 appraisers set forth in s. 624.954.

872 (4) Failed to inform the department in writing within 30  
873 days after pleading guilty or nolo contendere to, or being  
874 convicted or found guilty of, a felony.

875 (5) Failed to timely notify the department of any change  
876 in business location, or has failed to fully disclose all  
877 business locations from which he or she operates as a property  
878 insurance appraiser.

879 624.954 Ethical standards for property insurance  
880 appraisers.-

881 (1) CONFIDENTIALITY.-An appraiser shall maintain  
882 confidentiality of all information revealed during an appraisal  
883 except to the party that hired the appraiser and except where  
884 disclosure is required by law.

885 (2) RECORDKEEPING.—An appraiser shall maintain  
886 confidentiality in the storage and disposal of records and may  
887 not disclose any identifying information when materials are used  
888 for research, training, or statistical compilations.

889 (3) FEES AND EXPENSES.—Fees charged for appraisal services  
890 shall be reasonable and consistent with the nature of the case.  
891 An appraiser shall be guided by the following in determining  
892 fees:

893 (a) All charges for services as an appraiser based on time  
894 may not exceed actual time spent or allocated.

895 (b) Charges for costs shall be for those actually  
896 incurred.

897 (4) MAINTENANCE OF RECORDS.—An appraiser shall maintain  
898 records necessary to support charges for services and expenses,  
899 and upon request shall provide an accounting of all applicable  
900 charges to the parties. An appraiser licensed under this part  
901 shall retain for at least 5 years original or true copies of any  
902 contracts engaging the appraiser's services, appraisal reports,  
903 and supporting data assembled and formulated by the appraiser in  
904 preparing appraisal reports. The period for retaining the  
905 records applicable to each engagement starts on the date of the  
906 submission of the appraisal report to the client. The records  
907 must be made available by the appraiser for inspection and  
908 copying by the department upon reasonable notice to the  
909 appraiser. If an appraisal has been the subject of, or has been  
910 admitted as evidence in, a lawsuit, reports, and records, the

911 appraisal must be retained for at least 2 years after the date  
912 that the trial ends.

913 (5) ADVERTISING.—An appraiser may not engage in marketing  
914 practices that contain false or misleading information. An  
915 appraiser shall ensure that any advertisements of the  
916 appraiser's qualifications, services to be rendered, or the  
917 appraisal process are accurate and honest. An appraiser may not  
918 make claims of achieving specific outcomes or promises implying  
919 favoritism for the purpose of obtaining business.

920 (6) INTEGRITY.—An appraiser may not accept any engagement,  
921 provide any service, or perform any act that would compromise  
922 the appraiser's integrity.

923 (a) An appraiser may not accept an appointment unless he  
924 or she can:

925 1. Serve independently from the party appointing him or  
926 her;

927 2. Serve competently; and

928 3. Be available to promptly commence the appraisal, and  
929 thereafter devote the time and attention to its completion in a  
930 manner expected by all involved parties.

931 (b) An appraiser shall conduct the appraisal process in a  
932 manner that advances the fair and efficient resolution of the  
933 matters submitted for decision. A licensed appraiser shall make  
934 all reasonable efforts to prevent delays in the appraisal  
935 process, the harassment of parties or other participants, or  
936 other abuse or disruption of the appraisal process.

937 (c) Once a licensed appraiser has accepted an appointment,  
938 the appraiser may not withdraw or abandon the appointment unless  
939 compelled to do so by unanticipated circumstances that would  
940 render it impossible or impracticable to continue.

941 (d) The licensed appraiser shall, after careful  
942 deliberation, decide all issues submitted for determination and  
943 no other issues. A licensed appraiser shall decide all matters  
944 justly, exercising independent judgment, and may not allow  
945 outside pressure to affect the decision. An appraiser may not  
946 delegate the duty to decide to any other person.

947 (7) SKILL AND EXPERIENCE.—An appraiser shall decline an  
948 appointment or selection, withdraw, or request appropriate  
949 assistance when the facts and circumstances of the appraisal are  
950 beyond the appraiser's skill or experience.

951 (8) GIFTS AND SOLICITATION.—An appraiser may not give or  
952 accept any gift, favor, loan, or other item of value in an  
953 appraisal process except for the appraiser's reasonable fee.  
954 During the appraisal process, an appraiser may not solicit or  
955 otherwise attempt to procure future professional services.

956 (9) COMMUNICATIONS WITH PARTIES.—

957 (a) If an agreement of the parties establishes the manner  
958 or content of the communications between the appraisers, the  
959 parties and the umpire, the appraisers shall abide by such  
960 agreement. In the absence of agreement, an appraiser may not  
961 discuss a proceeding with any party or with the umpire in the  
962 absence of any other party, except in the following

963 circumstances:

964 1. If the appointment of the appraiser or umpire is being  
965 considered, the prospective appraiser or umpire may ask about  
966 the identities of the parties, counsel, and the general nature  
967 of the case, and may respond to inquiries from a party, its  
968 counsel or an umpire designed to determine his or her  
969 suitability and availability for the appointment;

970 2. To consult with the party who appointed the appraiser  
971 concerning the selection of a neutral umpire;

972 3. To make arrangements for any compensation to be paid by  
973 the party who appointed the appraiser; or

974 4. To make arrangements for obtaining materials and  
975 inspection of the property with the party who appointed the  
976 appraiser. Such communication is limited to scheduling and the  
977 exchange of materials.

978 (b) There may be no communications whereby a party  
979 dictates to an appraiser what the result of the proceedings must  
980 be, what matters or elements may be included or considered by  
981 the appraiser, or what actions the appraiser may take.

982 624.955 Prohibitions; penalties.—

983 (1) Effective October 1, 2017, a person may not:

984 (a) Act, or offer to act, as a property insurance  
985 appraiser unless the person is licensed pursuant to this part.

986 (b) Use the name or title "property insurance appraiser"  
987 or "appraiser" unless the person is licensed pursuant to this  
988 part.

989 (2) A person who is found to be in violation of any  
 990 provision of this section commits a misdemeanor of the first  
 991 degree, punishable as provided in s. 775.082 or s. 775.083.

992 624.956 Rulemaking authority.—The department may adopt  
 993 rules to administer this part, including rules:

994 (1) Establishing a process for determining compliance with  
 995 the prelicensure requirements.

996 (2) Prescribing necessary forms.

997 (3) Implementing specific rulemaking authority pursuant to  
 998 this section.

999 Section 4. For the 2016-2017 fiscal year, the sums of  
 1000 \$605,874 in recurring funds and \$59,053 in nonrecurring funds  
 1001 from the Insurance Regulatory Trust Fund are appropriated to the  
 1002 Department of Financial Services, and four full-time equivalent  
 1003 positions and associated salary rate of 212,315 are authorized,  
 1004 for the purpose of implementing this act.

1005 Section 5. The licensure, prohibition, and disciplinary  
 1006 provisions of this act do not apply until October 1, 2017.

1007 Section 6. This act shall take effect July 1, 2016.