

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Regulatory Affairs  
2 Committee

3 Representative Artiles offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (4) of section  
8 20.165, Florida Statutes, is amended to read:

9 20.165 Department of Business and Professional  
10 Regulation.—There is created a Department of Business and  
11 Professional Regulation.

12 (4) (a) The following boards and programs are established  
13 within the Division of Professions:

14 1. Board of Architecture and Interior Design, created  
15 under part I of chapter 481.

16 2. Florida Board of Auctioneers, created under part VI of  
17 chapter 468.

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- 18           3. Barbers' Board, created under chapter 476.
- 19           4. Florida Building Code Administrators and Inspectors  
20 Board, created under part XII of chapter 468.
- 21           5. Construction Industry Licensing Board, created under  
22 part I of chapter 489.
- 23           6. Board of Cosmetology, created under chapter 477.
- 24           7. Electrical Contractors' Licensing Board, created under  
25 part II of chapter 489.
- 26           8. Board of Employee Leasing Companies, created under part  
27 XI of chapter 468.
- 28           9. Board of Landscape Architecture, created under part II  
29 of chapter 481.
- 30           10. Board of Pilot Commissioners, created under chapter  
31 310.
- 32           11. Board of Professional Engineers, created under chapter  
33 471.
- 34           12. Board of Professional Geologists, created under  
35 chapter 492.
- 36           13. Board of Veterinary Medicine, created under chapter  
37 474.
- 38           14. Home inspection services licensing program, created  
39 under part XV of chapter 468.
- 40           15. Mold-related services licensing program, created under  
41 part XVI of chapter 468.
- 42           16. Property insurance appraisal umpires licensing  
43 program, created under part XVII of chapter 468.

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44 17. Property insurance appraisers licensing program,  
45 created under part XVIII of chapter 468.

46 Section 2. Part XVII of chapter 468, Florida Statutes,  
47 consisting of sections 468.85 through 468.8521, is created to  
48 read:

49 PART XVII

50 PROPERTY INSURANCE APPRAISAL UMPIRES

51 468.85 Property insurance appraisal umpire licensing  
52 program; legislative purpose; scope of part.—

53 (1) The property insurance appraisal umpire licensing  
54 program is created within the Department of Business and  
55 Professional Regulation.

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

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

65 468.851 Definitions.—As used in this part, the term:

66 (1) "Appraisal" means the process of dispute resolution,  
67 as defined in the property insurance contract, for determining  
68 the amount of loss after coverage is established and the insurer  
69 and insured are unable to agree on the amount of the loss, or

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70 for determining the scope of repairs if the insurer has elected  
71 to repair the property and the insurer and insured are unable to  
72 agree on the scope of repairs.

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

75 (3) "Department" means the Department of Business and  
76 Professional Regulation.

77 (4) "Independent" means not subject to control,  
78 restriction, modification, and limitation by the appointing  
79 party. To be independent, an umpire must conduct his or her  
80 investigation, evaluation, and estimation without instruction by  
81 an appointing party and may not accept an appointment as an  
82 umpire if the appointment is contingent upon the umpire  
83 reporting a predetermined result, analysis, or opinion, or if  
84 the fee to be paid for the services of the umpire is contingent  
85 upon the opinion, conclusion, or valuation reached by the  
86 umpire.

87 (5) "Property insurance appraisal umpire" or "umpire"  
88 means a third party selected by the licensed appraisers for the  
89 insurer and the insured to resolve issues that the licensed  
90 appraisers are unable to reach an agreement during the course of  
91 the appraisal process pursuant to a residential or commercial  
92 property insurance contract that is required to provide for  
93 resolution of a claim dispute by appraisal as defined in the  
94 property insurance contract.

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95 (6) "Property insurance appraiser" or "appraiser" means a  
96 person who is licensed pursuant to part XVIII of chapter 468.

97 468.8511 Fees.—

98 (1) The department, by rule, may establish fees to be paid  
99 for application, examination, reexamination, licensing and  
100 renewal, inactive status application, reactivation of inactive  
101 licenses, and application for providers of continuing education.

102 The department may also establish by rule a delinquency fee.

103 Fees shall be based on department estimates of the revenue  
104 required to implement the provisions of this part. Fees shall be  
105 remitted with the application, examination, reexamination,  
106 licensing and renewal, inactive status application, and  
107 reactivation of inactive licenses, and application for providers  
108 of continuing education.

109 (2) The application fee shall not exceed \$200 and is  
110 nonrefundable. The examination fee shall not exceed \$200 plus  
111 the actual per applicant cost to the department to purchase the  
112 examination, if the department chooses to purchase the  
113 examination. The examination fee shall be in an amount that  
114 covers the cost of obtaining and administering the examination  
115 and shall be refunded if the applicant is found ineligible to  
116 sit for the examination.

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

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

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

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

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

126 (8) All fees shall be deposited into the Professional  
127 Regulation Trust Fund of the Department of Business and  
128 Professional Regulation.

129 468.85115 Application for license as a property insurance  
130 appraisal umpire.-

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

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

137 (a) His or her full name, age, social security number,  
138 residence address, business address, mailing address, contact  
139 telephone numbers, including a business telephone number, and e-  
140 mail address.

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

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144 (c) Proof that the applicant meets the requirements for  
145 licensure as a property insurance appraisal umpire as set forth  
146 in this part .

147 (d) The applicant's gender.

148 (e) The applicant's native language.

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

150 (g) All education requirements that the applicant has  
151 completed to qualify as a property insurance appraisal umpire,  
152 including the name of the course, the course provider, and the  
153 course completion dates.

154 (3) Each application shall be accompanied by payment of  
155 any applicable fee.

156 (4) An applicant must submit a full set of fingerprints to  
157 the department or to a vendor, entity, or agency authorized by  
158 s. 943.053(13). The department, vendor, entity, or agency must  
159 forward the fingerprints to the Department of Law Enforcement  
160 for state processing, and the Department of Law Enforcement  
161 shall forward the fingerprints to the Federal Bureau of  
162 Investigation for national processing. Fees for state and  
163 federal fingerprint processing shall be borne by the applicant.  
164 The state cost for fingerprint processing is that authorized in  
165 s. 943.053(3) (b) for records provided to persons or entities  
166 other than those specified as exceptions therein.

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168 (5) The department shall develop and maintain as a public  
169 record a current list of licensed property insurance appraisal  
170 umpires.

171 468.8512 Examinations.-

172 (1) A person desiring to be licensed as a property  
173 insurance appraisal umpire must apply to the department after  
174 satisfying the examination requirements of this part. The  
175 following persons are exempt from the examination requirements  
176 of this part:

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

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

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

183 (2) An applicant may practice in this state as a property  
184 insurance appraisal umpire if he or she passes the required  
185 examination, is of good moral character, and meets one of the  
186 following requirements:

187 (a) The applicant is currently licensed as an engineer  
188 pursuant to chapter 471 or is a retired professional engineer  
189 as defined in s. 471.005, and has taught or successfully  
190 completed 4 hours of coursework, approved by the department,  
191 specifically related to construction, building codes, appraisal  
192 procedures, appraisal preparation, and any other related  
193 material deemed appropriate by the department.

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194       (b) The applicant is currently or, within the 5 years  
195 immediately preceding the date on which the application is filed  
196 with the department, has been licensed as a general contractor,  
197 building contractor, or residential contractor pursuant to part  
198 I of chapter 489 and has taught or successfully completed 4  
199 hours of coursework, approved by the department, specifically  
200 related to construction, building codes, appraisal procedure,  
201 appraisal preparation, and any other related material deemed  
202 appropriate by the department.

203       (c) The applicant is currently or, within the 5 years  
204 immediately preceding the date on which the application is filed  
205 with the department, has been licensed or registered as an  
206 architect to engage in the practice of architecture pursuant to  
207 part I of chapter 481 and has taught or successfully completed 4  
208 hours of coursework, approved by the department, specifically  
209 related to construction, building codes, appraisal procedure,  
210 appraisal preparation, and any other related material deemed  
211 appropriate by the department.

212       (d) The applicant is currently or, within the 5 years  
213 immediately preceding the date on which the application is filed  
214 with the department, has been a licensed attorney in this state  
215 and has taught or successfully completed 4 hours of coursework,  
216 approved by the department, specifically related to  
217 construction, building codes, appraisal procedure, appraisal  
218 preparation, and any other related material deemed appropriate  
219 by the department.

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

225 (3) The department shall review and approve courses of  
226 study for the continuing education of property insurance  
227 appraisal umpires.

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

231 (a) Has not filed an application with the department in  
232 accordance with s. 485.85115.

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

235 (c) Is not a United States citizen or legal alien who  
236 possesses work authorization from the United States Citizenship  
237 and Immigration Services.

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

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

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

245 468.8513 Licensure.-

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246 (1) The department shall license any applicant who the  
247 department certifies is qualified to practice as a property  
248 insurance appraisal umpire.

249 (2) The department shall not issue a license by  
250 endorsement to any applicant for a property insurance appraisal  
251 umpire license who is under investigation in another state for  
252 any act that would constitute a violation of this part until  
253 such time that the investigation is complete and disciplinary  
254 proceedings have been terminated.

255 468.8514 Renewal of license.-

256 (1) The department shall renew a license upon receipt of  
257 the renewal application and fee and upon certification by the  
258 department that the licensee has satisfactorily completed the  
259 continuing education requirements of s. 468.8515.

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

262 468.8515 Continuing education.-

263 (1) The department may not renew a license until the  
264 licensee submits satisfactory proof to the department that,  
265 during the 2 years before his or her application for renewal,  
266 the licensee completed at least 25 hours of continuing education  
267 in addition to 5 hours of ethics. Criteria and course content  
268 shall be appraisal specific and approved by the department by  
269 rule.

270 (2) The department may prescribe by rule additional  
271 continuing professional education hours, not to exceed 25

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272 percent of the total required hours, for failure to complete the  
273 required hours by the end of the renewal period.

274 (3) Each umpire course provider, instructor, and classroom  
275 course must be approved by and registered with the department  
276 before prelicensure courses for property insurance appraisal  
277 umpires may be offered. Each classroom course must include a  
278 written examination at the conclusion of the course and must  
279 cover all of the material contained in the course. A student may  
280 not receive credit for the course unless the student achieves a  
281 grade of at least 75 on the examination.

282 (4) The department shall adopt rules establishing  
283 standards for the approval, registration, discipline, or removal  
284 from registration of course providers, instructors, and courses.  
285 The standards must be designed to ensure that instructors have  
286 the knowledge, competence, and integrity to fulfill the  
287 educational objectives of the prelicensure requirements of this  
288 part.

289 (5) Approval to teach prescribed or approved appraisal  
290 courses does not entitle the instructor to teach any courses  
291 outside the scope of this part.

292 468.8516 Inactive license.-

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

296 (2) A license that has become inactive may be reactivated  
297 upon application to the department. The department may prescribe

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298 by rule continuing education requirements as a condition for  
299 reactivation of an inactive license. The continuing education  
300 requirements for reactivating a license may not exceed 14 hours  
301 for each year the license was inactive.

302 (3) The department shall adopt rules relating to licenses  
303 that have become inactive and for the renewal of inactive  
304 licenses. The department shall prescribe by rule a fee not to  
305 exceed \$250 for the reactivation of an inactive license and a  
306 fee not to exceed \$250 for the renewal of an inactive license.

307 468.8517 Partnerships, corporations, and other business  
308 entities.-The practice of or the offer to practice as a property  
309 insurance appraisal umpire by licensees through a partnership,  
310 corporation, or other business entity offering property  
311 insurance appraisal umpire services to the public, or by a  
312 partnership, corporation, or other business entities through  
313 licensees under this part as agents, employees, officers, or  
314 partners is permitted, subject to the provisions of this part.  
315 This section does not allow a corporation or other business  
316 entities to hold a license to practice property insurance  
317 appraisal umpire services. A partnership, corporation, or other  
318 business entity is not relieved of responsibility for the  
319 conduct or acts of its agents, employees, or officers by reason  
320 of its compliance with this section. An individual practicing as  
321 a property insurance appraisal umpire is not relieved of  
322 responsibility for professional services performed by reason of

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323 his or her employment or relationship with a partnership,  
324 corporation, or other business entity.

325 468.8518 Grounds for compulsory refusal, suspension, or  
326 revocation of an umpire's license.-The department shall deny an  
327 application for, suspend, revoke, or refuse to renew or continue  
328 the license or appointment of any applicant, property insurance  
329 appraisal umpire or licensee and shall suspend or revoke the  
330 eligibility to hold a license or appointment of any such person  
331 if it finds that any one or more of the following applicable  
332 grounds exist:

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

335 (2) Material misstatement, misrepresentation, or fraud in  
336 obtaining the license or in attempting to obtain the license or  
337 appointment.

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

340 (4) That the license or appointment was willfully used to  
341 circumvent any of the requirements or prohibitions of this  
342 chapter.

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

345 (6) Demonstrated a lack of reasonably adequate knowledge  
346 and technical competence to engage in the transactions  
347 authorized by the license.

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348 (7) Fraudulent or dishonest practices in the conduct of  
349 business under the license.

350 (8) Willful failure to comply with, or willful violation  
351 of, any proper order or rule of the department or willful  
352 violation of any provision of this part.

353 (9) Having been found guilty of or having pled guilty or  
354 nolo contendere to a felony or a crime punishable by  
355 imprisonment of 1 year or more under the law of the United  
356 States or of any state thereof or under the law of any other  
357 country which involves moral turpitude, without regard to  
358 whether a judgment of conviction has been entered by the court  
359 having jurisdiction of such cases.

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

363 (b) Has aided, assisted, or conspired with any other  
364 person engaged in any such misconduct and in furtherance  
365 thereof; or

366 (c) Has formed an intent, design, or scheme to engage in  
367 such misconduct and committed an overt act in furtherance of  
368 such intent, design, or scheme.

369  
370 It is immaterial to a finding that a licensee has committed a  
371 violation of this subsection that the victim or intended victim  
372 of the misconduct has sustained no damage or loss, that the  
373 damage or loss has been settled and paid after the discovery of

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374 misconduct, or that such victim or intended victim was a  
375 customer or a person in a confidential relationship with the  
376 licensee or was an identified member of the general public.

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

379 (b) Has had his or her registration, license, or  
380 certificate to practice or conduct any regulated profession,  
381 business, or vocation revoked or suspended by this or any other  
382 state, any nation, or any possession or district of the United  
383 States; or

384 (c) Has had an application for such registration,  
385 licensure, or certification to practice or conduct any regulated  
386 profession, business, or vocation denied by this or any other  
387 state, any nation, or any possession or district of the United  
388 States.

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

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

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

394 (d) Has induced another person to impede or obstruct such  
395 filing.

396 (13) Accepted an appointment as an umpire if the  
397 appointment is contingent upon the umpire reporting a  
398 predetermined result, analysis, or opinion, or if the fee to be



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399 paid for the services of the umpire is contingent upon the  
400 opinion, conclusion, or valuation reached by the umpire.

401 468.85185 Grounds for discretionary denial, suspension, or  
402 revocation of an umpire's license.—The department may deny an  
403 application for and suspend, revoke, or refuse to renew or  
404 continue a license as a property insurance appraisal umpire if  
405 the applicant or licensee has:

406 (1) Failed to timely communicate with the appraisers  
407 without good cause.

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

410 (3) Violated any ethical standard for property insurance  
411 appraisal umpires set forth in s. 468.8519.

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

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

419 468.8519 Ethical standards for property insurance  
420 appraisal umpires.—

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

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

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

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

433 (b) Charges for costs shall be for those actually  
434 incurred.

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

440 (4) MAINTENANCE OF RECORDS.—An umpire shall maintain  
441 records necessary to support charges for services and expenses,  
442 and upon request shall provide an accounting of all applicable  
443 charges to the parties. An umpire licensed under this part shall  
444 retain original or true copies of any contracts engaging the  
445 umpire's services, appraisal reports, and supporting data  
446 assembled and formulated by the umpire in preparing appraisal  
447 reports for at least 5 years. The period for retaining the  
448 records applicable to each engagement starts on the date of the  
449 submission of the appraisal report to the client. The records

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450 must be made available by the umpire for inspection and copying  
451 by the department upon reasonable notice to the umpire. If an  
452 appraisal has been the subject of, or has been admitted as  
453 evidence in, a lawsuit, reports, and records, the appraisal must  
454 be retained for at least 2 years after the date that the trial  
455 ends.

456 (5) ADVERTISING.—An umpire may not engage in marketing  
457 practices that contain false or misleading information. An  
458 umpire shall ensure that any advertisements of the umpire's  
459 qualifications, services to be rendered, or the appraisal  
460 process are accurate and honest. An umpire may not make claims  
461 of achieving specific outcomes or promises implying favoritism  
462 for the purpose of obtaining business.

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

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

470 (8) GIFTS AND SOLICITATION.—An umpire may not give or  
471 accept any gift, favor, loan, or other item of value in an  
472 appraisal process except for the umpire's reasonable fee. During  
473 the appraisal process, an umpire may not solicit or otherwise  
474 attempt to procure future professional services.

475 468.8520 Prohibitions; penalties.

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- 476 (1) Effective October 1, 2016, a person may not:  
477 (a) Act or offer to act as a property insurance appraisal  
478 umpire unless the person is licensed pursuant to this part.  
479 (b) Use the name or title "property insurance appraisal  
480 umpire" or "umpire" unless the person is licensed pursuant to  
481 this part.  
482 (2) A person who is found to be in violation of any  
483 provision of this section commits a misdemeanor of the first  
484 degree, punishable as provided in s. 775.082 or s. 775.083.  
485 468.8521 Rulemaking authority.—The department may adopt  
486 rules to administer this part, including rules:  
487 (a) Establishing a process for determining compliance with  
488 the prelicensure requirements.  
489 (b) Prescribing necessary forms.  
490 (c) Implementing specific rulemaking authority as set  
491 forth herein.  
492 Section 3. Part XVIII of chapter 468, Florida Statutes,  
493 consisting of sections 468.86 through 468.8621, is created to  
494 read:  
495 PART XVIII  
496 PROPERTY INSURANCE APPRAISERS  
497 468.86 Property insurance appraiser licensing program;  
498 legislative purpose; scope of part.—  
499 (1) The property insurance appraiser licensing program is  
500 created within the Department of Business and Professional  
501 Regulation.

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

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

511       468.861 Definitions.—As used in this part, the term:

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

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

521       (3) "Department" means the Department of Business and  
522 Professional Regulation.

523       (4) "Independent" means not subject to control,  
524 restriction, modification, and limitation by the appointing  
525 party. To be independent, a person may not accept an appointment  
526 as an appraiser if the appointment is contingent upon the  
527 appraiser reporting a predetermined result, analysis, or

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528 opinion, or if the fee to be paid for the services of the  
529 appraiser is contingent upon the opinion, conclusion, or  
530 valuation reached by the appraiser.

531 (5) "Property insurance appraisal umpire" or "umpire"  
532 means a person who is licensed pursuant to part XVII of chapter  
533 468.

534 (6) "Property insurance appraiser" or "appraiser" means a  
535 third party selected by an insurer or an insured to develop an  
536 appraisal for purposes of the appraisal process under a  
537 residential or commercial property insurance contract that  
538 provides for resolution of a claim dispute by appraisal.

539 468.8611 Fees.—

540 (1) The department, by rule, may establish fees to be paid  
541 for application, examination, reexamination, licensing and  
542 renewal, inactive status application, reactivation of inactive  
543 licenses, and application for providers of continuing education.  
544 The department may also establish by rule a delinquency fee.  
545 Fees shall be based on department estimates of the revenue  
546 required to implement the provisions of this part. Fees shall be  
547 remitted with the application, examination, reexamination,  
548 licensing and renewal, inactive status application, and  
549 reactivation of inactive licenses, and application for providers  
550 of continuing education.

551 (2) The application fee shall not exceed \$200 and is  
552 nonrefundable. The examination fee shall not exceed \$200 plus  
553 the actual per applicant cost to the department to purchase the

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554 examination, if the department chooses to purchase the  
555 examination. The examination fee shall be in an amount that  
556 covers the cost of obtaining and administering the examination  
557 and shall be refunded if the applicant is found ineligible to  
558 sit for the examination.

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

560 (4)

561 The fee for a biennial license renewal shall not exceed  
562 \$500.

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

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

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

569 (8) All fees shall be deposited into the Professional  
570 Regulation Trust Fund of the Department of Business and  
571 Professional Regulation.

572 468.86115 Application for license as a property insurance  
573 appraiser.-

574 (1) The department shall not issue a license as a property  
575 insurance appraiser to any person except upon application  
576 previously filed with the department. Any such application shall  
577 be made under oath or affirmation of and signed by the  
578 applicant.

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

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580 (a) His or her full name, age, social security number,  
581 residence address, business address, mailing address, contact  
582 telephone numbers, including a business telephone number, and e-  
583 mail address.

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

587 (c) Proof that the applicant meets the requirements of  
588 licensure as a property insurance appraiser as set forth in this  
589 part.

590 (d) The applicant's gender.

591 (e) The applicant's native language.

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

593 (g) All education requirements that the applicant has  
594 completed to qualify as a property insurance appraiser,  
595 including the name of the course, the course provider, and the  
596 course completion dates.

597 (3) Each application shall be accompanied by payment of  
598 any applicable fee.

599 (4) An applicant must submit a full set of fingerprints to  
600 the department or to a vendor, entity, or agency authorized by  
601 s. 943.053(13). The department, vendor, entity, or agency must  
602 forward the fingerprints to the Department of Law Enforcement  
603 for state processing, and the Department of Law Enforcement  
604 shall forward the fingerprints to the Federal Bureau of  
605 Investigation for national processing. Fees for state and

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606 federal fingerprint processing shall be borne by the applicant.  
607 The state cost for fingerprint processing is that authorized in  
608 s. 943.053(3)(b) for records provided to persons or entities  
609 other than those specified as exceptions therein.

610 (5) The department shall develop and maintain as a public  
611 record a current list of licensed property insurance appraisers.  
612 468.8612 Examinations.-

613 (1) A person desiring to be licensed as a property  
614 insurance appraiser must apply to the department after  
615 satisfying the examination requirements of this part. The  
616 following persons are exempt from the examination requirements  
617 of this part:

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

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

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

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

628 (a) The applicant is currently licensed as an engineer  
629 pursuant to chapter 471 or is a retired professional engineer as  
630 defined in s. 471.005, and has taught or successfully completed  
631 4 hours of coursework, approved by the department, specifically

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632 related to construction, building codes, appraisal procedures,  
633 appraisal preparation, and any other related material deemed  
634 appropriate by the department.

635 (b) The applicant is currently or, within the 5 years  
636 immediately preceding the date on which the application is filed  
637 with the department, has been licensed as a general contractor,  
638 building contractor, or residential contractor pursuant to part  
639 I of chapter 489 and has taught or successfully completed 4  
640 hours of coursework, approved by the department, specifically  
641 related to construction, building codes, appraisal procedure,  
642 appraisal preparation, and any other related material deemed  
643 appropriate by the department.

644 (c) The applicant is currently or, within the 5 years  
645 immediately preceding the date on which the application is filed  
646 with the department, has been licensed or registered as an  
647 architect to engage in the practice of architecture pursuant to  
648 part I of chapter 481 and has taught or successfully completed 4  
649 hours of coursework, approved by the department, specifically  
650 related to construction, building codes, appraisal procedure,  
651 appraisal preparation, and any other related material deemed  
652 appropriate by the department.

653 (d) The applicant is currently or, within the 5 years  
654 immediately preceding the date on which the application is filed  
655 with the department, has been a licensed attorney in this state  
656 and has taught or successfully completed 4 hours of coursework,  
657 approved by the department, specifically related to

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658 construction, building codes, appraisal procedure, appraisal  
659 preparation, and any other related material deemed appropriate  
660 by the department.

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

666 (3) The department shall review and approve courses of  
667 study for the continuing education of property insurance  
668 appraisers.

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

672 (a) Has not filed an application with the department in  
673 accordance with s. 485.86115.

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

676 (c) Is not a United States citizen or legal alien who  
677 possesses work authorization from the United States Citizenship  
678 and Immigration Services.

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

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

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

686 468.8613 Licensure.—

687 (1) The department shall license any applicant who the  
688 department certifies is qualified to practice as a property  
689 insurance appraiser.

690 (2) The department shall not issue a license by  
691 endorsement to any applicant for a property insurance appraiser  
692 license who is under investigation in another state for any act  
693 that would constitute a violation of this part until such time  
694 that the investigation is complete and disciplinary proceedings  
695 have been terminated.

696 468.8614 Renewal of license.—

697 (1) The department shall renew a license upon receipt of  
698 the renewal application and fee and upon certification by the  
699 department that the licensee has satisfactorily completed the  
700 continuing education requirements of s. 468.8615.

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

703 468.8615 Continuing education.—

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

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709 shall be appraisal specific and approved by the department by  
710 rule.

711 (2) The department may prescribe by rule additional  
712 continuing professional education hours, not to exceed 25  
713 percent of the total required hours, for failure to complete the  
714 required hours for renewal by the end of the renewal period.

715 (3) Each appraiser course provider, instructor, and  
716 classroom course must be approved by and registered with the  
717 department before prelicensure courses for property insurance  
718 appraisers may be offered. Each classroom course must include a  
719 written examination at the conclusion of the course and must  
720 cover all of the material contained in the course. A student may  
721 not receive credit for the course unless the student achieves a  
722 grade of at least 75 on the examination.

723 (4) The department shall adopt rules establishing  
724 standards for the approval, registration, discipline, or removal  
725 from registration of course providers, instructors, and courses.  
726 The standards must be designed to ensure that instructors have  
727 the knowledge, competence, and integrity to fulfill the  
728 educational objectives of the prelicensure requirements of this  
729 part.

730 (5) Approval to teach prescribed or approved appraisal  
731 courses does not entitle the instructor to teach any courses  
732 outside the scope of this part.

733 468.8616 Inactive license.-

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

737 (2) A license that has become inactive may be reactivated  
738 upon application to the department. The department may prescribe  
739 by rule continuing education requirements as a condition for  
740 reactivation of an inactive license. The continuing education  
741 requirements for reactivating a license may not exceed 14 hours  
742 for each year the license was inactive.

743 (3) The department shall adopt rules relating to licenses  
744 that have become inactive and for the renewal of inactive  
745 licenses. The department shall prescribe by rule a fee not to  
746 exceed \$250 for the reactivation of an inactive license and a  
747 fee not to exceed \$250 for the renewal of an inactive license.

748 468.8617 Partnerships, corporations, and other business  
749 entities.—The practice of or the offer to practice as a property  
750 insurance appraiser by licensees through a partnership,  
751 corporation, or other business entity offering property  
752 insurance appraiser services to the public, or by a partnership,  
753 corporation, or other business entity through licensees under  
754 this part as agents, employees, officers, or partners is  
755 permitted subject to the provisions of this part. This section  
756 does not allow a corporation or other business entity to hold a  
757 license to practice property insurance appraiser services. A  
758 partnership, corporation, or other business entity is not  
759 relieved of responsibility for the conduct or acts of its

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760 agents, employees, or officers by reason of its compliance with  
761 this section. An individual practicing as a property insurance  
762 appraiser is not relieved of responsibility for professional  
763 services performed by reason of his or her employment or  
764 relationship with a partnership, corporation, or other business  
765 entity.

766 468.8618 Grounds for compulsory refusal, suspension, or  
767 revocation of an appraiser's license.—The department shall deny  
768 an application for, suspend, revoke, or refuse to renew or  
769 continue the license or appointment of any applicant, property  
770 insurance appraiser or licensee and shall suspend or revoke the  
771 eligibility to hold a license or appointment of any such person  
772 if it finds that any one or more of the following applicable  
773 grounds exist:

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

776 (2) Material misstatement, misrepresentation, or fraud in  
777 obtaining the license or in attempting to obtain the license or  
778 appointment.

779 (3) Failure to pass to the satisfaction of the department  
780 any examination required under this act.

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

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

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785 (6) Demonstrated a lack of reasonably adequate knowledge  
786 and technical competence to engage in the transactions  
787 authorized by the license.

788 (7) Fraudulent or dishonest practices in the conduct of  
789 business under the license.

790 (8) Willful failure to comply with, or willful violation  
791 of, any proper order or rule of the department or willful  
792 violation of any provision of this part.

793 (9) Having been found guilty of or having pled guilty or  
794 nolo contendere to a felony or a crime punishable by  
795 imprisonment of 1 year or more under the law of the United  
796 States or of any state thereof or under the law of any other  
797 country which involves moral turpitude, without regard to  
798 whether a judgment of conviction has been entered by the court  
799 having jurisdiction of such cases.

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

803 (b) Has aided, assisted, or conspired with any other  
804 person engaged in any such misconduct and in furtherance  
805 thereof; or

806 (c) Has formed an intent, design, or scheme to engage in  
807 such misconduct and committed an overt act in furtherance of  
808 such intent, design, or scheme.

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810 It is immaterial to a finding that a licensee has committed a  
811 violation of this subsection that the victim or intended victim  
812 of the misconduct has sustained no damage or loss, that the  
813 damage or loss has been settled and paid after the discovery of  
814 misconduct, or that such victim or intended victim was a  
815 customer or a person in a confidential relationship with the  
816 licensee or was an identified member of the general public.

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

819 (b) Has had his or her registration, license, or  
820 certificate to practice or conduct any regulated profession,  
821 business, or vocation revoked or suspended by this or any other  
822 state, any nation, or any possession or district of the United  
823 States; or

824 (c) Has had an application for such registration,  
825 licensure, or certification to practice or conduct any regulated  
826 profession, business, or vocation denied by this or any other  
827 state, any nation, or any possession or district of the United  
828 States.

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

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

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

834 (d) Has induced another person to impede or obstruct such  
835 filing.

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836 (13) Accepted an appointment as an appraiser if the  
837 appointment is contingent upon the appraiser reporting a  
838 predetermined result, analysis, or opinion, or if the fee to be  
839 paid for the services of the appraiser is contingent upon the  
840 opinion, conclusion, or valuation reached by the appraiser.

841 468.86185 Grounds for discretionary denial, suspension, or  
842 revocation of an appraiser's license.-The department may deny an  
843 application for and suspend, revoke, or refuse to renew or  
844 continue a license as a property insurance appraiser if the  
845 applicant or licensee has:

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

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

850 (3) Violated any ethical standard for property insurance  
851 appraisers set forth in s. 468.8619.

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

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

859 468.8619 Ethical standards for property insurance  
860 appraisers.-

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861 (1) CONFIDENTIALITY.—An appraiser shall maintain  
862 confidentiality of all information revealed during an appraisal  
863 except to the party that hired the appraiser and except where  
864 disclosure is required by law.

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

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

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

875 (b) Charges for costs shall be for those actually  
876 incurred.

877 (4) MAINTENANCE OF RECORDS.—An appraiser shall maintain  
878 records necessary to support charges for services and expenses,  
879 and upon request shall provide an accounting of all applicable  
880 charges to the parties. An appraiser licensed under this part  
881 shall retain for at least 5 years original or true copies of any  
882 contracts engaging the appraiser's services, appraisal reports,  
883 and supporting data assembled and formulated by the appraiser in  
884 preparing appraisal reports. The period for retaining the  
885 records applicable to each engagement starts on the date of the  
886 submission of the appraisal report to the client. The records

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887 must be made available by the appraiser for inspection and  
888 copying by the department upon reasonable notice to the  
889 appraiser. If an appraisal has been the subject of, or has been  
890 admitted as evidence in, a lawsuit, reports, and records, the  
891 appraisal must be retained for at least 2 years after the date  
892 that the trial ends.

893 (5) ADVERTISING.—An appraiser may not engage in marketing  
894 practices that contain false or misleading information. An  
895 appraiser shall ensure that any advertisements of the  
896 appraiser's qualifications, services to be rendered, or the  
897 appraisal process are accurate and honest. An appraiser may not  
898 make claims of achieving specific outcomes or promises implying  
899 favoritism for the purpose of obtaining business.

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

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

905 1. Serve independently from the party appointing him or  
906 her;

907 2. Serve competently; and

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

911 (b) An appraiser shall conduct the appraisal process in a  
912 manner that advances the fair and efficient resolution of the

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913 matters submitted for decision. A licensed appraiser shall make  
914 all reasonable efforts to prevent delays in the appraisal  
915 process, the harassment of parties or other participants, or  
916 other abuse or disruption of the appraisal process.

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

921 (d) The licensed appraiser shall, after careful  
922 deliberation, decide all issues submitted for determination and  
923 no other issues. A licensed appraiser shall decide all matters  
924 justly, exercising independent judgment, and may not allow  
925 outside pressure to affect the decision. An appraiser may not  
926 delegate the duty to decide to any other person.

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

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

936 (9) COMMUNICATIONS WITH PARTIES.—

937 (a) If an agreement of the parties establishes the manner  
938 or content of the communications between the appraisers, the

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939 parties and the umpire, the appraisers shall abide by such  
940 agreement. In the absence of agreement, an appraiser may not  
941 discuss a proceeding with any party or with the umpire in the  
942 absence of any other party, except in the following  
943 circumstances:

944 1. If the appointment of the appraiser or umpire is being  
945 considered, the prospective appraiser or umpire may ask about  
946 the identities of the parties, counsel, and the general nature  
947 of the case, and may respond to inquiries from a party, its  
948 counsel or an umpire designed to determine his or her  
949 suitability and availability for the appointment;

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

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

954 4. To make arrangements for obtaining materials and  
955 inspection of the property with the party who appointed the  
956 appraiser. Such communication is limited to scheduling and the  
957 exchange of materials.

958 (b) There may be no communications whereby a party  
959 dictates to an appraiser what the result of the proceedings must  
960 be, what matters or elements may be included or considered by  
961 the appraiser, or what actions the appraiser may take.

962 468.8620 Prohibitions; penalties.

963 (1) Effective October 1, 2016, a person may not:

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

966 (b) Use the name or title "property insurance appraiser"  
967 or "appraiser" unless the person is licensed pursuant to this  
968 part.

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

972 468.8521 Rulemaking authority.—The department may adopt  
973 rules to administer this part, including rules:

974 (a) Establishing a process for determining compliance with  
975 the prelicensure requirements.

976 (b) Prescribing necessary forms.

977 (c) Implementing specific rulemaking authority as set  
978 forth herein.

979 Section 4. Effective July 1, 2015, for the 2015-2016  
980 fiscal year, the sums of \$605,874 in recurring funds and \$59,053  
981 in nonrecurring funds from the Professional Regulation Trust  
982 Fund are appropriated to the Department of Business and  
983 Professional Regulation, and four full-time equivalent positions  
984 and associated salary rate of 212,315 are authorized, for the  
985 purpose of implementing this act.

986 Section 5. This act shall take effect July 1, 2015.  
987 However, the licensure, prohibitions, and disciplinary  
988 provisions of this act shall not be implemented until October 1,  
989 2016.

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled  
An act relating to property insurance appraisal  
umpires and property insurance appraisers; amending s.  
20.165, F.S.; establishing specified programs within  
the Division of Professions of the Department of  
Business and Professional Regulation; creating part  
XVII of chapter 468, F.S., relating to property  
insurance appraisal umpires; creating the property  
insurance appraisal umpire licensing program within  
the department; providing legislative findings;  
providing applicability; providing definitions;  
authorizing the department to establish fees;  
providing for the deposit of fees; providing licensing  
application requirements; providing authority and  
procedures regarding submission and processing of  
fingerprints; providing examination requirements;  
providing application requirements for licensure as a  
property insurance appraisal umpire; providing  
licensure renewal requirements; authorizing the  
department to adopt rules; providing continuing  
education requirements; providing requirements for the  
inactivation of a license by a licensee; providing



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 491 (2015)

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1016 requirements for renewing an inactive license;  
1017 establishing license reactivation fees; providing for  
1018 certification of partnerships and corporations  
1019 offering property insurance appraisal umpire services;  
1020 providing grounds for compulsory refusal, suspension,  
1021 or revocation of an umpire's license; providing  
1022 grounds for discretionary denial, suspension, or  
1023 revocation of an umpire's license; providing ethical  
1024 standards for property insurance appraisal umpires;  
1025 providing prohibitions and penalties; authorizing the  
1026 department to adopt rules; creating part XVIII of  
1027 chapter 468, F.S., relating to property insurance  
1028 appraisers; creating the property insurance appraiser  
1029 licensing program within the department; providing  
1030 legislative findings; providing applicability;  
1031 providing definitions; authorizing the department to  
1032 establish fees; limiting fee amounts; providing  
1033 licensing application requirements; providing  
1034 authority and procedures regarding submission and  
1035 processing of fingerprints; providing examination  
1036 requirements; providing application requirements for  
1037 licensure as a property insurance appraiser; providing  
1038 licensure renewal requirements; authorizing the  
1039 department to adopt rules; providing for the deposit  
1040 of fees; providing continuing education requirements;  
1041 providing requirements for the inactivation of a

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 491 (2015)

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1042 license by a licensee; providing requirements for  
1043 renewing an inactive license; establishing license  
1044 reactivation fees; providing for certification of  
1045 partnerships and corporations offering property  
1046 insurance appraiser services; providing grounds for  
1047 compulsory refusal, suspension, or revocation of an  
1048 appraiser's license; providing grounds for  
1049 discretionary denial, suspension, or revocation of an  
1050 appraiser's license; providing ethical standards;  
1051 providing prohibitions and penalties; authorizing the  
1052 department to adopt rules; providing an appropriation  
1053 and authorizing positions; providing effective dates.