

1 A bill to be entitled
2 An act relating to property insurance appraisal
3 umpires and property insurance appraisers; amending s.
4 20.165, F.S.; establishing specified programs within
5 the Division of Professions of the Department of
6 Business and Professional Regulation; creating part
7 XVII of chapter 468, F.S., relating to property
8 insurance appraisal umpires; creating the property
9 insurance appraisal umpire licensing program within
10 the department; providing legislative findings;
11 providing applicability; authorizing the department to
12 adopt rules; providing definitions; authorizing the
13 department to establish fees; providing for the
14 deposit of fees; providing licensing application
15 requirements; providing authority and procedures
16 regarding submission and processing of fingerprints;
17 providing examination requirements; providing
18 application requirements for licensure as a property
19 insurance appraisal umpire; providing licensure
20 renewal requirements; authorizing the department to
21 adopt rules; providing continuing education
22 requirements; providing requirements for the
23 inactivation of a license by a licensee; providing
24 requirements for renewing an inactive license;
25 establishing license reactivation fees; providing for
26 certification of partnerships and corporations

27 offering property insurance appraisal umpire services;
28 providing grounds for compulsory refusal, suspension,
29 or revocation of an umpire's license; providing
30 grounds for discretionary denial, suspension, or
31 revocation of an umpire's license; providing ethical
32 standards for property insurance appraisal umpires;
33 creating part XVIII of chapter 468, F.S., relating to
34 property insurance appraisers; creating the property
35 insurance appraiser licensing program within the
36 department; providing legislative findings; providing
37 applicability; authorizing the department to adopt
38 rules; providing definitions; authorizing the
39 department to establish fees; limiting fee amounts;
40 providing licensing application requirements;
41 providing authority and procedures regarding
42 submission and processing of fingerprints; providing
43 examination requirements; providing application
44 requirements for licensure as a property insurance
45 appraiser; providing licensure renewal requirements;
46 authorizing the department to adopt rules; providing
47 for the deposit of fees; providing continuing
48 education requirements; providing requirements for the
49 inactivation of a license by a licensee; providing
50 requirements for renewing an inactive license;
51 establishing license reactivation fees; providing for
52 certification of partnerships and corporations

53 offering property insurance appraiser services;
 54 providing grounds for compulsory refusal, suspension,
 55 or revocation of an appraiser's license; providing
 56 grounds for discretionary denial, suspension, or
 57 revocation of an appraiser's license; providing
 58 ethical standards; providing an appropriation and
 59 authorizing positions; providing effective dates.

60

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

62

63 Section 1. Paragraph (a) of subsection (4) of section
 64 20.165, Florida Statutes, is amended to read:

65 20.165 Department of Business and Professional
 66 Regulation.—There is created a Department of Business and
 67 Professional Regulation.

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

70 1. Board of Architecture and Interior Design, created
 71 under part I of chapter 481.

72 2. Florida Board of Auctioneers, created under part VI of
 73 chapter 468.

74 3. Barbers' Board, created under chapter 476.

75 4. Florida Building Code Administrators and Inspectors
 76 Board, created under part XII of chapter 468.

77 5. Construction Industry Licensing Board, created under
 78 part I of chapter 489.

- 79 6. Board of Cosmetology, created under chapter 477.
- 80 7. Electrical Contractors' Licensing Board, created under
- 81 part II of chapter 489.
- 82 8. Board of Employee Leasing Companies, created under part
- 83 XI of chapter 468.
- 84 9. Board of Landscape Architecture, created under part II
- 85 of chapter 481.
- 86 10. Board of Pilot Commissioners, created under chapter
- 87 310.
- 88 11. Board of Professional Engineers, created under chapter
- 89 471.
- 90 12. Board of Professional Geologists, created under
- 91 chapter 492.
- 92 13. Board of Veterinary Medicine, created under chapter
- 93 474.
- 94 14. Home inspection services licensing program, created
- 95 under part XV of chapter 468.
- 96 15. Mold-related services licensing program, created under
- 97 part XVI of chapter 468.
- 98 16. Property insurance appraisal umpires licensing
- 99 program, created under part XVII of chapter 468.
- 100 17. Property insurance appraisers licensing program,
- 101 created under part XVIII of chapter 468.
- 102 Section 2. Part XVII of chapter 468, Florida Statutes,
- 103 consisting of sections 468.85 through 468.8519, is created to
- 104 read:

PART XVII

PROPERTY INSURANCE APPRAISAL UMPIRES

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

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

(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.

(4) The department may adopt rules to administer this part.

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

(1) "Appraisal" means the process of estimating or evaluating actual cash value, the amount of loss, or the cost of repair or replacement of property for the purpose of quantifying the monetary value of a property loss claim when an insurer and an insured have failed to mutually agree on the value of the loss pursuant to a residential or commercial residential property insurance contract that is required in such contracts

131 for the resolution of a claim dispute by appraisal.

132 (2) "Competent" means properly licensed, sufficiently
133 qualified, and capable of performing an appraisal.

134 (3) "Department" means the Department of Business and
135 Professional Regulation.

136 (4) "Independent" means not subject to control,
137 restriction, modification, and limitation by the appointing
138 party. An independent umpire shall conduct his or her
139 investigation, evaluation, and estimation without instruction by
140 an appointing party.

141 (5) "Property insurance appraisal umpire" or "umpire"
142 means a competent, independent, licensed, and impartial third
143 party selected by the licensed appraisers for the insurer and
144 the insured to resolve issues that the licensed appraisers are
145 unable to reach an agreement during the course of the appraisal
146 process pursuant to a residential or commercial property
147 insurance contract that is required to provide for resolution of
148 a claim dispute by appraisal.

149 (6) "Property insurance loss appraiser" or "appraiser"
150 means a competent, licensed, and independent and impartial third
151 party selected by an insurer or an insured to develop an
152 appraisal for purposes of the appraisal process under a
153 residential or commercial property insurance contract that
154 provides for resolution of a claim dispute by appraisal.

155 (7) "Uniform application" means the uniform application of
156 the National Association of Insurance Commissioners for

157 nonresident agent licensing, effective January 15, 2001, or
158 subsequent versions adopted by rule by the department.

159 468.8511 Fees.—

160 (1) The department, by rule, may establish fees to be paid
161 for application, examination, reexamination, licensing and
162 renewal, inactive status application, reactivation of inactive
163 licenses, and application for providers of continuing education.
164 The department may also establish by rule a delinquency fee.
165 Fees shall be based on department estimates of the revenue
166 required to implement the provisions of this part. Fees shall be
167 remitted with the application, examination, reexamination,
168 licensing and renewal, inactive status application, and
169 reactivation of inactive licenses, and application for providers
170 of continuing education.

171 (2) The application fee shall not exceed \$200 and is
172 nonrefundable. The examination fee shall not exceed \$200 plus
173 the actual per applicant cost to the department to purchase the
174 examination, if the department chooses to purchase the
175 examination. The examination fee shall be in an amount that
176 covers the cost of obtaining and administering the examination
177 and shall be refunded if the applicant is found ineligible to
178 sit for the examination.

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

180 (4) The fee for an initial certificate of authorization
181 shall not exceed \$250.

182 (5) The fee for a biennial license renewal shall not

183 exceed \$500.

184 (6) The fee for application for inactive status shall not
 185 exceed \$125.

186 (7) The fee for reactivation of an inactive license shall
 187 not exceed \$250.

188 (8) The fee for applications from providers of continuing
 189 education may not exceed \$600.

190 (9) The fee for fingerprinting shall be included in the
 191 department's costs for each background check.

192 (10) All fees shall be deposited into the Professional
 193 Regulation Trust Fund of the Department of Business and
 194 Professional Regulation.

195 468.85115 Application for license as a property insurance
 196 appraisal umpire.-

197 (1) The department shall not issue a license as a property
 198 insurance appraisal umpire to any person except upon written
 199 application previously filed with the department, with
 200 qualification and advance payment of all applicable fees. Any
 201 such application shall be made under oath or affirmation and
 202 signed by the applicant. The department shall accept the uniform
 203 application for a nonresident property insurance appraisal
 204 umpire. The department may adopt revised versions of the uniform
 205 application by rule.

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

207 (a) His or her full name, age, social security number,
 208 residence address, business address, mailing address, contact

209 telephone numbers, including a business telephone number, and e-
210 mail address.

211 (b) Proof that he or she has completed or is in the
212 process of completing any required prelicensing course.

213 (c) Whether he or she has been refused or has voluntarily
214 surrendered or has had suspended or revoked a professional
215 license by the supervising officials of any state.

216 (d) Proof that the applicant meets the requirements for
217 licensure as a property insurance appraisal umpire as required
218 under ss. 468.8511 and 468.8512, and this section.

219 (e) The applicant's gender.

220 (f) The applicant's native language.

221 (g) The applicant's highest achieved level of education.

222 (h) All education requirements that the applicant has
223 completed to qualify as a property insurance appraisal umpire,
224 including the name of the course, the course provider, and the
225 course completion dates.

226 (3) Each application shall be accompanied by payment of
227 any applicable fee.

228 (4) An applicant must submit a full set of fingerprints to
229 the department or to a vendor, entity, or agency authorized by
230 s. 943.053(13). The department, vendor, entity, or agency must
231 forward the fingerprints to the Department of Law Enforcement
232 for state processing, and the Department of Law Enforcement
233 shall forward the fingerprints to the Federal Bureau of
234 Investigation for national processing.

235 (5) Fees for state and federal fingerprint processing and
236 retention shall be borne by the applicant. The state cost for
237 fingerprint processing is that authorized in s. 943.053(3)(b)
238 for records provided to persons or entities other than those
239 specified as exceptions therein.

240 (6) Fingerprints submitted to the Department of Law
241 Enforcement pursuant to this section shall be retained by the
242 Department of Law Enforcement as provided in s. 943.05(2)(g) and
243 (h) and, when the Department of Law Enforcement begins
244 participation in the program, enrolled in the Federal Bureau of
245 Investigation's national retained print arrest notification
246 program. The fingerprints shall be submitted to the Department
247 of Law Enforcement for a state criminal history record check and
248 to the Federal Bureau of Investigation for a national criminal
249 history check. Any arrest record identified shall be reported to
250 the department.

251 (7) The department shall develop and maintain as a public
252 record a current list of licensed property insurance appraisal
253 umpires.

254 468.8512 Examinations.-

255 (1) A person desiring to be licensed as a property
256 insurance appraisal umpire must apply to the department after
257 satisfying the examination requirements of this part.

258 (2) An applicant may practice in this state as a property
259 insurance appraisal umpire if he or she passes the required
260 examination, is of good moral character, and meets one of the

261 following requirements:

262 (a) The applicant is currently licensed, registered,
263 certified, or approved as an engineer as defined in s. 471.005
264 or as a retired professional engineer as defined in s. 471.005,
265 and has taught or successfully completed 4 hours of classroom
266 coursework, approved by the department, specifically related to
267 construction, building codes, appraisal procedures, appraisal
268 preparation, and any other related material deemed appropriate
269 by the department.

270 (b) The applicant is currently or, within the 2 years
271 immediately preceding the date on which the application is filed
272 with the department, has been licensed, registered, certified,
273 or approved as a general contractor, building contractor, or
274 residential contractor as defined in s. 489.105 and has taught
275 or successfully completed 4 hours of classroom coursework,
276 approved by the department, specifically related to
277 construction, building codes, appraisal procedure, appraisal
278 preparation, and any other related material deemed appropriate
279 by the department.

280 (c) The applicant is currently or, within the 2 years
281 immediately preceding the date on which the application is filed
282 with the department, has been licensed or registered as an
283 architect to engage in the practice of architecture pursuant to
284 part I of chapter 481 and has taught or successfully completed 4
285 hours of classroom coursework, approved by the department,
286 specifically related to construction, building codes, appraisal

287 procedure, appraisal preparation, and any other related material
288 deemed appropriate by the department.

289 (d) The applicant is currently or, within the 2 years
290 immediately preceding the date on which the application is filed
291 with the department, has been a qualified geologist or
292 professional geologist as defined in s. 492.102 and has taught
293 or successfully completed 4 hours of classroom coursework,
294 approved by the department, specifically related to
295 construction, building codes, appraisal procedure, appraisal
296 preparation, and any other related material deemed appropriate
297 by the department.

298 (e) The applicant is currently or, within the 2 years
299 immediately preceding the date on which the application is filed
300 with the department, has been licensed as a certified public
301 accountant as defined in s. 473.302 and has taught or
302 successfully completed 4 hours of classroom coursework, approved
303 by the department, specifically related to construction,
304 building codes, appraisal procedure, appraisal preparation, and
305 any other related material deemed appropriate by the department.

306 (f) The applicant is currently or, within the 2 years
307 immediately preceding the date on which the application is filed
308 with the department, has been a licensed attorney in this state
309 and has taught or successfully completed 4 hours of classroom
310 coursework, approved by the department, specifically related to
311 construction, building codes, appraisal procedure, appraisal
312 preparation, and any other related material deemed appropriate

313 by the department.

314 (g) The applicant has received a baccalaureate degree from
315 an accredited 4-year college or university in the field of
316 engineering, architecture, or building construction and has
317 taught or successfully completed 4 hours of classroom
318 coursework, approved by the department, specifically related to
319 construction, building codes, appraisal procedure, appraisal
320 preparation, and any other related material deemed appropriate
321 by the department.

322 (h) The applicant is a currently licensed adjuster whose
323 license covers all lines of insurance except the life and
324 annuities class. The adjuster's license must include the
325 property and casualty class of insurance. The currently licensed
326 adjuster must be licensed for at least 2 years to qualify for a
327 property insurance appraisal umpire's license.

328 (i) The applicant has received a minimum of 8 semester
329 hours or 12 quarter hours of credit from an accredited college
330 or university in the field of accounting, geology, engineering,
331 architecture, or building construction.

332 (j) The applicant has successfully completed 40 hours of
333 classroom coursework, approved by the department, specifically
334 related to construction, building codes, appraisal procedure,
335 appraisal preparation, property insurance, and any other related
336 material deemed appropriate by the department.

337 (3) The department shall review and approve courses of
338 study for the continuing education of property insurance

339 appraisal umpires.

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

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

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

347 (c) Is not a United States citizen or legal alien who
348 possesses work authorization from the United States Citizenship
349 and Immigration Services.

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

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

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

357 468.8513 Licensure.-

358 (1) The department shall license any applicant who the
359 department certifies has completed the requirements of ss.
360 468.8511, 468.85115, and 468.8512.

361 (2) The department shall not issue a license by
362 endorsement to any applicant for a property insurance appraisal
363 umpire license who is under investigation in another state for
364 any act that would constitute a violation of this part until

365 such time that the investigation is complete and disciplinary
366 proceedings have been terminated.

367 468.8514 Renewal of license.—

368 (1) The department shall renew a license upon receipt of
369 the renewal application and fee and upon certification by the
370 department that the licensee has satisfactorily completed the
371 continuing education requirements of s. 468.8515.

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

374 468.8515 Continuing education.—

375 (1) The department may not renew a license until the
376 licensee submits satisfactory proof to the department that,
377 during the 2 years before his or her application for renewal,
378 the licensee completed at least 30 hours of continuing education
379 in addition to 5 hours of ethics. Criteria and course content
380 shall be approved by the department by rule.

381 (2) The department may prescribe by rule additional
382 continuing professional education hours, not to exceed 25
383 percent of the total required hours, for failure to complete the
384 required hours by the end of the renewal period.

385 (3) Each umpire course provider, instructor, and classroom
386 course must be approved by and registered with the department
387 before prelicensure courses for property insurance appraisal
388 umpires may be offered. Each classroom course must include a
389 written examination at the conclusion of the course and must
390 cover all of the material contained in the course. A student may

391 not receive credit for the course unless the student achieves a
 392 grade of at least 75 on the examination.

393 (4) The department shall adopt rules establishing:

394 (a) Standards for the approval, registration, discipline,
 395 or removal from registration of course providers, instructors,
 396 and courses. The standards must be designed to ensure that
 397 instructors have the knowledge, competence, and integrity to
 398 fulfill the educational objectives of the prelicensure
 399 requirements of this part.

400 (b) A process for determining compliance with the
 401 prelicensure requirements of this part.

402
 403 The department shall adopt rules prescribing the forms necessary
 404 to administer the prelicensure requirements of this part.

405 (5) Approval to teach prescribed or approved appraisal
 406 courses does not entitle the instructor to teach any courses
 407 outside the scope of this part.

408 468.8516 Inactive license.-

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

412 (2) A license that has become inactive may be reactivated
 413 upon application to the department. The department may prescribe
 414 by rule continuing education requirements as a condition for
 415 reactivation of an inactive license. The continuing education
 416 requirements for reactivating a license may not exceed 14 hours

417 for each year the license was inactive.

418 (3) The department shall adopt rules relating to licenses
419 that have become inactive and for the renewal of inactive
420 licenses. The department shall prescribe by rule a fee not to
421 exceed \$250 for the reactivation of an inactive license and a
422 fee not to exceed \$250 for the renewal of an inactive license.

423 468.8517 Certification of partnerships, corporations, and
424 other business entities.-The practice of or the offer to
425 practice as a property insurance appraisal umpire by licensees
426 through a partnership, corporation, or other business entity
427 offering property insurance appraisal umpire services to the
428 public, or by a partnership, corporation, or other business
429 entities through licensees under this part as agents, employees,
430 officers, or partners is permitted, subject to the provisions of
431 this part. This section does not allow a corporation or other
432 business entities to hold a license to practice property
433 insurance appraisal umpire services. A partnership, corporation,
434 or other business entity is not relieved of responsibility for
435 the conduct or acts of its agents, employees, or officers by
436 reason of its compliance with this section. An individual
437 practicing as a property insurance appraisal umpire is not
438 relieved of responsibility for professional services performed
439 by reason of his or her employment or relationship with a
440 partnership, corporation, or other business entity.

441 468.8518 Grounds for compulsory refusal, suspension, or
442 revocation of an umpire's license.-The department shall deny an

443 application for, suspend, revoke, or refuse to renew or continue
444 the license or appointment of any applicant, property insurance
445 appraisal umpire or licensee and shall suspend or revoke the
446 eligibility to hold a license or appointment of any such person
447 if it finds that any one or more of the following applicable
448 grounds exist:

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

451 (2) Material misstatement, misrepresentation, or fraud in
452 obtaining the license or in attempting to obtain the license or
453 appointment.

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

456 (4) That the license or appointment was willfully used, or
457 will be used, to circumvent any of the requirements or
458 prohibitions of this chapter.

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

461 (6) Demonstrated a lack of reasonably adequate knowledge
462 and technical competence to engage in the transactions
463 authorized by the license.

464 (7) Fraudulent or dishonest practices in the conduct of
465 business under the license.

466 (8) Willful failure to comply with, or willful violation
467 of, any proper order or rule of the department or willful
468 violation of any provision of this chapter.

469 (9) Having been found guilty of or having plead guilty or
470 nolo contendere to a felony or a crime punishable by
471 imprisonment of 1 year or more under the law of the United
472 States or of any state thereof or under the law of any other
473 country which involves moral turpitude, without regard to
474 whether a judgment of conviction has been entered by the court
475 having jurisdiction of such cases.

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

479 (b) Has aided, assisted, or conspired with any other
480 person engaged in any such misconduct and in furtherance
481 thereof; or

482 (c) Has formed an intent, design, or scheme to engage in
483 such misconduct and committed an overt act in furtherance of
484 such intent, design, or scheme.

485

486 It is immaterial to a finding that a licensee has committed a
487 violation of this subsection that the victim or intended victim
488 of the misconduct has sustained no damage or loss, that the
489 damage or loss has been settled and paid after the discovery of
490 misconduct, or that such victim or intended victim was a
491 customer or a person in a confidential relationship with the
492 licensee or was an identified member of the general public.

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

495 (b) Has had his or her registration, license, or
 496 certificate to practice or conduct any regulated profession,
 497 business, or vocation revoked or suspended by this or any other
 498 state, any nation, or any possession or district of the United
 499 States; or

500 (c) Has had an application for such registration,
 501 licensure, or certification to practice or conduct any regulated
 502 profession, business, or vocation denied by this or any other
 503 state, any nation, or any possession or district of the United
 504 States.

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

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

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

510 (d) Has induced another person to impede or obstruct such
 511 filing.

512 (13) Accepted an appointment as an umpire if the
 513 appointment is contingent upon the umpire reporting a
 514 predetermined result, analysis, or opinion, or if the fee to be
 515 paid for the services of the umpire is contingent upon the
 516 opinion, conclusion, or valuation reached by the umpire.

517 468.85185 Grounds for discretionary denial, suspension, or
 518 revocation of an umpire's license.-The department may deny an
 519 application for and suspend, revoke, or refuse to renew or
 520 continue a license as a property insurance appraisal umpire if

521 the applicant or licensee has:

522 (1) Failed to timely communicate with the appraisers
523 without good cause.

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

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

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

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

535 468.8519 Ethical standards for property insurance
536 appraisal umpires.—

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

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

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

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

549 (b) Charges for costs shall be for those actually
550 incurred.

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

556 (4) MAINTENANCE OF RECORDS.—An umpire shall maintain
557 records necessary to support charges for services and expenses,
558 and upon request shall provide an accounting of all applicable
559 charges to the parties. An umpire licensed under this part shall
560 retain original or true copies of any contracts engaging the
561 umpire's services, appraisal reports, and supporting data
562 assembled and formulated by the umpire in preparing appraisal
563 reports for at least 5 years. The period for retaining the
564 records applicable to each engagement starts on the date of the
565 submission of the appraisal report to the client. The records
566 must be made available by the umpire for inspection and copying
567 by the department upon reasonable notice to the umpire. If an
568 appraisal has been the subject of, or has been admitted as
569 evidence in, a lawsuit, reports, and records the appraisal must
570 be retained for at least 2 years after the date that the trial
571 ends.

572 (5) ADVERTISING.—An umpire may not engage in marketing

573 practices that contain false or misleading information. An
574 umpire shall ensure that any advertisements of the umpire's
575 qualifications, services to be rendered, or the appraisal
576 process are accurate and honest. An umpire may not make claims
577 of achieving specific outcomes or promises implying favoritism
578 for the purpose of obtaining business.

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

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

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

591 Section 3. Part XVIII of chapter 468, Florida Statutes,
592 consisting of sections 468.86 through 468.8619, is created to
593 read:

594 PART XVIII

595 PROPERTY INSURANCE APPRAISERS

596 468.86 Property insurance appraiser licensing program;
597 legislative purpose; scope of part.—

598 (1) The property insurance appraiser licensing program is

599 created within the Department of Business and Professional
600 Regulation.

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

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

610 (4) The department may adopt rules to administer the
611 requirements of this part.

612 468.861 Definitions.—As used in this part, the term:

613 (1) "Appraisal" means the process of estimating or
614 evaluating actual cash value, the amount of loss, or the cost of
615 repair or replacement of property for the purpose of quantifying
616 the monetary value of a property loss claim when an insurer and
617 an insured have failed to mutually agree on the value of the
618 loss pursuant to a residential or commercial residential
619 property insurance contract that is required in such contracts
620 for the resolution of a claim dispute by appraisal.

621 (2) "Competent" means properly licensed, sufficiently
622 qualified, and capable to performing an appraisal.

623 (3) "Department" means the Department of Business and
624 Professional Regulation.

625 (4) "Independent" means not subject to control,
626 restriction, modification, and limitation by the appointing
627 party.

628 (5) "Property insurance appraisal umpire" or "umpire"
629 means a competent, independent, licensed, and impartial third
630 party selected by the licensed appraisers for the insurer and
631 the insured to resolve issues that the licensed appraisers are
632 unable to reach an agreement during the course of the appraisal
633 process pursuant to a residential or commercial property
634 insurance contract that is required to provide for resolution of
635 a claim dispute by appraisal.

636 (6) "Property insurance loss appraiser" or "appraiser"
637 means a competent, licensed, and independent and impartial third
638 party selected by an insurer or an insured to develop an
639 appraisal for purposes of the appraisal process under a
640 residential or commercial property insurance contract that
641 provides for resolution of a claim dispute by appraisal.

642 (7) "Uniform application" means the uniform application of
643 the National Association of Insurance Commissioners for
644 nonresident agent licensing, effective January 15, 2001, or
645 subsequent versions adopted by rule by the department.

646 468.8611 Fees.—

647 (1) The department, by rule, may establish fees to be paid
648 for application, examination, reexamination, licensing and
649 renewal, inactive status application, reactivation of inactive
650 licenses, and application for providers of continuing education.

651 The department may also establish by rule a delinquency fee.
652 Fees shall be based on department estimates of the revenue
653 required to implement the provisions of this part. Fees shall be
654 remitted with the application, examination, reexamination,
655 licensing and renewal, inactive status application, and
656 reactivation of inactive licenses, and application for providers
657 of continuing education.

658 (2) The application fee shall not exceed \$200 and is
659 nonrefundable. The examination fee shall not exceed \$200 plus
660 the actual per applicant cost to the department to purchase the
661 examination, if the department chooses to purchase the
662 examination. The examination fee shall be in an amount that
663 covers the cost of obtaining and administering the examination
664 and shall be refunded if the applicant is found ineligible to
665 sit for the examination.

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

667 (4) The fee for an initial certificate of authorization
668 shall not exceed \$250.

669 (5) The fee for a biennial license renewal shall not
670 exceed \$500.

671 (6) The fee for application for inactive status shall not
672 exceed \$125.

673 (7) The fee for reactivation of an inactive license shall
674 not exceed \$250.

675 (8) The fee for applications from providers of continuing
676 education may not exceed \$600.

677 (9) The fee for fingerprinting shall be included in the
 678 department's costs for the background check.

679 (10) All fees shall be deposited into the Professional
 680 Regulation Trust Fund of the Department of Business and
 681 Professional Regulation.

682 468.86115 Application for license as a property insurance
 683 appraiser.-

684 (1) The department shall not issue a license as a property
 685 insurance appraiser to any person except upon written
 686 application previously filed with the department, with
 687 qualification and advance payment of all applicable fees. Any
 688 such application shall be made under oath or affirmation of and
 689 signed by the applicant. The department shall accept the uniform
 690 application for a nonresident property insurance appraiser. The
 691 department may adopt revised versions of the uniform application
 692 by rule.

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

694 (a) His or her full name, age, social security number,
 695 residence address, business address, mailing address, contact
 696 telephone numbers, including a business telephone number, and e-
 697 mail address.

698 (b) Proof that he or she has completed or is in the
 699 process of completing any required prelicensing course.

700 (c) Whether he or she has been refused or has voluntarily
 701 surrendered or has had suspended or revoked a professional
 702 license by the supervising officials of any state.

703 (d) Proof that the applicant meets the requirements of
704 licensure as a property insurance appraiser as required under
705 ss. 468.8611 and 468.8612, and this section.

706 (e) The applicant's gender.

707 (f) The applicant's native language.

708 (g) The applicant's highest achieved level of education.

709 (h) All education requirements that the applicant has
710 completed to qualify as a property insurance appraiser,
711 including the name of the course, the course provider, and the
712 course completion dates.

713 (3) Each application shall be accompanied by payment of
714 any applicable fee.

715 (4) An applicant must submit a full set of fingerprints to
716 the department or to a vendor, entity, or agency authorized by
717 s. 943.053(13). The department, vendor, entity, or agency must
718 forward the fingerprints to the Department of Law Enforcement
719 for state processing, and the Department of Law Enforcement
720 shall forward the fingerprints to the Federal Bureau of
721 Investigation for national processing.

722 (5) Fees for state and federal fingerprint processing and
723 retention shall be borne by the applicant. The state cost for
724 fingerprint processing is that authorized in s. 943.053(3)(b)
725 for records provided to persons or entities other than those
726 specified as exceptions therein.

727 (6) Fingerprints submitted to the Department of Law
728 Enforcement pursuant to this section shall be retained by the

729 Department of Law Enforcement as provided in s. 943.05(2)(g) and
730 (h) and, when the Department of Law Enforcement begins
731 participation in the program, enrolled in the Federal Bureau of
732 Investigation's national retained print arrest notification
733 program. The fingerprints shall be submitted to the Department
734 of Law Enforcement for a state criminal history record check and
735 to the Federal Bureau of Investigation for a national criminal
736 history check. Any arrest record identified shall be reported to
737 the department.

738 (7) The department shall develop and maintain as a public
739 record a current list of licensed property insurance appraisers.

740 468.8612 Examinations -

741 (1) A person desiring to be licensed as a property
742 insurance appraiser must apply to the department after
743 satisfying the examination requirements of this part.

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

748 (a) The applicant is currently licensed, registered,
749 certified, or approved as an engineer as defined in s. 471.005
750 or as a retired professional engineer as defined in s. 471.005,
751 and has taught or successfully completed 4 hours of classroom
752 coursework, approved by the department, specifically related to
753 construction, building codes, appraisal procedures, appraisal
754 preparation, and any other related material deemed appropriate

755 by the department.

756 (b) The applicant is currently or, within the 2 years
757 immediately preceding the date on which the application is filed
758 with the department, has been licensed, registered, certified,
759 or approved as a general contractor, building contractor, or
760 residential contractor as defined in s. 489.105 and has taught
761 or successfully completed 4 hours of classroom coursework,
762 approved by the department, specifically related to
763 construction, building codes, appraisal procedure, appraisal
764 preparation, and any other related material deemed appropriate
765 by the department.

766 (c) The applicant is currently or, within the 2 years
767 immediately preceding the date on which the application is filed
768 with the department, has been licensed or registered as an
769 architect to engage in the practice of architecture pursuant to
770 part I of chapter 481 and has taught or successfully completed 4
771 hours of classroom coursework, approved by the department,
772 specifically related to construction, building codes, appraisal
773 procedure, appraisal preparation, and any other related material
774 deemed appropriate by the department.

775 (d) The applicant is currently or, within the 2 years
776 immediately preceding the date on which the application is filed
777 with the department, has been a qualified geologist or
778 professional geologist as defined in s. 492.102 and has taught
779 or successfully completed 4 hours of classroom coursework,
780 approved by the department, specifically related to

781 construction, building codes, appraisal procedure, appraisal
782 preparation, and any other related material deemed appropriate
783 by the department.

784 (e) The applicant is currently or, within the 2 years
785 immediately preceding the date on which the application is filed
786 with the department, has been licensed as a certified public
787 accountant as defined in s. 473.302 and has taught or
788 successfully completed 4 hours of classroom coursework, approved
789 by the department, specifically related to construction,
790 building codes, appraisal procedure, appraisal preparation, and
791 any other related material deemed appropriate by the department.

792 (f) The applicant is currently or, within the 2 years
793 immediately preceding the date on which the application is filed
794 with the department, has been a licensed attorney in this state
795 and has taught or successfully completed 4 hours of classroom
796 coursework, approved by the department, specifically related to
797 construction, building codes, appraisal procedure, appraisal
798 preparation, and any other related material deemed appropriate
799 by the department.

800 (g) The applicant has received a baccalaureate degree from
801 an accredited 4-year college or university in the field of
802 engineering, architecture, or building construction and has
803 taught or successfully completed 4 hours of classroom
804 coursework, approved by the department, specifically related to
805 construction, building codes, appraisal procedure, appraisal
806 preparation, and any other related material deemed appropriate

807 by the department.

808 (h) The applicant is a currently licensed adjuster whose
809 license covers all lines of insurance except the life and
810 annuities class. The adjuster's license must include the
811 property and casualty class of insurance. The currently licensed
812 adjuster must be licensed for at least 2 years to qualify for a
813 property insurance appraiser's license.

814 (i) The applicant has received a minimum of 8 semester
815 hours or 12 quarter hours of credit from an accredited college
816 or university in the field of accounting, geology, engineering,
817 architecture, or building construction.

818 (j) The applicant has successfully completed 40 hours of
819 classroom coursework, approved by the department, specifically
820 related to construction, building codes, appraisal procedure,
821 appraisal preparation, property insurance, and any other related
822 material deemed appropriate by the department.

823 (3) The department shall review and approve courses of
824 study for the continuing education of property insurance
825 appraisers.

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

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

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

833 (c) Is not a United States citizen or legal alien who
834 possesses work authorization from the United States Citizenship
835 and Immigration Services.

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

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

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

843 468.8613 Licensure.—

844 (1) The department shall license any applicant who the
845 department certifies has completed the requirements of ss.
846 468.8611, 468.86115, and 468.8612.

847 (2) The department shall not issue a license by
848 endorsement to any applicant for a property insurance appraiser
849 license who is under investigation in another state for any act
850 that would constitute a violation of this part until such time
851 that the investigation is complete and disciplinary proceedings
852 have been terminated.

853 468.8614 Renewal of license.—

854 (1) The department shall renew a license upon receipt of
855 the renewal application and fee and upon certification by the
856 department that the licensee has satisfactorily completed the
857 continuing education requirements of s. 468.8615.

858 (2) The department shall adopt rules establishing a

859 procedure for the biennial renewal of licenses.

860 468.8615 Continuing education.—

861 (1) The department may not renew a license until the
862 licensee submits satisfactory proof to the department that,
863 during the 2 years before his or her application for renewal,
864 the licensee completed at least 30 hours of continuing education
865 in addition to 5 hours of ethics. Criteria and course content
866 shall be approved by the department by rule.

867 (2) The department may prescribe by rule additional
868 continuing professional education hours, not to exceed 25
869 percent of the total required hours, for failure to complete the
870 required hours for renewal by the end of the renewal period.

871 (3) Each appraiser course provider, instructor, and
872 classroom course must be approved by and registered with the
873 department before prelicensure courses for property insurance
874 appraisers may be offered. Each classroom course must include a
875 written examination at the conclusion of the course and must
876 cover all of the material contained in the course. A student may
877 not receive credit for the course unless the student achieves a
878 grade of at least 75 on the examination.

879 (4) The department shall adopt rules establishing:

880 (a) Standards for the approval, registration, discipline,
881 or removal from registration of course providers, instructors,
882 and courses. The standards must be designed to ensure that
883 instructors have the knowledge, competence, and integrity to
884 fulfill the educational objectives of the prelicensure

885 requirements of this part.

886 (b) A process for determining compliance with the
887 prelicensure requirements of this part.

888

889 The department shall adopt rules prescribing the forms necessary
890 to administer the prelicensure requirements of this part.

891 (5) Approval to teach prescribed or approved appraisal
892 courses does not entitle the instructor to teach any courses
893 outside the scope of this part.

894 468.8616 Inactive license.-

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

898 (2) A license that has become inactive may be reactivated
899 upon application to the department. The department may prescribe
900 by rule continuing education requirements as a condition for
901 reactivation of an inactive license. The continuing education
902 requirements for reactivating a license may not exceed 14 hours
903 for each year the license was inactive.

904 (3) The department shall adopt rules relating to licenses
905 that have become inactive and for the renewal of inactive
906 licenses. The department shall prescribe by rule a fee not to
907 exceed \$250 for the reactivation of an inactive license and a
908 fee not to exceed \$250 for the renewal of an inactive license.

909 468.8617 Certification of partnerships, corporations, and
910 other business entities.-The practice of or the offer to

911 practice as a property insurance appraiser by licensees through
912 a partnership, corporation, or other business entity offering
913 property insurance appraiser services to the public, or by a
914 partnership, corporation, or other business entity through
915 licensees under this part as agents, employees, officers, or
916 partners is permitted subject to the provisions of this part.
917 This section does not allow a corporation or other business
918 entity to hold a license to practice property insurance
919 appraiser services. A partnership, corporation, or other
920 business entity is not relieved of responsibility for the
921 conduct or acts of its agents, employees, or officers by reason
922 of its compliance with this section. An individual practicing as
923 a property insurance appraiser is not relieved of responsibility
924 for professional services performed by reason of his or her
925 employment or relationship with a partnership, corporation, or
926 other business entity.

927 468.8618 Grounds for compulsory refusal, suspension, or
928 revocation of an appraiser's license.—The department shall deny
929 an application for, suspend, revoke, or refuse to renew or
930 continue the license or appointment of any applicant, property
931 insurance appraiser or licensee and shall suspend or revoke the
932 eligibility to hold a license or appointment of any such person
933 if it finds that any one or more of the following applicable
934 grounds exist:

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

937 (2) Material misstatement, misrepresentation, or fraud in
938 obtaining the license or in attempting to obtain the license or
939 appointment.

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

942 (4) That the license or appointment was willfully used, or
943 will be used, to circumvent any of the requirements or
944 prohibitions of this code.

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

947 (6) Demonstrated a lack of reasonably adequate knowledge
948 and technical competence to engage in the transactions
949 authorized by the license.

950 (7) Fraudulent or dishonest practices in the conduct of
951 business under the license.

952 (8) Willful failure to comply with, or willful violation
953 of, any proper order or rule of the department or willful
954 violation of any provision of this act.

955 (9) Having been found guilty of or having plead guilty or
956 nolo contendere to a felony or a crime punishable by
957 imprisonment of 1 year or more under the law of the United
958 States or of any state thereof or under the law of any other
959 country which involves moral turpitude, without regard to
960 whether a judgment of conviction has been entered by the court
961 having jurisdiction of such cases.

962 (10) Violated a duty imposed upon her or him by law or by

963 the terms of a contract, whether written, oral, expressed, or
964 implied, in an appraisal; has aided, assisted, or conspired with
965 any other person engaged in any such misconduct and in
966 furtherance thereof; or has formed an intent, design, or scheme
967 to engage in such misconduct and committed an overt act in
968 furtherance of such intent, design, or scheme. It is immaterial
969 to a finding that a licensee has committed a violation of this
970 subsection that the victim or intended victim of the misconduct
971 has sustained no damage or loss, that the damage or loss has
972 been settled and paid after the discovery of misconduct, or that
973 such victim or intended victim was a customer or a person in a
974 confidential relationship with the licensee or was an identified
975 member of the general public.

976 (11) Had a registration, license, or certification as an
977 appraiser revoked, suspended, or otherwise acted against; has
978 had his or her registration, license, or certificate to practice
979 or conduct any regulated profession, business, or vocation
980 revoked or suspended by this or any other state, any nation, or
981 any possession or district of the United States; or has had an
982 application for such registration, licensure, or certification
983 to practice or conduct any regulated profession, business, or
984 vocation denied by this or any other state, any nation, or any
985 possession or district of the United States.

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

988 (b) Has willfully failed to file a report or record

989 required by state or federal law;

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

991 (d) Has induced another person to impede or obstruct such
 992 filing.

993 (13) Accepted an appointment as an appraiser if the
 994 appointment is contingent upon the appraiser reporting a
 995 predetermined result, analysis, or opinion, or if the fee to be
 996 paid for the services of the appraiser is contingent upon the
 997 opinion, conclusion, or valuation reached by the appraiser.

998 468.86185 Grounds for discretionary denial, suspension, or
 999 revocation of an appraiser's license.-The department may deny an
 1000 application for and suspend, revoke, or refuse to renew or
 1001 continue a license as a property insurance appraiser if the
 1002 applicant or licensee has:

1003 (1) Failed to timely communicate with the opposing party's
 1004 appraiser without good cause.

1005 (2) Failed or refused to exercise reasonable diligence in
 1006 submitting recommendations to the opposing party's appraiser.

1007 (3) Violated any ethical standard for property insurance
 1008 appraisers set forth in s. 468.8619.

1009 (4) Failed to inform the department in writing within 30
 1010 days after pleading guilty or nolo contendere to, or being
 1011 convicted or found guilty of, a felony.

1012 (5) Failed to timely notify the department of any change
 1013 in business location, or has failed to fully disclose all
 1014 business locations from which he or she operates as a property

1015 insurance appraiser.
 1016 468.8619 Ethical standards for property insurance
 1017 appraisers.—
 1018 (1) CONFIDENTIALITY.—An appraiser shall maintain
 1019 confidentiality of all information revealed during an appraisal
 1020 except to the party that hired the appraiser and except where
 1021 disclosure is required by law.
 1022 (2) RECORDKEEPING.—An appraiser shall maintain
 1023 confidentiality in the storage and disposal of records and may
 1024 not disclose any identifying information when materials are used
 1025 for research, training, or statistical compilations.
 1026 (3) FEES AND EXPENSES.—Fees charged for appraisal services
 1027 shall be reasonable and consistent with the nature of the case.
 1028 An appraiser shall be guided by the following in determining
 1029 fees:
 1030 (a) All charges for services as an appraiser based on time
 1031 may not exceed actual time spent or allocated.
 1032 (b) Charges for costs shall be for those actually
 1033 incurred.
 1034 (4) MAINTENANCE OF RECORDS.—An appraiser shall maintain
 1035 records necessary to support charges for services and expenses,
 1036 and upon request shall provide an accounting of all applicable
 1037 charges to the parties. An appraiser licensed under this part
 1038 shall retain for at least 5 years original or true copies of any
 1039 contracts engaging the appraiser's services, appraisal reports,
 1040 and supporting data assembled and formulated by the appraiser in

1041 preparing appraisal reports. The period for retaining the
1042 records applicable to each engagement starts on the date of the
1043 submission of the appraisal report to the client. The records
1044 must be made available by the appraiser for inspection and
1045 copying by the department upon reasonable notice to the
1046 appraiser. If an appraisal has been the subject of, or has been
1047 admitted as evidence in, a lawsuit, reports, and records the
1048 appraisal must be retained for at least 2 years after the date
1049 that the trial ends.

1050 (5) ADVERTISING.—An appraiser may not engage in marketing
1051 practices that contain false or misleading information. An
1052 appraiser shall ensure that any advertisements of the
1053 appraiser's qualifications, services to be rendered, or the
1054 appraisal process are accurate and honest. An appraiser may not
1055 make claims of achieving specific outcomes or promises implying
1056 favoritism for the purpose of obtaining business.

1057 (6) INTEGRITY AND IMPARTIALITY.—An appraiser may not
1058 accept any engagement, provide any service, or perform any act
1059 that would compromise the appraiser's integrity or impartiality.

1060 (a) An appraiser may not accept an appointment unless he
1061 or she can:

1062 1. Serve impartially;

1063 2. Serve independently from the party appointing him or
1064 her;

1065 3. Serve competently; and

1066 4. Be available to promptly commence the appraisal, and

1067 thereafter devote the time and attention to its completion in a
 1068 manner expected by all involved parties.

1069 (b) An appraiser shall conduct the appraisal process in a
 1070 manner that advances the fair and efficient resolution of the
 1071 matters submitted for decision. A licensed appraiser shall make
 1072 all reasonable efforts to prevent delays in the appraisal
 1073 process, the harassment of parties or other participants, or
 1074 other abuse or disruption of the appraisal process.

1075 (c) Once a licensed appraiser has accepted an appointment,
 1076 the appraiser may not withdraw or abandon the appointment unless
 1077 compelled to do so by unanticipated circumstances that would
 1078 render it impossible or impracticable to continue.

1079 (d) The licensed appraiser shall, after careful
 1080 deliberation, decide all issues submitted for determination and
 1081 no other issues. A licensed appraiser shall decide all matters
 1082 justly, exercising independent judgment, and may not allow
 1083 outside pressure to affect the decision. An appraiser may not
 1084 delegate the duty to decide to any other person.

1085 (7) SKILL AND EXPERIENCE.—An appraiser shall decline an
 1086 appointment or selection, withdraw, or request appropriate
 1087 assistance when the facts and circumstances of the appraisal are
 1088 beyond the appraiser's skill or experience.

1089 (8) GIFTS AND SOLICITATION.—An appraiser may not give or
 1090 accept any gift, favor, loan, or other item of value in an
 1091 appraisal process except for the appraiser's reasonable fee.
 1092 During the appraisal process, an appraiser may not solicit or

1093 otherwise attempt to procure future professional services.

1094 (9) COMMUNICATIONS WITH PARTIES.—

1095 (a) If an agreement of the parties establishes the manner
 1096 or content of the communications between the appraisers, the
 1097 parties and the umpire, the appraisers shall abide by such
 1098 agreement. In the absence of agreement, an appraiser may not
 1099 discuss a proceeding with any party or with the umpire in the
 1100 absence of any other party, except in the following
 1101 circumstances:

1102 1. If the appointment of the appraiser or umpire is being
 1103 considered, the prospective appraiser or umpire may ask about
 1104 the identities of the parties, counsel, and the general nature
 1105 of the case, and may respond to inquiries from a party, its
 1106 counsel or an umpire designed to determine his or her
 1107 suitability and availability for the appointment;

1108 2. To consult with the party who appointed the appraiser
 1109 concerning the selection of a neutral umpire;

1110 3. To make arrangements for any compensation to be paid by
 1111 the party who appointed the appraiser; or

1112 4. To make arrangements for obtaining materials and
 1113 inspection of the property with the party who appointed the
 1114 appraiser. Such communication is limited to scheduling and the
 1115 exchange of materials.

1116 (b) There may be no communications whereby a party
 1117 dictates to an appraiser what the result of the proceedings must
 1118 be, what matters or elements may be included or considered by

1119 the appraiser, or what actions the appraiser may take.

1120 Section 4. Effective July 1, 2015, for the 2015-2016
1121 fiscal year, the sums of \$605,874 in recurring funds and \$59,053
1122 in nonrecurring funds from the Professional Regulation Trust
1123 Fund are appropriated to the Department of Business and
1124 Professional Regulation, and four full-time equivalent positions
1125 and associated salary rate of 212,315 are authorized, for the
1126 purpose of implementing this act.

1127 Section 5. Except as otherwise expressly provided in this
1128 act and except for this section, which shall take effect upon
1129 this act becoming a law, this act shall take effect January 1,
1130 2016.