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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2015	.	
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The Committee on Banking and Insurance (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Part XVII of chapter 468, Florida Statutes,
consisting of sections 468.85 through 468.8519, is created to
read:

PART XVII

PROPERTY INSURANCE APPRAISAL UMPIRES

468.85 Property insurance appraisal umpire licensing



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11 program; legislative purpose; scope of part.-

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

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

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

24 (4) A person acting as a property insurance appraisal
25 umpire on or after October 1, 2016, must be licensed pursuant to
26 this part.

27 (5) The department may adopt rules to administer this part.
28 468.851 Definitions.—As used in this part, the term:

29 (1) "Appraisal" means the process of estimating or
30 evaluating actual cash value, the amount of loss, or the cost of
31 repair or replacement of property for the purpose of quantifying
32 the monetary value of a property loss claim when an insurer and
33 an insured have failed to mutually agree on the value of the
34 loss pursuant to a residential or commercial residential
35 property insurance contract that is required in such contracts
36 for the resolution of a claim dispute by appraisal.

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

39 (3) "Department" means the Department of Business and



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40 Professional Regulation.

41 (4) "Independent" means not subject to control,
42 restriction, modification, and limitation by the appointing
43 party. An independent umpire shall conduct his or her
44 investigation, evaluation, and estimation without instruction by
45 an appointing party.

46 (5) "Property insurance appraisal umpire" or "umpire" means
47 a competent, independent, licensed, and impartial third party
48 selected by the licensed appraisers for the insurer and the
49 insured to resolve issues that the licensed appraisers are
50 unable to reach an agreement during the course of the appraisal
51 process pursuant to a residential or commercial property
52 insurance contract that is required to provide for resolution of
53 a claim dispute by appraisal.

54 (6) "Property insurance appraiser" or "appraiser" means a
55 competent, licensed, and independent and impartial third party
56 selected by an insurer or an insured to develop an appraisal for
57 purposes of the appraisal process under a residential or
58 commercial property insurance contract that provides for
59 resolution of a claim dispute by appraisal.

60 (7) "Uniform application" means the uniform application of
61 the National Association of Insurance Commissioners for
62 nonresident agent licensing, effective January 15, 2001, or
63 subsequent versions adopted by rule by the department.

64 468.8511 Fees.—

65 (1) The department, by rule, may establish fees to be paid
66 for application, examination, reexamination, licensing and
67 renewal, inactive status application, reactivation of inactive
68 licenses, and application for providers of continuing education.



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69 The department may also establish by rule a delinquency fee.
70 Fees shall be based on department estimates of the revenue
71 required to implement the provisions of this part. Fees shall be
72 remitted with the application, examination, reexamination,
73 licensing and renewal, inactive status application, and
74 reactivation of inactive licenses, and application for providers
75 of continuing education.

76 (2) The application fee shall not exceed \$200 and is
77 nonrefundable. The examination fee shall not exceed \$200 plus
78 the actual per applicant cost to the department to purchase the
79 examination, if the department chooses to purchase the
80 examination. The examination fee shall be in an amount that
81 covers the cost of obtaining and administering the examination
82 and shall be refunded if the applicant is found ineligible to
83 sit for the examination.

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

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

87 (5) The fee for a biennial license renewal shall not exceed
88 \$500.

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

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

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

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

97 468.85115 Application for license as a property insurance



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98 appraisal umpire.-

99 (1) The department shall not issue a license as a property
100 insurance appraisal umpire to any person except upon written
101 application previously filed with the department, with
102 qualification and advance payment of all applicable fees. Any
103 such application shall be made under oath or affirmation and
104 signed by the applicant. The department shall accept the uniform
105 application for a nonresident property insurance appraisal
106 umpire. The department may adopt revised versions of the uniform
107 application by rule.

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

109 (a) His or her full name, age, social security number,
110 residence address, business address, mailing address, contact
111 telephone numbers, including a business telephone number, and e-
112 mail address.

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

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

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

121 (e) The applicant's gender.

122 (f) The applicant's native language.

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

124 (h) All education requirements that the applicant has
125 completed to qualify as a property insurance appraisal umpire,
126 including the name of the course, the course provider, and the



127 course completion dates.
128 (3) Each application shall be accompanied by payment of any
129 applicable fee.
130 (4) At the time of application, the applicant must be
131 fingerprinted by a law enforcement agency or other entity
132 approved by the department and he or she must pay the
133 fingerprint processing fee in s. 468.8511. Fingerprints must be
134 processed by the Department of Law Enforcement.
135 (5) The Department of Law Enforcement may, to the extent
136 provided for by federal law, exchange state, multistate, and
137 federal criminal history records with the department or office
138 for the purpose of the issuance, denial, suspension, or
139 revocation of a certificate of authority, certification, or
140 license to operate in this state.
141 (6) The Department of Law Enforcement may accept
142 fingerprints of any other person required by statute or rule to
143 submit fingerprints to the department or office or any applicant
144 or licensee regulated by the department or office who is
145 required to demonstrate that he or she has not been convicted of
146 or pled guilty or nolo contendere to a felony or a misdemeanor.
147 (7) The Department of Law Enforcement shall, upon receipt
148 of fingerprints from the department or office, submit the
149 fingerprints to the Federal Bureau of Investigation for a
150 federal criminal history records check.
151 (8) Statewide criminal records obtained through the
152 Department of Law Enforcement, federal criminal records obtained
153 through the Federal Bureau of Investigation, and local criminal
154 records obtained through local law enforcement agencies shall be
155 used by the department and office for the purpose of issuance,



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156 denial, suspension, or revocation of certificates of authority,
157 certifications, or licenses issued to operate in this state.

158 (9) The department shall develop and maintain as a public
159 record a current list of licensed property insurance appraisal
160 umpires.

161 468.8512 Examinations.-

162 (1) A person desiring to be licensed as a property
163 insurance appraisal umpire must apply to the department after
164 satisfying the examination requirements of this part. The
165 following persons are exempt from the examination requirements
166 of this part:

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

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

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

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

177 (a) The applicant is currently licensed, registered,
178 certified, or approved as an engineer as defined in s. 471.005,
179 or as a retired professional engineer as defined in s. 471.005,
180 and has taught or successfully completed 4 hours of classroom
181 coursework, approved by the department, specifically related to
182 construction, building codes, appraisal procedures, appraisal
183 preparation, and any other related material deemed appropriate
184 by the department.



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185 (b) The applicant is currently or, within the 5 years
186 immediately preceding the date on which the application is filed
187 with the department, has been licensed, registered, certified,
188 or approved as a general contractor, building contractor, or
189 residential contractor as defined in s. 489.105 and has taught
190 or successfully completed 4 hours of classroom coursework,
191 approved by the department, specifically related to
192 construction, building codes, appraisal procedure, appraisal
193 preparation, and any other related material deemed appropriate
194 by the department.

195 (c) The applicant is currently or, within the 5 years
196 immediately preceding the date on which the application is filed
197 with the department, has been licensed or registered as an
198 architect to engage in the practice of architecture pursuant to
199 part I of chapter 481 and has taught or successfully completed 4
200 hours of classroom coursework, approved by the department,
201 specifically related to construction, building codes, appraisal
202 procedure, appraisal preparation, and any other related material
203 deemed appropriate by the department.

204 (d) The applicant is currently or, within the 5 years
205 immediately preceding the date on which the application is filed
206 with the department, has been a qualified geologist or
207 professional geologist as defined in s. 492.102 and has taught
208 or successfully completed 4 hours of classroom coursework,
209 approved by the department, specifically related to
210 construction, building codes, appraisal procedure, appraisal
211 preparation, and any other related material deemed appropriate
212 by the department.

213 (e) The applicant is currently or, within the 5 years



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214 immediately preceding the date on which the application is filed
215 with the department, has been licensed as a certified public
216 accountant as defined in s. 473.302 and has taught or
217 successfully completed 4 hours of classroom coursework, approved
218 by the department, specifically related to construction,
219 building codes, appraisal procedure, appraisal preparation, and
220 any other related material deemed appropriate by the department.

221 (f) The applicant is currently or, within the 5 years
222 immediately preceding the date on which the application is filed
223 with the department, has been a licensed attorney in this state
224 and has taught or successfully completed 4 hours of classroom
225 coursework, approved by the department, specifically related to
226 construction, building codes, appraisal procedure, appraisal
227 preparation, and any other related material deemed appropriate
228 by the department.

229 (g) The applicant has received a baccalaureate degree from
230 an accredited 4-year college or university in the field of
231 engineering, architecture, or building construction and has
232 taught or successfully completed 4 hours of classroom
233 coursework, approved by the department, specifically related to
234 construction, building codes, appraisal procedure, appraisal
235 preparation, and any other related material deemed appropriate
236 by the department.

237 (h) The applicant is a currently licensed adjuster whose
238 license covers all lines of insurance except the life and
239 annuities class. The adjuster's license must include the
240 property and casualty class of insurance. The currently licensed
241 adjuster must be licensed for at least 5 years to qualify for a
242 property insurance appraisal umpire's license.



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

247 (j) The applicant has successfully completed 40 hours of
248 classroom coursework, approved by the department, specifically
249 related to construction, building codes, appraisal procedure,
250 appraisal preparation, property insurance, and any other related
251 material deemed appropriate by the department.

252 (3) The department shall review and approve courses of
253 study for the continuing education of property insurance
254 appraisal umpires.

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

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

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

262 (c) Is not a United States citizen or legal alien who
263 possesses work authorization from the United States Citizenship
264 and Immigration Services.

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

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

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



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272 468.8513 Licensure.-

273 (1) The department shall license any applicant who the
274 department certifies has completed the requirements of ss.
275 468.8511, 468.85115, and 468.8512.

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

282 468.8514 Renewal of license.-

283 (1) The department shall renew a license upon receipt of
284 the renewal application and fee and upon certification by the
285 department that the licensee has satisfactorily completed the
286 continuing education requirements of s. 468.8515.

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

289 468.8515 Continuing education.-

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

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

300 (3) Each umpire course provider, instructor, and classroom



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301 course must be approved by and registered with the department
302 before prelicensure courses for property insurance appraisal
303 umpires may be offered. Each classroom course must include a
304 written examination at the conclusion of the course and must
305 cover all of the material contained in the course. A student may
306 not receive credit for the course unless the student achieves a
307 grade of at least 75 percent on the examination.

308 (4) The department shall adopt rules establishing:

309 (a) Standards for the approval, registration, discipline,
310 or removal from registration of course providers, instructors,
311 and courses. The standards must be designed to ensure that
312 instructors have the knowledge, competence, and integrity to
313 fulfill the educational objectives of the prelicensure
314 requirements of this part.

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

317
318 The department shall adopt rules prescribing the forms necessary
319 to administer the prelicensure requirements of this part.

320 (5) Approval to teach prescribed or approved appraisal
321 courses does not entitle the instructor to teach any courses
322 outside the scope of this part.

323 468.8516 Inactive license.-

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

327 (2) A license that has become inactive may be reactivated
328 upon application to the department. The department may prescribe
329 by rule continuing education requirements as a condition for



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330 reactivation of an inactive license. The continuing education
331 requirements for reactivating a license may not exceed 14 hours
332 for each year the license was inactive.

333 (3) The department shall adopt rules relating to licenses
334 that have become inactive and for the renewal of inactive
335 licenses. The department shall prescribe by rule a fee not to
336 exceed \$250 for the reactivation of an inactive license and a
337 fee not to exceed \$250 for the renewal of an inactive license.

338 468.8517 Certification of partnerships, corporations, and
339 other business entities.-The practice of, or the offer to
340 practice as, a property insurance appraisal umpire by licensees
341 through a partnership, corporation, or other business entity
342 offering property insurance appraisal umpire services to the
343 public, or by a partnership, corporation, or other business
344 entities through licensees under this part as agents, employees,
345 officers, or partners is permitted, subject to the provisions of
346 this part. This section does not allow a corporation or other
347 business entity to hold a license to practice property insurance
348 appraisal umpire services. A partnership, corporation, or other
349 business entity is not relieved of responsibility for the
350 conduct or acts of its agents, employees, or officers by reason
351 of its compliance with this section. An individual practicing as
352 a property insurance appraisal umpire is not relieved of
353 responsibility for professional services performed by reason of
354 his or her employment or relationship with a partnership,
355 corporation, or other business entity.

356 468.8518 Grounds for compulsory refusal, suspension, or
357 revocation of an umpire's license.-The department shall deny an
358 application for, suspend, revoke, or refuse to renew or continue



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359 the license or appointment of any applicant, property insurance
360 appraisal umpire or licensee and shall suspend or revoke the
361 eligibility to hold a license or appointment of any such person
362 if it finds that any one or more of the following applicable
363 grounds exist:

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

366 (2) Material misstatement, misrepresentation, or fraud in
367 obtaining the license or in attempting to obtain the license or
368 appointment.

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

371 (4) That the license or appointment was willfully used, or
372 will be used, to circumvent any of the requirements or
373 prohibitions of this chapter.

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

376 (6) Demonstrated a lack of reasonably adequate knowledge
377 and technical competence to engage in the transactions
378 authorized by the license.

379 (7) Fraudulent or dishonest practices in the conduct of
380 business under the license.

381 (8) Willful failure to comply with, or willful violation
382 of, any proper order or rule of the department or willful
383 violation of any provision of this chapter.

384 (9) Having been found guilty of or having plead guilty or
385 nolo contendere to a felony or a crime punishable by
386 imprisonment of 1 year or more under the law of the United
387 States or of any state thereof or under the law of any other



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388 country which involves moral turpitude, without regard to
389 whether a judgment of conviction has been entered by the court
390 having jurisdiction of such cases.

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

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

396 (c) Has formed an intent, design, or scheme to engage in
397 such misconduct and committed an overt act in furtherance of
398 such intent, design, or scheme.

399
400 It is immaterial to a finding that a licensee has committed a
401 violation of this subsection that the victim or intended victim
402 of the misconduct has sustained no damage or loss, that the
403 damage or loss has been settled and paid after the discovery of
404 misconduct, or that such victim or intended victim was a
405 customer or a person in a confidential relationship with the
406 licensee or was an identified member of the general public.

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

409 (b) Has had his or her registration, license, or
410 certificate to practice or conduct any regulated profession,
411 business, or vocation revoked or suspended by this or any other
412 state, any nation, or any possession or district of the United
413 States; or

414 (c) Has had an application for such registration,
415 licensure, or certification to practice or conduct any regulated
416 profession, business, or vocation denied by this or any other



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417 state, any nation, or any possession or district of the United
418 States.

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

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

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

424 (d) Has induced another person to impede or obstruct such
425 filing.

426 (13) Accepted an appointment as an umpire if the
427 appointment is contingent upon the umpire reporting a
428 predetermined result, analysis, or opinion, or if the fee to be
429 paid for the services of the umpire is contingent upon the
430 opinion, conclusion, or valuation reached by the umpire.

431 468.85185 Grounds for discretionary denial, suspension, or
432 revocation of an umpire's license.-The department may deny an
433 application for and suspend, revoke, or refuse to renew or
434 continue a license as a property insurance appraisal umpire if
435 the applicant or licensee has:

436 (1) Failed to timely communicate with the appraisers
437 without good cause.

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

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

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

445 (5) Failed to timely notify the department of any change in



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446 business location, or has failed to fully disclose all business
447 locations from which he or she operates as a property insurance
448 appraisal umpire.

449 468.8519 Ethical standards for property insurance appraisal
450 umpires.-

451 (1) CONFIDENTIALITY.-An umpire shall maintain
452 confidentiality of all information revealed during an appraisal
453 except where disclosure is required by law.

454 (2) RECORDKEEPING.-An umpire shall maintain confidentiality
455 in the storage and disposal of records and may not disclose any
456 identifying information when materials are used for research,
457 training, or statistical compilations.

458 (3) FEES AND EXPENSES.-Fees charged for appraisal services
459 shall be reasonable and consistent with the nature of the case.
460 An umpire shall be guided by the following in determining fees:

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

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

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

469 (4) MAINTENANCE OF RECORDS.-An umpire shall maintain
470 records necessary to support charges for services and expenses,
471 and upon request shall provide an accounting of all applicable
472 charges to the parties. An umpire licensed under this part shall
473 retain original or true copies of any contracts engaging the
474 umpire's services, appraisal reports, and supporting data



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

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

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

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

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



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533 loss pursuant to a residential or commercial residential
534 property insurance contract that is required in such contracts
535 for the resolution of a claim dispute by appraisal.

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

538 (3) "Department" means the Department of Business and
539 Professional Regulation.

540 (4) "Independent" means not subject to control,
541 restriction, modification, and limitation by the appointing
542 party.

543 (5) "Property insurance appraisal umpire" or "umpire" means
544 a competent, independent, licensed, and impartial third party
545 selected by the licensed appraisers for the insurer and the
546 insured to resolve issues that the licensed appraisers are
547 unable to reach an agreement during the course of the appraisal
548 process pursuant to a residential or commercial property
549 insurance contract that is required to provide for resolution of
550 a claim dispute by appraisal.

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552 competent, licensed, and independent and impartial third party
553 selected by an insurer or an insured to develop an appraisal for
554 purposes of the appraisal process under a residential or
555 commercial property insurance contract that provides for
556 resolution of a claim dispute by appraisal.

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558 the National Association of Insurance Commissioners for
559 nonresident agent licensing, effective January 15, 2001, or
560 subsequent versions adopted by rule by the department.

561 468.8611 Fees.-



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

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

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

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593 department's costs for the background check.

594 468.86115 Application for license as a property insurance
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597 insurance appraiser to any person except upon written
598 application previously filed with the department, with
599 qualification and advance payment of all applicable fees. Any
600 such application shall be made under oath or affirmation and
601 signed by the applicant. The department shall accept the uniform
602 application for a nonresident property insurance appraiser. The
603 department may adopt revised versions of the uniform application
604 by rule.

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

606 (a) His or her full name, age, social security number,
607 residence address, business address, mailing address, contact
608 telephone numbers, including a business telephone number, and e-
609 mail address.

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

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

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

618 (e) The applicant's gender.

619 (f) The applicant's native language.



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

621 (h) All education requirements that the applicant has
622 completed to qualify as a property insurance appraiser,
623 including the name of the course, the course provider, and the
624 course completion dates.

625 (3) Each application shall be accompanied by payment of any
626 applicable fee.

627 (4) At the time of application, the applicant must be
628 fingerprinted by a law enforcement agency or other entity
629 approved by the department, and he or she must pay the
630 fingerprint processing fee in s. 468.8611. Fingerprints must be
631 processed by the Department of Law Enforcement.

632 (5) The Department of Law Enforcement may, to the extent
633 provided for by federal law, exchange state, multistate, and
634 federal criminal history records with the department or office
635 for the purpose of the issuance, denial, suspension, or
636 revocation of a certificate of authority, certification, or
637 license to operate in this state.

638 (6) The Department of Law Enforcement may accept
639 fingerprints of any other person required by statute or rule to
640 submit fingerprints to the department or office or any applicant
641 or licensee regulated by the department or office who is
642 required to demonstrate that he or she has not been convicted of
643 or pled guilty or nolo contendere to a felony or a misdemeanor.

644 (7) The Department of Law Enforcement shall, upon receipt
645 of fingerprints from the department or office, submit the
646 fingerprints to the Federal Bureau of Investigation for a
647 federal criminal history records check.

648 (8) Statewide criminal records obtained through the



649 Department of Law Enforcement, federal criminal records obtained
650 through the Federal Bureau of Investigation, and local criminal
651 records obtained through local law enforcement agencies shall be
652 used by the department and office for the purpose of issuance,
653 denial, suspension, or revocation of certificates of authority,
654 certifications, or licenses issued to operate in this state.

655 (9) The department shall develop and maintain as a public
656 record a current list of licensed property insurance appraisers.

657 468.8612 Examinations.-

658 (1) A person desiring to be licensed as a property
659 insurance appraiser must apply to the department after
660 satisfying the examination requirements of this part. The
661 following persons are exempt from the examination requirements
662 of this part:

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

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

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

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

673 (a) The applicant is currently licensed, registered,
674 certified, or approved as an engineer as defined in s. 471.005,
675 or as a retired professional engineer as defined in s. 471.005,
676 and has taught or successfully completed 4 hours of classroom
677 coursework, approved by the department, specifically related to



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678 construction, building codes, appraisal procedures, appraisal
679 preparation, and any other related material deemed appropriate
680 by the department.

681 (b) The applicant is currently or, within the 5 years
682 immediately preceding the date on which the application is filed
683 with the department, has been licensed, registered, certified,
684 or approved as a general contractor, building contractor, or
685 residential contractor as defined in s. 489.105 and has taught
686 or successfully completed 4 hours of classroom coursework,
687 approved by the department, specifically related to
688 construction, building codes, appraisal procedure, appraisal
689 preparation, and any other related material deemed appropriate
690 by the department.

691 (c) The applicant is currently or, within the 5 years
692 immediately preceding the date on which the application is filed
693 with the department, has been licensed or registered as an
694 architect to engage in the practice of architecture pursuant to
695 part I of chapter 481 and has taught or successfully completed 4
696 hours of classroom coursework, approved by the department,
697 specifically related to construction, building codes, appraisal
698 procedure, appraisal preparation, and any other related material
699 deemed appropriate by the department.

700 (d) The applicant is currently or, within the 5 years
701 immediately preceding the date on which the application is filed
702 with the department, has been a qualified geologist or
703 professional geologist as defined in s. 492.102 and has taught
704 or successfully completed 4 hours of classroom coursework,
705 approved by the department, specifically related to
706 construction, building codes, appraisal procedure, appraisal



707 preparation, and any other related material deemed appropriate
708 by the department.

709 (e) The applicant is currently or, within the 5 years
710 immediately preceding the date on which the application is filed
711 with the department, has been licensed as a certified public
712 accountant as defined in s. 473.302 and has taught or
713 successfully completed 4 hours of classroom coursework, approved
714 by the department, specifically related to construction,
715 building codes, appraisal procedure, appraisal preparation, and
716 any other related material deemed appropriate by the department.

717 (f) The applicant is currently or, within the 5 years
718 immediately preceding the date on which the application is filed
719 with the department, has been a licensed attorney in this state
720 and has taught or successfully completed 4 hours of classroom
721 coursework, approved by the department, specifically related to
722 construction, building codes, appraisal procedure, appraisal
723 preparation, and any other related material deemed appropriate
724 by the department.

725 (g) The applicant has received a baccalaureate degree from
726 an accredited 4-year college or university in the field of
727 engineering, architecture, or building construction and has
728 taught or successfully completed 4 hours of classroom
729 coursework, approved by the department, specifically related to
730 construction, building codes, appraisal procedure, appraisal
731 preparation, and any other related material deemed appropriate
732 by the department.

733 (h) The applicant is a currently licensed adjuster whose
734 license covers all lines of insurance except the life and
735 annuities class. The adjuster's license must include the



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736 property and casualty class of insurance. The currently licensed
737 adjuster must be licensed for at least 3 years to qualify for a
738 property insurance appraiser's license.

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

743 (j) The applicant has successfully completed 40 hours of
744 classroom coursework, approved by the department, specifically
745 related to construction, building codes, appraisal procedure,
746 appraisal preparation, property insurance, and any other related
747 material deemed appropriate by the department.

748 (3) The department shall review and approve courses of
749 study for the continuing education of property insurance
750 appraisers.

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

754 (a) Has not filed an application with the department in
755 accordance with s. 468.85115.

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

758 (c) Is not a United States citizen or legal alien who
759 possesses work authorization from the United States Citizenship
760 and Immigration Services.

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

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



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

768 468.8613 Licensure.—

769 (1) The department shall license any applicant who the
770 department certifies has completed the requirements of ss.
771 468.8611, 468.86115, and 468.8612.

772 (2) The department shall not issue a license by endorsement
773 to any applicant for a property insurance appraiser license who
774 is under investigation in another state for any act that would
775 constitute a violation of this part until such time that the
776 investigation is complete and disciplinary proceedings have been
777 terminated.

778 468.8614 Renewal of license.—

779 (1) The department shall renew a license upon receipt of
780 the renewal application and fee and upon certification by the
781 department that the licensee has satisfactorily completed the
782 continuing education requirements of s. 468.8615.

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

785 468.8615 Continuing education.—

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

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



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

796 (3) Each appraiser course provider, instructor, and
797 classroom course must be approved by and registered with the
798 department before prelicensure courses for property insurance
799 appraisers may be offered. Each classroom course must include a
800 written examination at the conclusion of the course and must
801 cover all of the material contained in the course. A student may
802 not receive credit for the course unless the student achieves a
803 grade of at least 75 percent on the examination.

804 (4) The department shall adopt rules establishing:

805 (a) Standards for the approval, registration, discipline,
806 or removal from registration of course providers, instructors,
807 and courses. The standards must be designed to ensure that
808 instructors have the knowledge, competence, and integrity to
809 fulfill the educational objectives of the prelicensure
810 requirements of this part.

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

813
814 The department shall adopt rules prescribing the forms necessary
815 to administer the prelicensure requirements of this part.

816 (5) Approval to teach prescribed or approved appraisal
817 courses does not entitle the instructor to teach any courses
818 outside the scope of this part.

819 468.8616 Inactive license.—

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



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823 (2) A license that has become inactive may be reactivated
824 upon application to the department. The department may prescribe
825 by rule continuing education requirements as a condition for
826 reactivation of an inactive license. The continuing education
827 requirements for reactivating a license may not exceed 14 hours
828 for each year the license was inactive.

829 (3) The department shall adopt rules relating to licenses
830 that have become inactive and for the renewal of inactive
831 licenses. The department shall prescribe by rule a fee not to
832 exceed \$250 for the reactivation of an inactive license and a
833 fee not to exceed \$250 for the renewal of an inactive license.

834 468.8617 Certification of partnerships, corporations, and
835 other business entities.—The practice of, or the offer to
836 practice as, a property insurance appraiser by licensees through
837 a partnership, corporation, or other business entity offering
838 property insurance appraiser services to the public, or by a
839 partnership, corporation, or other business entity through
840 licensees under this part as agents, employees, officers, or
841 partners is permitted subject to the provisions of this part.
842 This section does not allow a corporation or other business
843 entity to hold a license to practice property insurance
844 appraiser services. A partnership, corporation, or other
845 business entity is not relieved of responsibility for the
846 conduct or acts of its agents, employees, or officers by reason
847 of its compliance with this section. An individual practicing as
848 a property insurance appraiser is not relieved of responsibility
849 for professional services performed by reason of his or her
850 employment or relationship with a partnership, corporation, or
851 other business entity.



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852 468.8618 Grounds for compulsory refusal, suspension, or
853 revocation of an appraiser's license.—The department shall deny
854 an application for, suspend, revoke, or refuse to renew or
855 continue the license or appointment of any applicant, property
856 insurance appraiser, or licensee and shall suspend or revoke the
857 eligibility to hold a license or appointment of any such person
858 if it finds that any one or more of the following applicable
859 grounds exist:

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

862 (2) Material misstatement, misrepresentation, or fraud in
863 obtaining the license or in attempting to obtain the license or
864 appointment.

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

867 (4) That the license or appointment was willfully used, or
868 will be used, to circumvent any of the requirements or
869 prohibitions of this code.

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

872 (6) Demonstrated a lack of reasonably adequate knowledge
873 and technical competence to engage in the transactions
874 authorized by the license.

875 (7) Fraudulent or dishonest practices in the conduct of
876 business under the license.

877 (8) Willful failure to comply with, or willful violation
878 of, any proper order or rule of the department or willful
879 violation of any provision of this act.

880 (9) Having been found guilty of or having pled guilty or



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881 nolo contendere to a felony or a crime punishable by
882 imprisonment of 1 year or more under the law of the United
883 States or of any state thereof or under the law of any other
884 country which involves moral turpitude, without regard to
885 whether a judgment of conviction has been entered by the court
886 having jurisdiction of such cases.

887 (10) Violated a duty imposed upon her or him by law or by
888 the terms of a contract, whether written, oral, expressed, or
889 implied, in an appraisal; has aided, assisted, or conspired with
890 any other person engaged in any such misconduct and in
891 furtherance thereof; or has formed an intent, design, or scheme
892 to engage in such misconduct and committed an overt act in
893 furtherance of such intent, design, or scheme. It is immaterial
894 to a finding that a licensee has committed a violation of this
895 subsection that the victim or intended victim of the misconduct
896 has sustained no damage or loss, that the damage or loss has
897 been settled and paid after the discovery of misconduct, or that
898 such victim or intended victim was a customer or a person in a
899 confidential relationship with the licensee or was an identified
900 member of the general public.

901 (11) Had a registration, license, or certification as an
902 appraiser revoked, suspended, or otherwise acted against; has
903 had his or her registration, license, or certificate to practice
904 or conduct any regulated profession, business, or vocation
905 revoked or suspended by this or any other state, any nation, or
906 any possession or district of the United States; or has had an
907 application for such registration, licensure, or certification
908 to practice or conduct any regulated profession, business, or
909 vocation denied by this or any other state, any nation, or any



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910 possession or district of the United States.
911 (12) (a) Made or filed a report or record, written or oral,
912 which the licensee knows to be false;
913 (b) Has willfully failed to file a report or record
914 required by state or federal law;
915 (c) Has willfully impeded or obstructed such filing; or
916 (d) Has induced another person to impede or obstruct such
917 filing.
918 (13) Accepted an appointment as an appraiser if the
919 appointment is contingent upon the appraiser reporting a
920 predetermined result, analysis, or opinion, or if the fee to be
921 paid for the services of the appraiser is contingent upon the
922 opinion, conclusion, or valuation reached by the appraiser.
923 468.86185 Grounds for discretionary denial, suspension, or
924 revocation of an appraiser's license.-The department may deny an
925 application for and suspend, revoke, or refuse to renew or
926 continue a license as a property insurance appraiser if the
927 applicant or licensee has:
928 (1) Failed to timely communicate with the opposing party's
929 appraiser without good cause.
930 (2) Failed or refused to exercise reasonable diligence in
931 submitting recommendations to the opposing party's appraiser.
932 (3) Violated any ethical standard for property insurance
933 appraisers set forth in s. 468.8619.
934 (4) Failed to inform the department in writing within 30
935 days after pleading guilty or nolo contendere to, or being
936 convicted or found guilty of, a felony.
937 (5) Failed to timely notify the department of any change in
938 business location or has failed to fully disclose all business



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939 locations from which he or she operates as a property insurance
940 appraiser.

941 468.8619 Ethical standards for property insurance
942 appraisers.-

943 (1) CONFIDENTIALITY.-An appraiser shall maintain
944 confidentiality of all information revealed during an appraisal
945 except to the party that hired the appraiser and except where
946 disclosure is required by law.

947 (2) RECORDKEEPING.-An appraiser shall maintain
948 confidentiality in the storage and disposal of records and may
949 not disclose any identifying information when materials are used
950 for research, training, or statistical compilations.

951 (3) FEES AND EXPENSES.-Fees charged for appraisal services
952 shall be reasonable and consistent with the nature of the case.
953 An appraiser shall be guided by the following in determining
954 fees:

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

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

958 (4) MAINTENANCE OF RECORDS.-An appraiser shall maintain
959 records necessary to support charges for services and expenses,
960 and upon request shall provide an accounting of all applicable
961 charges to the parties. An appraiser licensed under this part
962 shall retain for at least 5 years original or true copies of any
963 contracts engaging the appraiser's services, appraisal reports,
964 and supporting data assembled and formulated by the appraiser in
965 preparing appraisal reports. The period for retaining the
966 records applicable to each engagement starts on the date of the
967 submission of the appraisal report to the client. The records



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968 must be made available by the appraiser for inspection and
969 copying by the department upon reasonable notice to the
970 appraiser. If an appraisal has been the subject of, or has been
971 admitted as evidence in, a lawsuit, reports, and records the
972 appraisal must be retained for at least 2 years after the date
973 that the trial ends.

974 (5) ADVERTISING.—An appraiser may not engage in marketing
975 practices that contain false or misleading information. An
976 appraiser shall ensure that any advertisements of the
977 appraiser's qualifications, services to be rendered, or the
978 appraisal process are accurate and honest. An appraiser may not
979 make claims of achieving specific outcomes or promises implying
980 favoritism for the purpose of obtaining business.

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

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

- 986 1. Serve impartially;
987 2. Serve independently from the party appointing him or
988 her;
989 3. Serve competently; and
990 4. Be available to promptly commence the appraisal, and
991 thereafter devote the time and attention to its completion in a
992 manner expected by all involved parties.

993 (b) An appraiser shall conduct the appraisal process in a
994 manner that advances the fair and efficient resolution of the
995 matters submitted for decision. A licensed appraiser shall make
996 all reasonable efforts to prevent delays in the appraisal



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997 process, the harassment of parties or other participants, or
998 other abuse or disruption of the appraisal process.

999 (c) Once a licensed appraiser has accepted an appointment,
1000 the appraiser may not withdraw or abandon the appointment unless
1001 compelled to do so by unanticipated circumstances that would
1002 render it impossible or impracticable to continue.

1003 (d) The licensed appraiser shall, after careful
1004 deliberation, decide all issues submitted for determination and
1005 no other issues. A licensed appraiser shall decide all matters
1006 justly, exercising independent judgment, and may not allow
1007 outside pressure to affect the decision. An appraiser may not
1008 delegate the duty to decide to any other person.

1009 (7) SKILL AND EXPERIENCE.—An appraiser shall decline an
1010 appointment or selection, withdraw, or request appropriate
1011 assistance when the facts and circumstances of the appraisal are
1012 beyond the appraiser's skill or experience.

1013 (8) GIFTS AND SOLICITATION.—An appraiser may not give or
1014 accept any gift, favor, loan, or other item of value in an
1015 appraisal process except for the appraiser's reasonable fee.
1016 During the appraisal process, an appraiser may not solicit or
1017 otherwise attempt to procure future professional services.

1018 (9) COMMUNICATIONS WITH PARTIES.—

1019 (a) If an agreement of the parties establishes the manner
1020 or content of the communications between the appraisers, the
1021 parties, and the umpire, the appraisers shall abide by such
1022 agreement. In the absence of agreement, an appraiser may not
1023 discuss a proceeding with any party or with the umpire in the
1024 absence of any other party, except in the following
1025 circumstances:



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1026 1. If the appointment of the appraiser or umpire is being
1027 considered, the prospective appraiser or umpire may ask about
1028 the identities of the parties, counsel, and the general nature
1029 of the case, and may respond to inquiries from a party, its
1030 counsel or an umpire designed to determine his or her
1031 suitability and availability for the appointment;

1032 2. To consult with the party who appointed the appraiser
1033 concerning the selection of a neutral umpire;

1034 3. To make arrangements for any compensation to be paid by
1035 the party who appointed the appraiser; or

1036 4. To make arrangements for obtaining materials and
1037 inspection of the property with the party who appointed the
1038 appraiser. Such communication is limited to scheduling and the
1039 exchange of materials.

1040 (b) There may be no communications whereby a party dictates
1041 to an appraiser what the result of the proceedings must be, what
1042 matters or elements may be included or considered by the
1043 appraiser, or what actions the appraiser may take.

1044 Section 3. This act shall take effect July 1, 2015.

1045
1046 ===== T I T L E A M E N D M E N T =====

1047 And the title is amended as follows:

1048 Delete everything before the enacting clause
1049 and insert:

1050 A bill to be entitled
1051 An act relating to property insurance appraisal
1052 umpires and property insurance appraisers; creating
1053 part XVII of chapter 468, F.S., relating to property
1054 insurance appraisal umpires; creating the property



1055 insurance appraisal umpire licensing program within
1056 the Department of Business and Professional
1057 Regulation; providing legislative findings; providing
1058 applicability; requiring a person acting as a property
1059 insurance appraisal umpire on or after a certain date
1060 to be licensed under the act; authorizing the
1061 department to adopt rules; providing definitions;
1062 authorizing the department to establish fees;
1063 providing licensing application requirements;
1064 providing authority and procedures regarding
1065 submission and processing of fingerprints; providing
1066 examination requirements; specifying exemptions from
1067 such requirements; providing application requirements
1068 for licensure as a property insurance appraisal
1069 umpire; providing licensure renewal requirements;
1070 authorizing the department to adopt rules; providing
1071 continuing education requirements; providing
1072 requirements for the inactivation of a license by a
1073 licensee; providing requirements for renewing an
1074 inactive license; establishing license reactivation
1075 fees; providing for certification of partnerships and
1076 corporations offering property insurance appraisal
1077 umpire services; providing grounds for compulsory
1078 refusal, suspension, or revocation of an umpire's
1079 license; providing grounds for discretionary denial,
1080 suspension, or revocation of an umpire's license;
1081 providing ethical standards for property insurance
1082 appraisal umpires; creating part XVIII of chapter 468,
1083 F.S., relating to property insurance appraisers;



1084 creating the property insurance appraiser licensing
1085 program within the Department of Business and
1086 Professional Regulation; providing legislative
1087 findings; providing applicability; requiring a person
1088 acting as a property insurance appraiser on or after a
1089 certain date to be licensed under the act; authorizing
1090 the department to adopt rules; providing definitions;
1091 authorizing the department to establish fees; limiting
1092 fee amounts; providing licensing application
1093 requirements; providing authority and procedures
1094 regarding submission and processing of fingerprints;
1095 providing examination requirements; specifying
1096 exemptions from such requirements; providing
1097 application requirements for licensure as a property
1098 insurance appraiser; providing licensure renewal
1099 requirements; authorizing the department to adopt
1100 rules; providing continuing education requirements;
1101 providing requirements for the inactivation of a
1102 license by a licensee; providing requirements for
1103 renewing an inactive license; establishing license
1104 reactivation fees; providing for certification of
1105 partnerships and corporations offering property
1106 insurance appraiser services; providing grounds for
1107 compulsory refusal, suspension, or revocation of an
1108 appraiser's license; providing grounds for
1109 discretionary denial, suspension, or revocation of an
1110 appraiser's license; providing ethical standards;
1111 providing an effective date.