

By the Committee on Regulated Industries; and Senator Richter

580-02529-15

2015744c1

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

580-02529-15

2015744c1

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

57  
58 Be It Enacted by the Legislature of the State of Florida:

580-02529-15

2015744c1

59  
60       Section 1. Part XVII of chapter 468, Florida Statutes,  
61 consisting of sections 468.85 through 468.8519, is created to  
62 read:

63                               PART XVII

64                               PROPERTY INSURANCE APPRAISAL UMPIRES

65       468.85 Property insurance appraisal umpire licensing  
66 program; legislative purpose; scope of part.—

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

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

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

79       (4) The department may adopt rules to administer this part.  
80 468.851 Definitions.—As used in this part, the term:

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

580-02529-15

2015744c1

88 for the resolution of a claim dispute by appraisal.

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

91 (3) "Department" means the Department of Business and  
92 Professional Regulation.

93 (4) "Independent" means not subject to control,  
94 restriction, modification, and limitation by the appointing  
95 party. An independent umpire shall conduct his or her  
96 investigation, evaluation, and estimation without instruction by  
97 an appointing party.

98 (5) "Property insurance appraisal umpire" or "umpire" means  
99 a competent, independent, licensed, and impartial third party  
100 selected by the licensed appraisers for the insurer and the  
101 insured to resolve issues that the licensed appraisers are  
102 unable to reach an agreement during the course of the appraisal  
103 process pursuant to a residential or commercial property  
104 insurance contract that is required to provide for resolution of  
105 a claim dispute by appraisal.

106 (6) "Property insurance loss appraiser" or "appraiser"  
107 means a competent, licensed, and independent and impartial third  
108 party selected by an insurer or an insured to develop an  
109 appraisal for purposes of the appraisal process under a  
110 residential or commercial property insurance contract that  
111 provides for resolution of a claim dispute by appraisal.

112 (7) "Uniform application" means the uniform application of  
113 the National Association of Insurance Commissioners for  
114 nonresident agent licensing, effective January 15, 2001, or  
115 subsequent versions adopted by rule by the department.

116 468.8511 Fees.—

580-02529-15

2015744c1

117       (1) The department, by rule, may establish fees to be paid  
118 for application, examination, reexamination, licensing and  
119 renewal, inactive status application, reactivation of inactive  
120 licenses, and application for providers of continuing education.  
121 The department may also establish by rule a delinquency fee.  
122 Fees shall be based on department estimates of the revenue  
123 required to implement the provisions of this part. Fees shall be  
124 remitted with the application, examination, reexamination,  
125 licensing and renewal, inactive status application, and  
126 reactivation of inactive licenses, and application for providers  
127 of continuing education.

128       (2) The application fee shall not exceed \$200 and is  
129 nonrefundable. The examination fee shall not exceed \$200 plus  
130 the actual per applicant cost to the department to purchase the  
131 examination, if the department chooses to purchase the  
132 examination. The examination fee shall be in an amount that  
133 covers the cost of obtaining and administering the examination  
134 and shall be refunded if the applicant is found ineligible to  
135 sit for the examination.

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

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

139       (5) The fee for a biennial license renewal shall not exceed  
140 \$500.

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

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

145       (8) The fee for applications from providers of continuing

580-02529-15

2015744c1

146 education may not exceed \$600.

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

149 468.85115 Application for license as a property insurance  
150 appraisal umpire.-

151 (1) The department shall not issue a license as a property  
152 insurance appraisal umpire to any person except upon written  
153 application previously filed with the department, with  
154 qualification and advance payment of all applicable fees. Any  
155 such application shall be made under oath or affirmation and  
156 signed by the applicant. The department shall accept the uniform  
157 application for a nonresident property insurance appraisal  
158 umpire. The department may adopt revised versions of the uniform  
159 application by rule.

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

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

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

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

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

173 (e) The applicant's gender.

174 (f) The applicant's native language.

580-02529-15

2015744c1

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

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

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

182 (4) At the time of application, the applicant must be  
183 fingerprinted by a law enforcement agency or other entity  
184 approved by the department and he or she must pay the  
185 fingerprint processing fee in s. 468.8511. Fingerprints must be  
186 processed by the Department of Law Enforcement.

187 (5) The Department of Law Enforcement may, to the extent  
188 provided for by federal law, exchange state, multistate, and  
189 federal criminal history records with the department or office  
190 for the purpose of the issuance, denial, suspension, or  
191 revocation of a certificate of authority, certification, or  
192 license to operate in this state.

193 (6) The Department of Law Enforcement may accept  
194 fingerprints of any other person required by statute or rule to  
195 submit fingerprints to the department or office or any applicant  
196 or licensee regulated by the department or office who is  
197 required to demonstrate that he or she has not been convicted of  
198 or pled guilty or nolo contendere to a felony or a misdemeanor.

199 (7) The Department of Law Enforcement shall, upon receipt  
200 of fingerprints from the department or office, submit the  
201 fingerprints to the Federal Bureau of Investigation for a  
202 federal criminal history records check.

203 (8) Statewide criminal records obtained through the

580-02529-15

2015744c1

204 Department of Law Enforcement, federal criminal records obtained  
205 through the Federal Bureau of Investigation, and local criminal  
206 records obtained through local law enforcement agencies shall be  
207 used by the department and office for the purpose of issuance,  
208 denial, suspension, or revocation of certificates of authority,  
209 certifications, or licenses issued to operate in this state.

210 (9) The department shall develop and maintain as a public  
211 record a current list of licensed property insurance appraisal  
212 umpires.

213 468.8512 Examinations.-

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

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

221 (a) The applicant is currently licensed, registered,  
222 certified, or approved as an engineer as defined in s. 471.005,  
223 or as a retired professional engineer as defined in s. 471.005,  
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 procedures, appraisal  
227 preparation, and any other related material deemed appropriate  
228 by the department.

229 (b) The applicant is currently or, within the 5 years  
230 immediately preceding the date on which the application is filed  
231 with the department, has been licensed, registered, certified,  
232 or approved as a general contractor, building contractor, or



580-02529-15

2015744c1

233 residential contractor as defined in s. 489.105 and has taught  
234 or successfully completed 4 hours of classroom coursework,  
235 approved by the department, specifically related to  
236 construction, building codes, appraisal procedure, appraisal  
237 preparation, and any other related material deemed appropriate  
238 by the department.

239 (c) The applicant is currently or, within the 5 years  
240 immediately preceding the date on which the application is filed  
241 with the department, has been licensed or registered as an  
242 architect to engage in the practice of architecture pursuant to  
243 part I of chapter 481 and has taught or successfully completed 4  
244 hours of classroom coursework, approved by the department,  
245 specifically related to construction, building codes, appraisal  
246 procedure, appraisal preparation, and any other related material  
247 deemed appropriate by the department.

248 (d) The applicant is currently or, within the 5 years  
249 immediately preceding the date on which the application is filed  
250 with the department, has been a qualified geologist or  
251 professional geologist as defined in s. 492.102 and has taught  
252 or successfully completed 4 hours of classroom coursework,  
253 approved by the department, specifically related to  
254 construction, building codes, appraisal procedure, appraisal  
255 preparation, and any other related material deemed appropriate  
256 by the department.

257 (e) The applicant is currently or, within the 5 years  
258 immediately preceding the date on which the application is filed  
259 with the department, has been licensed as a certified public  
260 accountant as defined in s. 473.302 and has taught or  
261 successfully completed 4 hours of classroom coursework, approved

580-02529-15

2015744c1

262 by the department, specifically related to construction,  
263 building codes, appraisal procedure, appraisal preparation, and  
264 any other related material deemed appropriate by the department.

265 (f) The applicant is currently or, within the 5 years  
266 immediately preceding the date on which the application is filed  
267 with the department, has been a licensed attorney in this state  
268 and has taught or successfully completed 4 hours of classroom  
269 coursework, approved by the department, specifically related to  
270 construction, building codes, appraisal procedure, appraisal  
271 preparation, and any other related material deemed appropriate  
272 by the department.

273 (g) The applicant has received a baccalaureate degree from  
274 an accredited 4-year college or university in the field of  
275 engineering, architecture, or building construction and has  
276 taught or successfully completed 4 hours of classroom  
277 coursework, approved by the department, specifically related to  
278 construction, building codes, appraisal procedure, appraisal  
279 preparation, and any other related material deemed appropriate  
280 by the department.

281 (h) The applicant is a currently licensed adjuster whose  
282 license covers all lines of insurance except the life and  
283 annuities class. The adjuster's license must include the  
284 property and casualty class of insurance. The currently licensed  
285 adjuster must be licensed for at least 5 years to qualify for a  
286 property insurance appraisal umpire's license.

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

580-02529-15

2015744c1

291 (j) The applicant has successfully completed 40 hours of  
292 classroom coursework, approved by the department, specifically  
293 related to construction, building codes, appraisal procedure,  
294 appraisal preparation, property insurance, and any other related  
295 material deemed appropriate by the department.

296 (3) The department shall review and approve courses of  
297 study for the continuing education of property insurance  
298 appraisal umpires.

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

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

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

306 (c) Is not a United States citizen or legal alien who  
307 possesses work authorization from the United States Citizenship  
308 and Immigration Services.

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

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

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

316 468.8513 Licensure.-

317 (1) The department shall license any applicant who the  
318 department certifies has completed the requirements of ss.  
319 468.8511, 468.85115, and 468.8512.

580-02529-15

2015744c1

320       (2) The department shall not issue a license by endorsement  
321 to any applicant for a property insurance appraisal umpire  
322 license who is under investigation in another state for any act  
323 that would constitute a violation of this part until such time  
324 that the investigation is complete and disciplinary proceedings  
325 have been terminated.

326       468.8514 Renewal of license.-

327       (1) The department shall renew a license upon receipt of  
328 the renewal application and fee and upon certification by the  
329 department that the licensee has satisfactorily completed the  
330 continuing education requirements of s. 468.8515.

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

333       468.8515 Continuing education.-

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

340       (2) The department may prescribe by rule additional  
341 continuing professional education hours, not to exceed 25  
342 percent of the total required hours, for failure to complete the  
343 required hours by the end of the renewal period.

344       (3) Each umpire course provider, instructor, and classroom  
345 course must be approved by and registered with the department  
346 before prelicensure courses for property insurance appraisal  
347 umpires may be offered. Each classroom course must include a  
348 written examination at the conclusion of the course and must

580-02529-15

2015744c1

349 cover all of the material contained in the course. A student may  
350 not receive credit for the course unless the student achieves a  
351 grade of at least 75 percent on the examination.

352 (4) The department shall adopt rules establishing:

353 (a) Standards for the approval, registration, discipline,  
354 or removal from registration of course providers, instructors,  
355 and courses. The standards must be designed to ensure that  
356 instructors have the knowledge, competence, and integrity to  
357 fulfill the educational objectives of the prelicensure  
358 requirements of this part.

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

361  
362 The department shall adopt rules prescribing the forms necessary  
363 to administer the prelicensure requirements of this part.

364 (5) Approval to teach prescribed or approved appraisal  
365 courses does not entitle the instructor to teach any courses  
366 outside the scope of this part.

367 468.8516 Inactive license.-

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

371 (2) A license that has become inactive may be reactivated  
372 upon application to the department. The department may prescribe  
373 by rule continuing education requirements as a condition for  
374 reactivation of an inactive license. The continuing education  
375 requirements for reactivating a license may not exceed 14 hours  
376 for each year the license was inactive.

377 (3) The department shall adopt rules relating to licenses

580-02529-15

2015744c1

378 that have become inactive and for the renewal of inactive  
379 licenses. The department shall prescribe by rule a fee not to  
380 exceed \$250 for the reactivation of an inactive license and a  
381 fee not to exceed \$250 for the renewal of an inactive license.

382 468.8517 Certification of partnerships, corporations, and  
383 other business entities.-The practice of, or the offer to  
384 practice as, a property insurance appraisal umpire by licensees  
385 through a partnership, corporation, or other business entity  
386 offering property insurance appraisal umpire services to the  
387 public, or by a partnership, corporation, or other business  
388 entities through licensees under this part as agents, employees,  
389 officers, or partners is permitted, subject to the provisions of  
390 this part. This section does not allow a corporation or other  
391 business entity to hold a license to practice property insurance  
392 appraisal umpire services. A partnership, corporation, or other  
393 business entity is not relieved of responsibility for the  
394 conduct or acts of its agents, employees, or officers by reason  
395 of its compliance with this section. An individual practicing as  
396 a property insurance appraisal umpire is not relieved of  
397 responsibility for professional services performed by reason of  
398 his or her employment or relationship with a partnership,  
399 corporation, or other business entity.

400 468.8518 Grounds for compulsory refusal, suspension, or  
401 revocation of an umpire's license.-The department shall deny an  
402 application for, suspend, revoke, or refuse to renew or continue  
403 the license or appointment of any applicant, property insurance  
404 appraisal umpire or licensee and shall suspend or revoke the  
405 eligibility to hold a license or appointment of any such person  
406 if it finds that any one or more of the following applicable

580-02529-15

2015744c1

407 grounds exist:

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

410 (2) Material misstatement, misrepresentation, or fraud in  
411 obtaining the license or in attempting to obtain the license or  
412 appointment.

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

415 (4) That the license or appointment was willfully used, or  
416 will be used, to circumvent any of the requirements or  
417 prohibitions of this chapter.

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

420 (6) Demonstrated a lack of reasonably adequate knowledge  
421 and technical competence to engage in the transactions  
422 authorized by the license.

423 (7) Fraudulent or dishonest practices in the conduct of  
424 business under the license.

425 (8) Willful failure to comply with, or willful violation  
426 of, any proper order or rule of the department or willful  
427 violation of any provision of this chapter.

428 (9) Having been found guilty of or having plead guilty or  
429 nolo contendere to a felony or a crime punishable by  
430 imprisonment of 1 year or more under the law of the United  
431 States or of any state thereof or under the law of any other  
432 country which involves moral turpitude, without regard to  
433 whether a judgment of conviction has been entered by the court  
434 having jurisdiction of such cases.

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

580-02529-15

2015744c1

436 by the terms of a contract, whether written, oral, expressed, or  
437 implied, in an appraisal;

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

440 (c) Has formed an intent, design, or scheme to engage in  
441 such misconduct and committed an overt act in furtherance of  
442 such intent, design, or scheme.

443

444 It is immaterial to a finding that a licensee has committed a  
445 violation of this subsection that the victim or intended victim  
446 of the misconduct has sustained no damage or loss, that the  
447 damage or loss has been settled and paid after the discovery of  
448 misconduct, or that such victim or intended victim was a  
449 customer or a person in a confidential relationship with the  
450 licensee or was an identified member of the general public.

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

453 (b) Has had his or her registration, license, or  
454 certificate to practice or conduct any regulated profession,  
455 business, or vocation revoked or suspended by this or any other  
456 state, any nation, or any possession or district of the United  
457 States; or

458 (c) Has had an application for such registration,  
459 licensure, or certification to practice or conduct any regulated  
460 profession, business, or vocation denied by this or any other  
461 state, any nation, or any possession or district of the United  
462 States.

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



580-02529-15

2015744c1

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

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

468 (d) Has induced another person to impede or obstruct such  
469 filing.

470 (13) Accepted an appointment as an umpire if the  
471 appointment is contingent upon the umpire reporting a  
472 predetermined result, analysis, or opinion, or if the fee to be  
473 paid for the services of the umpire is contingent upon the  
474 opinion, conclusion, or valuation reached by the umpire.

475 468.85185 Grounds for discretionary denial, suspension, or  
476 revocation of an umpire's license.-The department may deny an  
477 application for and suspend, revoke, or refuse to renew or  
478 continue a license as a property insurance appraisal umpire if  
479 the applicant or licensee has:

480 (1) Failed to timely communicate with the appraisers  
481 without good cause.

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

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

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

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

493 468.8519 Ethical standards for property insurance appraisal

580-02529-15

2015744c1

494 umpires.

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

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

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

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

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

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

513 (4) MAINTENANCE OF RECORDS.—An umpire shall maintain  
514 records necessary to support charges for services and expenses,  
515 and upon request shall provide an accounting of all applicable  
516 charges to the parties. An umpire licensed under this part shall  
517 retain original or true copies of any contracts engaging the  
518 umpire's services, appraisal reports, and supporting data  
519 assembled and formulated by the umpire in preparing appraisal  
520 reports for at least 5 years. The period for retaining the  
521 records applicable to each engagement starts on the date of the  
522 submission of the appraisal report to the client. The records

580-02529-15

2015744c1

523 must be made available by the umpire for inspection and copying  
524 by the department upon reasonable notice to the umpire. If an  
525 appraisal has been the subject of, or has been admitted as  
526 evidence in, a lawsuit, reports, and records, the appraisal must  
527 be retained for at least 2 years after the date that the trial  
528 ends.

529 (5) ADVERTISING.—An umpire may not engage in marketing  
530 practices that contain false or misleading information. An  
531 umpire shall ensure that any advertisements of the umpire’s  
532 qualifications, services to be rendered, or the appraisal  
533 process are accurate and honest. An umpire may not make claims  
534 of achieving specific outcomes or promises implying favoritism  
535 for the purpose of obtaining business.

536 (6) INTEGRITY AND IMPARTIALITY.—An umpire may not engage in  
537 any business, provide any service, or perform any act that would  
538 compromise the umpire’s integrity or impartiality.

539 (7) SKILL AND EXPERIENCE.—An umpire shall decline an  
540 appointment or selection, withdraw, or request appropriate  
541 assistance when the facts and circumstances of the appraisal are  
542 beyond the umpire’s skill or experience.

543 (8) GIFTS AND SOLICITATION.—An umpire may not give or  
544 accept any gift, favor, loan, or other item of value in an  
545 appraisal process except for the umpire’s reasonable fee. During  
546 the appraisal process, an umpire may not solicit or otherwise  
547 attempt to procure future professional services.

548 Section 2. Part XVIII of chapter 468, Florida Statutes,  
549 consisting of sections 468.86 through 468.8619, is created to  
550 read:

551 PART XVIII

580-02529-15

2015744c1

PROPERTY INSURANCE APPRAISERS

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

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

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

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

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

468.861 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  
for the resolution of a claim dispute by appraisal.

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

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

580-02529-15

2015744c1

581 Professional Regulation.

582 (4) "Independent" means not subject to control,  
583 restriction, modification, and limitation by the appointing  
584 party.

585 (5) "Property insurance appraisal umpire" or "umpire" means  
586 a competent, independent, licensed, and impartial third party  
587 selected by the licensed appraisers for the insurer and the  
588 insured to resolve issues that the licensed appraisers are  
589 unable to reach an agreement during the course of the appraisal  
590 process pursuant to a residential or commercial property  
591 insurance contract that is required to provide for resolution of  
592 a claim dispute by appraisal.

593 (6) "Property insurance loss appraiser" or "appraiser"  
594 means a competent, licensed, and independent and impartial third  
595 party selected by an insurer or an insured to develop an  
596 appraisal for purposes of the appraisal process under a  
597 residential or commercial property insurance contract that  
598 provides for resolution of a claim dispute by appraisal.

599 (7) "Uniform application" means the uniform application of  
600 the National Association of Insurance Commissioners for  
601 nonresident agent licensing, effective January 15, 2001, or  
602 subsequent versions adopted by rule by the department.

603 468.8611 Fees.—

604 (1) The department, by rule, may establish fees to be paid  
605 for application, examination, reexamination, licensing and  
606 renewal, inactive status application, reactivation of inactive  
607 licenses, and application for providers of continuing education.  
608 The department may also establish by rule a delinquency fee.  
609 Fees shall be based on department estimates of the revenue

580-02529-15

2015744c1

610 required to implement the provisions of this part. Fees shall be  
611 remitted with the application, examination, reexamination,  
612 licensing and renewal, inactive status application, reactivation  
613 of inactive licenses, and application for providers of  
614 continuing education.

615 (2) The application fee shall not exceed \$200 and is  
616 nonrefundable. The examination fee shall not exceed \$200 plus  
617 the actual per applicant cost to the department to purchase the  
618 examination, if the department chooses to purchase the  
619 examination. The examination fee shall be in an amount that  
620 covers the cost of obtaining and administering the examination  
621 and shall be refunded if the applicant is found ineligible to  
622 sit for the examination.

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

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

626 (5) The fee for a biennial license renewal shall not exceed  
627 \$500.

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

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

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

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

636 468.86115 Application for license as a property insurance  
637 appraiser.—

638 (1) The department shall not issue a license as a property

580-02529-15

2015744c1

639 insurance appraiser to any person except upon written  
640 application previously filed with the department, with  
641 qualification and advance payment of all applicable fees. Any  
642 such application shall be made under oath or affirmation and  
643 signed by the applicant. The department shall accept the uniform  
644 application for a nonresident property insurance appraiser. The  
645 department may adopt revised versions of the uniform application  
646 by rule.

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

648 (a) His or her full name, age, social security number,  
649 residence address, business address, mailing address, contact  
650 telephone numbers, including a business telephone number, and e-  
651 mail address.

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

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

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

660 (e) The applicant's gender.

661 (f) The applicant's native language.

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

663 (h) All education requirements that the applicant has  
664 completed to qualify as a property insurance appraiser,  
665 including the name of the course, the course provider, and the  
666 course completion dates.

667 (3) Each application shall be accompanied by payment of any

580-02529-15

2015744c1

668 applicable fee.

669 (4) At the time of application, the applicant must be  
670 fingerprinted by a law enforcement agency or other entity  
671 approved by the department, and he or she must pay the  
672 fingerprint processing fee in s. 468.8611. Fingerprints must be  
673 processed by the Department of Law Enforcement.

674 (5) The Department of Law Enforcement may, to the extent  
675 provided for by federal law, exchange state, multistate, and  
676 federal criminal history records with the department or office  
677 for the purpose of the issuance, denial, suspension, or  
678 revocation of a certificate of authority, certification, or  
679 license to operate in this state.

680 (6) The Department of Law Enforcement may accept  
681 fingerprints of any other person required by statute or rule to  
682 submit fingerprints to the department or office or any applicant  
683 or licensee regulated by the department or office who is  
684 required to demonstrate that he or she has not been convicted of  
685 or pled guilty or nolo contendere to a felony or a misdemeanor.

686 (7) The Department of Law Enforcement shall, upon receipt  
687 of fingerprints from the department or office, submit the  
688 fingerprints to the Federal Bureau of Investigation for a  
689 federal criminal history records check.

690 (8) Statewide criminal records obtained through the  
691 Department of Law Enforcement, federal criminal records obtained  
692 through the Federal Bureau of Investigation, and local criminal  
693 records obtained through local law enforcement agencies shall be  
694 used by the department and office for the purpose of issuance,  
695 denial, suspension, or revocation of certificates of authority,  
696 certifications, or licenses issued to operate in this state.



580-02529-15

2015744c1

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

699 468.8612 Examinations.-

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

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

707 (a) The applicant is currently licensed, registered,  
708 certified, or approved as an engineer as defined in s. 471.005,  
709 or as a retired professional engineer as defined in s. 471.005,  
710 and has taught or successfully completed 4 hours of classroom  
711 coursework, approved by the department, specifically related to  
712 construction, building codes, appraisal procedures, appraisal  
713 preparation, and any other related material deemed appropriate  
714 by the department.

715 (b) The applicant is currently or, within the 5 years  
716 immediately preceding the date on which the application is filed  
717 with the department, has been licensed, registered, certified,  
718 or approved as a general contractor, building contractor, or  
719 residential contractor as defined in s. 489.105 and has taught  
720 or successfully completed 4 hours of classroom coursework,  
721 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 (c) The applicant is currently or, within the 5 years

580-02529-15

2015744c1

726 immediately preceding the date on which the application is filed  
727 with the department, has been licensed or registered as an  
728 architect to engage in the practice of architecture pursuant to  
729 part I of chapter 481 and has taught or successfully completed 4  
730 hours of classroom coursework, approved by the department,  
731 specifically related to construction, building codes, appraisal  
732 procedure, appraisal preparation, and any other related material  
733 deemed appropriate by the department.

734 (d) The applicant is currently or, within the 5 years  
735 immediately preceding the date on which the application is filed  
736 with the department, has been a qualified geologist or  
737 professional geologist as defined in s. 492.102 and has taught  
738 or successfully completed 4 hours of classroom coursework,  
739 approved by the department, specifically related to  
740 construction, building codes, appraisal procedure, appraisal  
741 preparation, and any other related material deemed appropriate  
742 by the department.

743 (e) The applicant is currently or, within the 5 years  
744 immediately preceding the date on which the application is filed  
745 with the department, has been licensed as a certified public  
746 accountant as defined in s. 473.302 and has taught or  
747 successfully completed 4 hours of classroom coursework, approved  
748 by the department, specifically related to construction,  
749 building codes, appraisal procedure, appraisal preparation, and  
750 any other related material deemed appropriate by the department.

751 (f) The applicant is currently or, within the 5 years  
752 immediately preceding the date on which the application is filed  
753 with the department, has been a licensed attorney in this state  
754 and has taught or successfully completed 4 hours of classroom

580-02529-15

2015744c1

755 coursework, approved by the department, specifically related to  
756 construction, building codes, appraisal procedure, appraisal  
757 preparation, and any other related material deemed appropriate  
758 by the department.

759 (g) The applicant has received a baccalaureate degree from  
760 an accredited 4-year college or university in the field of  
761 engineering, architecture, or building construction and has  
762 taught or successfully completed 4 hours of classroom  
763 coursework, approved by the department, specifically related to  
764 construction, building codes, appraisal procedure, appraisal  
765 preparation, and any other related material deemed appropriate  
766 by the department.

767 (h) The applicant is a currently licensed adjuster whose  
768 license covers all lines of insurance except the life and  
769 annuities class. The adjuster's license must include the  
770 property and casualty class of insurance. The currently licensed  
771 adjuster must be licensed for at least 3 years to qualify for a  
772 property insurance appraiser's license.

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

777 (j) The applicant has successfully completed 40 hours of  
778 classroom coursework, approved by the department, specifically  
779 related to construction, building codes, appraisal procedure,  
780 appraisal preparation, property insurance, and any other related  
781 material deemed appropriate by the department.

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

580-02529-15

2015744c1

784 appraisers.

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

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

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

792 (c) Is not a United States citizen or legal alien who  
793 possesses work authorization from the United States Citizenship  
794 and Immigration Services.

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

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

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

802 468.8613 Licensure.—

803 (1) The department shall license any applicant who the  
804 department certifies has completed the requirements of ss.  
805 468.8611, 468.86115, and 468.8612.

806 (2) The department shall not issue a license by endorsement  
807 to any applicant for a property insurance appraiser license who  
808 is under investigation in another state for any act that would  
809 constitute a violation of this part until such time that the  
810 investigation is complete and disciplinary proceedings have been  
811 terminated.

812 468.8614 Renewal of license.—

580-02529-15

2015744c1

813 (1) The department shall renew a license upon receipt of  
814 the renewal application and fee and upon certification by the  
815 department that the licensee has satisfactorily completed the  
816 continuing education requirements of s. 468.8615.

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

819 468.8615 Continuing education.—

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

826 (2) The department may prescribe by rule additional  
827 continuing professional education hours, not to exceed 25  
828 percent of the total required hours, for failure to complete the  
829 required hours for renewal by the end of the renewal period.

830 (3) Each appraiser course provider, instructor, and  
831 classroom course must be approved by and registered with the  
832 department before prelicensure courses for property insurance  
833 appraisers may be offered. Each classroom course must include a  
834 written examination at the conclusion of the course and must  
835 cover all of the material contained in the course. A student may  
836 not receive credit for the course unless the student achieves a  
837 grade of at least 75 percent on the examination.

838 (4) The department shall adopt rules establishing:

839 (a) Standards for the approval, registration, discipline,  
840 or removal from registration of course providers, instructors,  
841 and courses. The standards must be designed to ensure that

580-02529-15

2015744c1

842 instructors have the knowledge, competence, and integrity to  
843 fulfill the educational objectives of the prelicensure  
844 requirements of this part.

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

847  
848 The department shall adopt rules prescribing the forms necessary  
849 to administer the prelicensure requirements of this part.

850 (5) Approval to teach prescribed or approved appraisal  
851 courses does not entitle the instructor to teach any courses  
852 outside the scope of this part.

853 468.8616 Inactive license.—

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

857 (2) A license that has become inactive may be reactivated  
858 upon application to the department. The department may prescribe  
859 by rule continuing education requirements as a condition for  
860 reactivation of an inactive license. The continuing education  
861 requirements for reactivating a license may not exceed 14 hours  
862 for each year the license was inactive.

863 (3) The department shall adopt rules relating to licenses  
864 that have become inactive and for the renewal of inactive  
865 licenses. The department shall prescribe by rule a fee not to  
866 exceed \$250 for the reactivation of an inactive license and a  
867 fee not to exceed \$250 for the renewal of an inactive license.

868 468.8617 Certification of partnerships, corporations, and  
869 other business entities.—The practice of, or the offer to  
870 practice as, a property insurance appraiser by licensees through

580-02529-15

2015744c1

871 a partnership, corporation, or other business entity offering  
872 property insurance appraiser services to the public, or by a  
873 partnership, corporation, or other business entity through  
874 licensees under this part as agents, employees, officers, or  
875 partners is permitted subject to the provisions of this part.  
876 This section does not allow a corporation or other business  
877 entity to hold a license to practice property insurance  
878 appraiser services. A partnership, corporation, or other  
879 business entity is not relieved of responsibility for the  
880 conduct or acts of its agents, employees, or officers by reason  
881 of its compliance with this section. An individual practicing as  
882 a property insurance appraiser is not relieved of responsibility  
883 for professional services performed by reason of his or her  
884 employment or relationship with a partnership, corporation, or  
885 other business entity.

886 468.8618 Grounds for compulsory refusal, suspension, or  
887 revocation of an appraiser's license.—The department shall deny  
888 an application for, suspend, revoke, or refuse to renew or  
889 continue the license or appointment of any applicant, property  
890 insurance appraiser, or licensee and shall suspend or revoke the  
891 eligibility to hold a license or appointment of any such person  
892 if it finds that any one or more of the following applicable  
893 grounds exist:

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

896 (2) Material misstatement, misrepresentation, or fraud in  
897 obtaining the license or in attempting to obtain the license or  
898 appointment.

899 (3) Failure to pass to the satisfaction of the department

580-02529-15

2015744c1

900 any examination required under this act.

901 (4) That the license or appointment was willfully used, or  
902 will be used, to circumvent any of the requirements or  
903 prohibitions of this code.

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

906 (6) Demonstrated a lack of reasonably adequate knowledge  
907 and technical competence to engage in the transactions  
908 authorized by the license.

909 (7) Fraudulent or dishonest practices in the conduct of  
910 business under the license.

911 (8) Willful failure to comply with, or willful violation  
912 of, any proper order or rule of the department or willful  
913 violation of any provision of this act.

914 (9) Having been found guilty of or having pled guilty or  
915 nolo contendere to a felony or a crime punishable by  
916 imprisonment of 1 year or more under the law of the United  
917 States or of any state thereof or under the law of any other  
918 country which involves moral turpitude, without regard to  
919 whether a judgment of conviction has been entered by the court  
920 having jurisdiction of such cases.

921 (10) Violated a duty imposed upon her or him by law or by  
922 the terms of a contract, whether written, oral, expressed, or  
923 implied, in an appraisal; has aided, assisted, or conspired with  
924 any other person engaged in any such misconduct and in  
925 furtherance thereof; or has formed an intent, design, or scheme  
926 to engage in such misconduct and committed an overt act in  
927 furtherance of such intent, design, or scheme. It is immaterial  
928 to a finding that a licensee has committed a violation of this



580-02529-15

2015744c1

929 subsection that the victim or intended victim of the misconduct  
930 has sustained no damage or loss, that the damage or loss has  
931 been settled and paid after the discovery of misconduct, or that  
932 such victim or intended victim was a customer or a person in a  
933 confidential relationship with the licensee or was an identified  
934 member of the general public.

935 (11) Had a registration, license, or certification as an  
936 appraiser revoked, suspended, or otherwise acted against; has  
937 had his or her registration, license, or certificate to practice  
938 or conduct any regulated profession, business, or vocation  
939 revoked or suspended by this or any other state, any nation, or  
940 any possession or district of the United States; or has had an  
941 application for such registration, licensure, or certification  
942 to practice or conduct any regulated profession, business, or  
943 vocation denied by this or any other state, any nation, or any  
944 possession or district of the United States.

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

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

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

950 (d) Has induced another person to impede or obstruct such  
951 filing.

952 (13) Accepted an appointment as an appraiser if the  
953 appointment is contingent upon the appraiser reporting a  
954 predetermined result, analysis, or opinion, or if the fee to be  
955 paid for the services of the appraiser is contingent upon the  
956 opinion, conclusion, or valuation reached by the appraiser.

957 468.86185 Grounds for discretionary denial, suspension, or

580-02529-15

2015744c1

958 revocation of an appraiser's license.-The department may deny an  
959 application for and suspend, revoke, or refuse to renew or  
960 continue a license as a property insurance appraiser if the  
961 applicant or licensee has:

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

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

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

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

971 (5) Failed to timely notify the department of any change in  
972 business location or has failed to fully disclose all business  
973 locations from which he or she operates as a property insurance  
974 appraiser.

975 468.8619 Ethical standards for property insurance  
976 appraisers.-

977 (1) CONFIDENTIALITY.-An appraiser shall maintain  
978 confidentiality of all information revealed during an appraisal  
979 except to the party that hired the appraiser and except where  
980 disclosure is required by law.

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

985 (3) FEES AND EXPENSES.-Fees charged for appraisal services  
986 shall be reasonable and consistent with the nature of the case.

580-02529-15

2015744c1

987 An appraiser shall be guided by the following in determining  
988 fees:

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

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

992 (4) MAINTENANCE OF RECORDS.—An appraiser shall maintain  
993 records necessary to support charges for services and expenses,  
994 and upon request shall provide an accounting of all applicable  
995 charges to the parties. An appraiser licensed under this part  
996 shall retain for at least 5 years original or true copies of any  
997 contracts engaging the appraiser's services, appraisal reports,  
998 and supporting data assembled and formulated by the appraiser in  
999 preparing appraisal reports. The period for retaining the  
1000 records applicable to each engagement starts on the date of the  
1001 submission of the appraisal report to the client. The records  
1002 must be made available by the appraiser for inspection and  
1003 copying by the department upon reasonable notice to the  
1004 appraiser. If an appraisal has been the subject of, or has been  
1005 admitted as evidence in, a lawsuit, reports, and records the  
1006 appraisal must be retained for at least 2 years after the date  
1007 that the trial ends.

1008 (5) ADVERTISING.—An appraiser may not engage in marketing  
1009 practices that contain false or misleading information. An  
1010 appraiser shall ensure that any advertisements of the  
1011 appraiser's qualifications, services to be rendered, or the  
1012 appraisal process are accurate and honest. An appraiser may not  
1013 make claims of achieving specific outcomes or promises implying  
1014 favoritism for the purpose of obtaining business.

1015 (6) INTEGRITY AND IMPARTIALITY.—An appraiser may not accept

580-02529-15

2015744c1

1016 any engagement, provide any service, or perform any act that  
1017 would compromise the appraiser's integrity or impartiality.

1018 (a) An appraiser may not accept an appointment unless he or  
1019 she can:

1020 1. Serve impartially;

1021 2. Serve independently from the party appointing him or  
1022 her;

1023 3. Serve competently; and

1024 4. Be available to promptly commence the appraisal, and  
1025 thereafter devote the time and attention to its completion in a  
1026 manner expected by all involved parties.

1027 (b) An appraiser shall conduct the appraisal process in a  
1028 manner that advances the fair and efficient resolution of the  
1029 matters submitted for decision. A licensed appraiser shall make  
1030 all reasonable efforts to prevent delays in the appraisal  
1031 process, the harassment of parties or other participants, or  
1032 other abuse or disruption of the appraisal process.

1033 (c) Once a licensed appraiser has accepted an appointment,  
1034 the appraiser may not withdraw or abandon the appointment unless  
1035 compelled to do so by unanticipated circumstances that would  
1036 render it impossible or impracticable to continue.

1037 (d) The licensed appraiser shall, after careful  
1038 deliberation, decide all issues submitted for determination and  
1039 no other issues. A licensed appraiser shall decide all matters  
1040 justly, exercising independent judgment, and may not allow  
1041 outside pressure to affect the decision. An appraiser may not  
1042 delegate the duty to decide to any other person.

1043 (7) SKILL AND EXPERIENCE.—An appraiser shall decline an  
1044 appointment or selection, withdraw, or request appropriate

580-02529-15

2015744c1

1045 assistance when the facts and circumstances of the appraisal are  
1046 beyond the appraiser's skill or experience.

1047 (8) GIFTS AND SOLICITATION.—An appraiser may not give or  
1048 accept any gift, favor, loan, or other item of value in an  
1049 appraisal process except for the appraiser's reasonable fee.  
1050 During the appraisal process, an appraiser may not solicit or  
1051 otherwise attempt to procure future professional services.

1052 (9) COMMUNICATIONS WITH PARTIES.—

1053 (a) If an agreement of the parties establishes the manner  
1054 or content of the communications between the appraisers, the  
1055 parties, and the umpire, the appraisers shall abide by such  
1056 agreement. In the absence of agreement, an appraiser may not  
1057 discuss a proceeding with any party or with the umpire in the  
1058 absence of any other party, except in the following  
1059 circumstances:

1060 1. If the appointment of the appraiser or umpire is being  
1061 considered, the prospective appraiser or umpire may ask about  
1062 the identities of the parties, counsel, and the general nature  
1063 of the case, and may respond to inquiries from a party, its  
1064 counsel or an umpire designed to determine his or her  
1065 suitability and availability for the appointment;

1066 2. To consult with the party who appointed the appraiser  
1067 concerning the selection of a neutral umpire;

1068 3. To make arrangements for any compensation to be paid by  
1069 the party who appointed the appraiser; or

1070 4. To make arrangements for obtaining materials and  
1071 inspection of the property with the party who appointed the  
1072 appraiser. Such communication is limited to scheduling and the  
1073 exchange of materials.

580-02529-15

2015744c1

1074       (b) There may be no communications whereby a party dictates  
1075 to an appraiser what the result of the proceedings must be, what  
1076 matters or elements may be included or considered by the  
1077 appraiser, or what actions the appraiser may take.

1078       Section 3. This act shall take effect July 1, 2015.