

**By** the Committees on Banking and Insurance; and Regulated Industries; and Senator Richter

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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; requiring a person acting as a property  
10      insurance appraisal umpire on or after a certain date  
11      to be licensed under the act; authorizing the  
12      department to adopt rules; providing definitions;  
13      authorizing the department to establish fees;  
14      providing licensing application requirements;  
15      providing authority and procedures regarding  
16      submission and processing of fingerprints; providing  
17      examination requirements; specifying exemptions from  
18      such requirements; providing application requirements  
19      for licensure as a property insurance appraisal  
20      umpire; providing licensure renewal requirements;  
21      authorizing the department to adopt rules; providing  
22      continuing education requirements; providing  
23      requirements for the inactivation of a license by a  
24      licensee; providing requirements for renewing an  
25      inactive license; establishing license reactivation  
26      fees; providing for certification of partnerships and  
27      corporations offering property insurance appraisal  
28      umpire services; providing grounds for compulsory  
29      refusal, suspension, or revocation of an umpire's

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

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59 appraiser's license; providing grounds for  
60 discretionary denial, suspension, or revocation of an  
61 appraiser's license; providing ethical standards;  
62 providing an effective date.

63  
64 Be It Enacted by the Legislature of the State of Florida:

65  
66 Section 1. Part XVII of chapter 468, Florida Statutes,  
67 consisting of sections 468.85 through 468.8519, is created to  
68 read:

69 PART XVII

70 PROPERTY INSURANCE APPRAISAL UMPIRES

71 468.85 Property insurance appraisal umpire licensing  
72 program; legislative purpose; scope of part.-

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

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

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

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

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88       (5) The department may adopt rules to administer this part.  
89       468.851 Definitions.—As used in this part, the term:

90       (1) "Appraisal" means the process defined in the property  
91 insurance contract for determining the amount of the loss once  
92 coverage is established.

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

95       (3) "Department" means the Department of Business and  
96 Professional Regulation.

97       (4) "Independent" means not subject to control,  
98 restriction, modification, or limitation by the appointing  
99 party. An independent umpire shall conduct his or her  
100 investigation, evaluation, and estimation without instruction by  
101 an appointing party. A person may not accept an appointment as  
102 an umpire if the appointment is contingent upon the umpire  
103 reporting a predetermined result, analysis, or opinion, or if  
104 the fee to be paid for the services of the umpire is contingent  
105 upon the opinion, conclusion, or valuation reached by the  
106 umpire.

107       (5) "Property insurance appraisal umpire" or "umpire" means  
108 a competent, licensed, independent, and impartial third party  
109 selected by the licensed appraisers for the insurer and the  
110 insured to resolve issues that the licensed appraisers are  
111 unable to reach an agreement on during the course of the  
112 appraisal process pursuant to a residential or commercial  
113 property insurance contract that is required to provide for  
114 resolution of a claim dispute by appraisal as defined in the  
115 property insurance contract.

116       (6) "Property insurance appraiser" or "appraiser" means a

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117 third party selected by an insurer or an insured to develop an  
118 appraisal for purposes of the appraisal process under a  
119 residential or commercial property insurance contract that  
120 provides for resolution of a claim dispute by appraisal.

121 (7) "Uniform application" means the uniform application of  
122 the National Association of Insurance Commissioners for  
123 nonresident agent licensing, effective January 15, 2001, or  
124 subsequent versions adopted by rule by the department.

125 468.8511 Fees.—

126 (1) The department, by rule, may establish fees to be paid  
127 for application, examination, reexamination, licensing and  
128 renewal, inactive status application, reactivation of inactive  
129 licenses, and application for providers of continuing education.  
130 The department may also establish by rule a delinquency fee.  
131 Fees shall be based on department estimates of the revenue  
132 required to implement the provisions of this part. Fees shall be  
133 remitted with the application, examination, reexamination,  
134 licensing and renewal, inactive status application, and  
135 reactivation of inactive licenses, and application for providers  
136 of continuing education.

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

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

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

148       (5) The fee for a biennial license renewal shall not exceed  
149 \$500.

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

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

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

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

158       468.85115 Application for license as a property insurance  
159 appraisal umpire.-

160       (1) The department shall not issue a license as a property  
161 insurance appraisal umpire to any person except upon written  
162 application previously filed with the department, with  
163 qualification and advance payment of all applicable fees. Any  
164 such application shall be made under oath or affirmation and  
165 signed by the applicant. The department shall accept the uniform  
166 application for a nonresident property insurance appraisal  
167 umpire. The department may adopt revised versions of the uniform  
168 application by rule.

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

170       (a) His or her full name, age, social security number,  
171 residence address, business address, mailing address, contact  
172 telephone numbers, including a business telephone number, and e-  
173 mail address.

174       (b) Proof that he or she has completed or is in the process

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175 of completing any required prelicensing course.

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

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

182 (e) The applicant's gender.

183 (f) The applicant's native language.

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

185 (h) All education requirements that the applicant has  
186 completed to qualify as a property insurance appraisal umpire,  
187 including the name of the course, the course provider, and the  
188 course completion dates.

189 (3) Each application shall be accompanied by payment of any  
190 applicable fee.

191 (4) At the time of application, the applicant must be  
192 fingerprinted by a law enforcement agency or other entity  
193 approved by the department and he or she must pay the  
194 fingerprint processing fee in s. 468.8511. Fingerprints must be  
195 processed by the Department of Law Enforcement.

196 (5) The Department of Law Enforcement may, to the extent  
197 provided for by federal law, exchange state, multistate, and  
198 federal criminal history records with the department or office  
199 for the purpose of the issuance, denial, suspension, or  
200 revocation of a certificate of authority, certification, or  
201 license to operate in this state.

202 (6) The Department of Law Enforcement may accept  
203 fingerprints of any other person required by statute or rule to

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204 submit fingerprints to the department or office or any applicant  
205 or licensee regulated by the department or office who is  
206 required to demonstrate that he or she has not been convicted of  
207 or pled guilty or nolo contendere to a felony or a misdemeanor.

208 (7) The Department of Law Enforcement shall, upon receipt  
209 of fingerprints from the department or office, submit the  
210 fingerprints to the Federal Bureau of Investigation for a  
211 federal criminal history records check.

212 (8) Statewide criminal records obtained through the  
213 Department of Law Enforcement, federal criminal records obtained  
214 through the Federal Bureau of Investigation, and local criminal  
215 records obtained through local law enforcement agencies shall be  
216 used by the department and office for the purpose of issuance,  
217 denial, suspension, or revocation of certificates of authority,  
218 certifications, or licenses issued to operate in this state.

219 (9) The department shall develop and maintain as a public  
220 record a current list of licensed property insurance appraisal  
221 umpires.

222 468.8512 Examinations.-

223 (1) A person desiring to be licensed as a property  
224 insurance appraisal umpire must apply to the department after  
225 satisfying the examination requirements of this part. The  
226 following persons are exempt from the examination requirements  
227 of this part:

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

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

232 (c) Mediators who are on the list of approved mediators



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233 pursuant to rule 69J-166.031, Florida Administrative Code.

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

238 (a) The applicant is currently licensed, registered,  
239 certified, or approved as an engineer as defined in s. 471.005,  
240 or as a retired professional engineer as defined in s. 471.005,  
241 and has taught or successfully completed 4 hours of classroom  
242 coursework, approved by the department, specifically related to  
243 construction, building codes, appraisal procedures, appraisal  
244 preparation, and any other related material deemed appropriate  
245 by the department.

246 (b) The applicant is currently or, within the 5 years  
247 immediately preceding the date on which the application is filed  
248 with the department, has been licensed, registered, certified,  
249 or approved as a general contractor, building contractor, or  
250 residential contractor as defined in s. 489.105 and has taught  
251 or successfully completed 4 hours of classroom coursework,  
252 approved by the department, specifically related to  
253 construction, building codes, appraisal procedure, appraisal  
254 preparation, and any other related material deemed appropriate  
255 by the department.

256 (c) The applicant is currently or, within the 5 years  
257 immediately preceding the date on which the application is filed  
258 with the department, has been licensed or registered as an  
259 architect to engage in the practice of architecture pursuant to  
260 part I of chapter 481 and has taught or successfully completed 4  
261 hours of classroom coursework, approved by the department,

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

265 (d) 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 (e) 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 (f) 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 (g) The applicant has successfully completed 40 hours of  
288 classroom coursework, approved by the department, specifically  
289 related to construction, building codes, appraisal procedure,  
290 appraisal preparation, property insurance, and any other related

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291 material deemed appropriate by the department.

292 (3) The department shall review and approve courses of  
293 study for the continuing education of property insurance  
294 appraisal umpires.

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

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

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

302 (c) Is not a United States citizen or legal alien who  
303 possesses work authorization from the United States Citizenship  
304 and Immigration Services.

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

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

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

312 468.8513 Licensure.-

313 (1) The department shall license any applicant who the  
314 department certifies has completed the requirements of ss.  
315 468.8511, 468.85115, and 468.8512.

316 (2) The department shall not issue a license by endorsement  
317 to any applicant for a property insurance appraisal umpire  
318 license who is under investigation in another state for any act  
319 that would constitute a violation of this part until such time

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320 that the investigation is complete and disciplinary proceedings  
321 have been terminated.

322 468.8514 Renewal of license.—

323 (1) The department shall renew a license upon receipt of  
324 the renewal application and fee and upon certification by the  
325 department that the licensee has satisfactorily completed the  
326 continuing education requirements of s. 468.8515.

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

329 468.8515 Continuing education.—

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

336 (2) The department may prescribe by rule additional  
337 continuing professional education hours, not to exceed 25  
338 percent of the total required hours, for failure to complete the  
339 required hours by the end of the renewal period.

340 (3) Each umpire course provider, instructor, and classroom  
341 course must be approved by and registered with the department  
342 before prelicensure courses for property insurance appraisal  
343 umpires may be offered. Each classroom course must include a  
344 written examination at the conclusion of the course and must  
345 cover all of the material contained in the course. A student may  
346 not receive credit for the course unless the student achieves a  
347 grade of at least 75 percent on the examination.

348 (4) The department shall adopt rules establishing:

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

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

357  
358 The department shall adopt rules prescribing the forms necessary  
359 to administer the prelicensure requirements of this part.

360 (5) Approval to teach prescribed or approved appraisal  
361 courses does not entitle the instructor to teach any courses  
362 outside the scope of this part.

363 468.8516 Inactive license.-

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

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

373 (3) The department shall adopt rules relating to licenses  
374 that have become inactive and for the renewal of inactive  
375 licenses. The department shall prescribe by rule a fee not to  
376 exceed \$250 for the reactivation of an inactive license and a  
377 fee not to exceed \$250 for the renewal of an inactive license.

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378       468.8517 Certification of partnerships, corporations, and  
379 other business entities.-The practice of, or the offer to  
380 practice as, a property insurance appraisal umpire by licensees  
381 through a partnership, corporation, or other business entity  
382 offering property insurance appraisal umpire services to the  
383 public, or by a partnership, corporation, or other business  
384 entities through licensees under this part as agents, employees,  
385 officers, or partners is permitted, subject to the provisions of  
386 this part. This section does not allow a corporation or other  
387 business entity to hold a license to practice property insurance  
388 appraisal umpire services. A partnership, corporation, or other  
389 business entity is not relieved of responsibility for the  
390 conduct or acts of its agents, employees, or officers by reason  
391 of its compliance with this section. An individual practicing as  
392 a property insurance appraisal umpire is not relieved of  
393 responsibility for professional services performed by reason of  
394 his or her employment or relationship with a partnership,  
395 corporation, or other business entity.

396       468.8518 Grounds for compulsory refusal, suspension, or  
397 revocation of an umpire's license.-The department shall deny an  
398 application for, suspend, revoke, or refuse to renew or continue  
399 the license or appointment of any applicant, property insurance  
400 appraisal umpire or licensee and shall suspend or revoke the  
401 eligibility to hold a license or appointment of any such person  
402 if it finds that any one or more of the following applicable  
403 grounds exist:

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

406           (2) Material misstatement, misrepresentation, or fraud in

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407 obtaining the license or in attempting to obtain the license or  
408 appointment.

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

411 (4) That the license or appointment was willfully used, or  
412 will be used, to circumvent any of the requirements or  
413 prohibitions of this chapter.

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

416 (6) Demonstrated a lack of reasonably adequate knowledge  
417 and technical competence to engage in the transactions  
418 authorized by the license.

419 (7) Fraudulent or dishonest practices in the conduct of  
420 business under the license.

421 (8) Willful failure to comply with, or willful violation  
422 of, any proper order or rule of the department or willful  
423 violation of any provision of this chapter.

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

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

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

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436 (c) Has formed an intent, design, or scheme to engage in  
437 such misconduct and committed an overt act in furtherance of  
438 such intent, design, or scheme.

439  
440 It is immaterial to a finding that a licensee has committed a  
441 violation of this subsection that the victim or intended victim  
442 of the misconduct has sustained no damage or loss, that the  
443 damage or loss has been settled and paid after the discovery of  
444 misconduct, or that such victim or intended victim was a  
445 customer or a person in a confidential relationship with the  
446 licensee or was an identified member of the general public.

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

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

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

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

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

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

464 (d) Has induced another person to impede or obstruct such



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465 filing.

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

471 468.85185 Grounds for discretionary denial, suspension, or  
472 revocation of an umpire's license.—The department may deny an  
473 application for and suspend, revoke, or refuse to renew or  
474 continue a license as a property insurance appraisal umpire if  
475 the applicant or licensee has:

476 (1) Failed to timely communicate with the appraisers  
477 without good cause.

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

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

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

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

489 468.8519 Ethical standards for property insurance appraisal  
490 umpires.—

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

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

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

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

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

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

509 (4) MAINTENANCE OF RECORDS.—An umpire shall maintain  
510 records necessary to support charges for services and expenses,  
511 and upon request shall provide an accounting of all applicable  
512 charges to the parties. An umpire licensed under this part shall  
513 retain original or true copies of any contracts engaging the  
514 umpire's services, appraisal reports, and supporting data  
515 assembled and formulated by the umpire in preparing appraisal  
516 reports for at least 5 years. The period for retaining the  
517 records applicable to each engagement starts on the date of the  
518 submission of the appraisal report to the client. The records  
519 must be made available by the umpire for inspection and copying  
520 by the department upon reasonable notice to the umpire. If an  
521 appraisal has been the subject of, or has been admitted as  
522 evidence in, a lawsuit, reports, and records, the appraisal must

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523 be retained for at least 2 years after the date that the trial  
524 ends.

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

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

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

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

544 Section 2. Part XVIII of chapter 468, Florida Statutes,  
545 consisting of sections 468.86 through 468.8619, is created to  
546 read:

547 PART XVIII

548 PROPERTY INSURANCE APPRAISERS

549 468.86 Property insurance appraiser licensing program;  
550 legislative purpose; scope of part.—

551 (1) The property insurance appraiser licensing program is

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552 created within the Department of Business and Professional  
553 Regulation.

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

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

563 (4) A person acting as a property insurance appraiser on or  
564 after October 1, 2016, must be licensed pursuant to this part.

565 (5) The department may adopt rules to administer the  
566 requirements of this part.

567 468.861 Definitions.—As used in this part, the term:

568 (1) "Appraisal" means the process defined in the property  
569 insurance contract for determining the amount of the loss once  
570 coverage is established.

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

573 (3) "Department" means the Department of Business and  
574 Professional Regulation.

575 (4) "Independent" means not subject to control,  
576 restriction, modification, or limitation by the appointing  
577 party. A person may not accept an appointment as an appraiser if  
578 the appointment is contingent upon the appraiser reporting a  
579 predetermined result, analysis, or opinion, or if the fee to be  
580 paid for the services of the appraiser is contingent upon the

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581 opinion, conclusion, or valuation reached by the appraiser.

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

591 (6) "Property insurance appraiser" or "appraiser" means a  
592 third party selected by an insurer or an insured to develop an  
593 appraisal for purposes of the appraisal process under a  
594 residential or commercial property insurance contract that  
595 provides for resolution of a claim dispute by appraisal.

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

600 468.8611 Fees.—

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

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610 of inactive licenses, and application for providers of  
611 continuing education.

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

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

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

623 (5) The fee for a biennial license renewal shall not exceed  
624 \$500.

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

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

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

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

633 468.86115 Application for license as a property insurance  
634 appraiser.—

635 (1) The department shall not issue a license as a property  
636 insurance appraiser to any person except upon written  
637 application previously filed with the department, with  
638 qualification and advance payment of all applicable fees. Any

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639 such application shall be made under oath or affirmation and  
640 signed by the applicant. The department shall accept the uniform  
641 application for a nonresident property insurance appraiser. The  
642 department may adopt revised versions of the uniform application  
643 by rule.

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

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

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

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

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

657 (e) The applicant's gender.

658 (f) The applicant's native language.

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

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

664 (3) Each application shall be accompanied by payment of any  
665 applicable fee.

666 (4) At the time of application, the applicant must be  
667 fingerprinted by a law enforcement agency or other entity

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668 approved by the department, and he or she must pay the  
669 fingerprint processing fee in s. 468.8611. Fingerprints must be  
670 processed by the Department of Law Enforcement.

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

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

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

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

694 (9) The department shall develop and maintain as a public  
695 record a current list of licensed property insurance appraisers.  
696 468.8612 Examinations.-



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697 (1) A person desiring to be licensed as a property  
698 insurance appraiser must apply to the department after  
699 satisfying the examination requirements of this part. The  
700 following persons are exempt from the examination requirements  
701 of this part:

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

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

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

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

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

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

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726 approved by the department, specifically related to  
727 construction, building codes, appraisal procedure, appraisal  
728 preparation, and any other related material deemed appropriate  
729 by the department.

730 (c) The applicant is currently or, within the 5 years  
731 immediately preceding the date on which the application is filed  
732 with the department, has been licensed or registered as an  
733 architect to engage in the practice of architecture pursuant to  
734 part I of chapter 481 and has taught or successfully completed 4  
735 hours of classroom coursework, approved by the department,  
736 specifically related to construction, building codes, appraisal  
737 procedure, appraisal preparation, and any other related material  
738 deemed appropriate by the department.

739 (d) The applicant is currently or, within the 5 years  
740 immediately preceding the date on which the application is filed  
741 with the department, has been a licensed attorney in this state  
742 and has taught or successfully completed 4 hours of classroom  
743 coursework, approved by the department, specifically related to  
744 construction, building codes, appraisal procedure, appraisal  
745 preparation, and any other related material deemed appropriate  
746 by the department.

747 (e) The applicant has received a baccalaureate degree from  
748 an accredited 4-year college or university in the field of  
749 engineering, architecture, or building construction and has  
750 taught or successfully completed 4 hours of classroom  
751 coursework, approved by the department, specifically related to  
752 construction, building codes, appraisal procedure, appraisal  
753 preparation, and any other related material deemed appropriate  
754 by the department.

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755 (f) The applicant is a currently licensed adjuster whose  
756 license covers all lines of insurance except the life and  
757 annuities class. The adjuster's license must include the  
758 property and casualty class of insurance. The currently licensed  
759 adjuster must be licensed for at least 3 years to qualify for a  
760 property insurance appraiser's license.

761 (g) The applicant has successfully completed 40 hours of  
762 classroom coursework, approved by the department, specifically  
763 related to construction, building codes, appraisal procedure,  
764 appraisal preparation, property insurance, and any other related  
765 material deemed appropriate by the department.

766 (3) The department shall review and approve courses of  
767 study for the continuing education of property insurance  
768 appraisers.

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

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

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

776 (c) Is not a United States citizen or legal alien who  
777 possesses work authorization from the United States Citizenship  
778 and Immigration Services.

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

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

783 (6) An applicant seeking to become licensed under this part

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784 may not be rejected solely by virtue of membership or lack of  
785 membership in any particular appraisal organization.

786 468.8613 Licensure.—

787 (1) The department shall license any applicant who the  
788 department certifies has completed the requirements of ss.  
789 468.8611, 468.86115, and 468.8612.

790 (2) The department shall not issue a license by endorsement  
791 to any applicant for a property insurance appraiser license who  
792 is under investigation in another state for any act that would  
793 constitute a violation of this part until such time that the  
794 investigation is complete and disciplinary proceedings have been  
795 terminated.

796 468.8614 Renewal of license.—

797 (1) The department shall renew a license upon receipt of  
798 the renewal application and fee and upon certification by the  
799 department that the licensee has satisfactorily completed the  
800 continuing education requirements of s. 468.8615.

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

803 468.8615 Continuing education.—

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

810 (2) The department may prescribe by rule additional  
811 continuing professional education hours, not to exceed 25  
812 percent of the total required hours, for failure to complete the

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813 required hours for renewal by the end of the renewal period.

814 (3) Each appraiser course provider, instructor, and  
815 classroom course must be approved by and registered with the  
816 department before prelicensure courses for property insurance  
817 appraisers may be offered. Each classroom course must include a  
818 written examination at the conclusion of the course and must  
819 cover all of the material contained in the course. A student may  
820 not receive credit for the course unless the student achieves a  
821 grade of at least 75 percent on the examination.

822 (4) The department shall adopt rules establishing:

823 (a) Standards for the approval, registration, discipline,  
824 or removal from registration of course providers, instructors,  
825 and courses. The standards must be designed to ensure that  
826 instructors have the knowledge, competence, and integrity to  
827 fulfill the educational objectives of the prelicensure  
828 requirements of this part.

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

831  
832 The department shall adopt rules prescribing the forms necessary  
833 to administer the prelicensure requirements of this part.

834 (5) Approval to teach prescribed or approved appraisal  
835 courses does not entitle the instructor to teach any courses  
836 outside the scope of this part.

837 468.8616 Inactive license.-

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

841 (2) A license that has become inactive may be reactivated

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842 upon application to the department. The department may prescribe  
843 by rule continuing education requirements as a condition for  
844 reactivation of an inactive license. The continuing education  
845 requirements for reactivating a license may not exceed 14 hours  
846 for each year the license was inactive.

847 (3) The department shall adopt rules relating to licenses  
848 that have become inactive and for the renewal of inactive  
849 licenses. The department shall prescribe by rule a fee not to  
850 exceed \$250 for the reactivation of an inactive license and a  
851 fee not to exceed \$250 for the renewal of an inactive license.

852 468.8617 Certification of partnerships, corporations, and  
853 other business entities.—The practice of, or the offer to  
854 practice as, a property insurance appraiser by licensees through  
855 a partnership, corporation, or other business entity offering  
856 property insurance appraiser services to the public, or by a  
857 partnership, corporation, or other business entity through  
858 licensees under this part as agents, employees, officers, or  
859 partners is permitted subject to the provisions of this part.  
860 This section does not allow a corporation or other business  
861 entity to hold a license to practice property insurance  
862 appraiser services. A partnership, corporation, or other  
863 business entity is not relieved of responsibility for the  
864 conduct or acts of its agents, employees, or officers by reason  
865 of its compliance with this section. An individual practicing as  
866 a property insurance appraiser is not relieved of responsibility  
867 for professional services performed by reason of his or her  
868 employment or relationship with a partnership, corporation, or  
869 other business entity.

870 468.8618 Grounds for compulsory refusal, suspension, or

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871 revocation of an appraiser's license.-The department shall deny  
872 an application for, suspend, revoke, or refuse to renew or  
873 continue the license or appointment of any applicant, property  
874 insurance appraiser, or licensee and shall suspend or revoke the  
875 eligibility to hold a license or appointment of any such person  
876 if it finds that any one or more of the following applicable  
877 grounds exist:

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

880 (2) Material misstatement, misrepresentation, or fraud in  
881 obtaining the license or in attempting to obtain the license or  
882 appointment.

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

885 (4) That the license or appointment was willfully used, or  
886 will be used, to circumvent any of the requirements or  
887 prohibitions of this code.

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

890 (6) Demonstrated a lack of reasonably adequate knowledge  
891 and technical competence to engage in the transactions  
892 authorized by the license.

893 (7) Fraudulent or dishonest practices in the conduct of  
894 business under the license.

895 (8) Willful failure to comply with, or willful violation  
896 of, any proper order or rule of the department or willful  
897 violation of any provision of this act.

898 (9) Having been found guilty of or having pled guilty or  
899 nolo contendere to a felony or a crime punishable by

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900 imprisonment of 1 year or more under the law of the United  
901 States or of any state thereof or under the law of any other  
902 country which involves moral turpitude, without regard to  
903 whether a judgment of conviction has been entered by the court  
904 having jurisdiction of such cases.

905 (10) Violated a duty imposed upon her or him by law or by  
906 the terms of a contract, whether written, oral, expressed, or  
907 implied, in an appraisal; has aided, assisted, or conspired with  
908 any other person engaged in any such misconduct and in  
909 furtherance thereof; or has formed an intent, design, or scheme  
910 to engage in such misconduct and committed an overt act in  
911 furtherance of such intent, design, or scheme. It is immaterial  
912 to a finding that a licensee has committed a violation of this  
913 subsection that the victim or intended victim of the misconduct  
914 has sustained no damage or loss, that the damage or loss has  
915 been settled and paid after the discovery of misconduct, or that  
916 such victim or intended victim was a customer or a person in a  
917 confidential relationship with the licensee or was an identified  
918 member of the general public.

919 (11) Had a registration, license, or certification as an  
920 appraiser revoked, suspended, or otherwise acted against; has  
921 had his or her registration, license, or certificate to practice  
922 or conduct any regulated profession, business, or vocation  
923 revoked or suspended by this or any other state, any nation, or  
924 any possession or district of the United States; or has had an  
925 application for such registration, licensure, or certification  
926 to practice or conduct any regulated profession, business, or  
927 vocation denied by this or any other state, any nation, or any  
928 possession or district of the United States.



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

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

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

934 (d) Has induced another person to impede or obstruct such  
935 filing.

936 (13) Accepted an appointment as an appraiser if the  
937 appointment is contingent upon the appraiser reporting a  
938 predetermined result, analysis, or opinion, or if the fee to be  
939 paid for the services of the appraiser is contingent upon the  
940 opinion, conclusion, or valuation reached by the appraiser.

941 468.86185 Grounds for discretionary denial, suspension, or  
942 revocation of an appraiser's license.-The department may deny an  
943 application for and suspend, revoke, or refuse to renew or  
944 continue a license as a property insurance appraiser if the  
945 applicant or licensee has:

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

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

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

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

955 (5) Failed to timely notify the department of any change in  
956 business location or has failed to fully disclose all business  
957 locations from which he or she operates as a property insurance

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958 appraiser.

959 468.8619 Ethical standards for property insurance  
960 appraisers.-

961 (1) CONFIDENTIALITY.-An appraiser shall maintain  
962 confidentiality of all information revealed during an appraisal  
963 except to the party that hired the appraiser and except where  
964 disclosure is required by law.

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

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

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

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

976 (4) MAINTENANCE OF RECORDS.-An appraiser shall maintain  
977 records necessary to support charges for services and expenses,  
978 and upon request shall provide an accounting of all applicable  
979 charges to the parties. An appraiser licensed under this part  
980 shall retain for at least 5 years original or true copies of any  
981 contracts engaging the appraiser's services, appraisal reports,  
982 and supporting data assembled and formulated by the appraiser in  
983 preparing appraisal reports. The period for retaining the  
984 records applicable to each engagement starts on the date of the  
985 submission of the appraisal report to the client. The records  
986 must be made available by the appraiser for inspection and

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987 copying by the department upon reasonable notice to the  
988 appraiser. If an appraisal has been the subject of, or has been  
989 admitted as evidence in, a lawsuit, reports, and records the  
990 appraisal must be retained for at least 2 years after the date  
991 that the trial ends.

992 (5) ADVERTISING.—An appraiser may not engage in marketing  
993 practices that contain false or misleading information. An  
994 appraiser shall ensure that any advertisements of the  
995 appraiser's qualifications, services to be rendered, or the  
996 appraisal process are accurate and honest. An appraiser may not  
997 make claims of achieving specific outcomes or promises implying  
998 favoritism for the purpose of obtaining business.

999 (6) INTEGRITY AND IMPARTIALITY.—An appraiser may not accept  
1000 any engagement, provide any service, or perform any act that  
1001 would compromise the appraiser's integrity or impartiality.

1002 (a) An appraiser may not accept an appointment unless he or  
1003 she can:

1004 1. Serve impartially;

1005 2. Serve independently from the party appointing him or  
1006 her;

1007 3. Serve competently; and

1008 4. Be available to promptly commence the appraisal, and  
1009 thereafter devote the time and attention to its completion in a  
1010 manner expected by all involved parties.

1011 (b) An appraiser shall conduct the appraisal process in a  
1012 manner that advances the fair and efficient resolution of the  
1013 matters submitted for decision. A licensed appraiser shall make  
1014 all reasonable efforts to prevent delays in the appraisal  
1015 process, the harassment of parties or other participants, or

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1016 other abuse or disruption of the appraisal process.

1017 (c) Once a licensed appraiser has accepted an appointment,  
1018 the appraiser may not withdraw or abandon the appointment unless  
1019 compelled to do so by unanticipated circumstances that would  
1020 render it impossible or impracticable to continue.

1021 (d) The licensed appraiser shall, after careful  
1022 deliberation, decide all issues submitted for determination and  
1023 no other issues. A licensed appraiser shall decide all matters  
1024 justly, exercising independent judgment, and may not allow  
1025 outside pressure to affect the decision. An appraiser may not  
1026 delegate the duty to decide to any other person.

1027 (7) SKILL AND EXPERIENCE.—An appraiser shall decline an  
1028 appointment or selection, withdraw, or request appropriate  
1029 assistance when the facts and circumstances of the appraisal are  
1030 beyond the appraiser's skill or experience.

1031 (8) GIFTS AND SOLICITATION.—An appraiser may not give or  
1032 accept any gift, favor, loan, or other item of value in an  
1033 appraisal process except for the appraiser's reasonable fee.  
1034 During the appraisal process, an appraiser may not solicit or  
1035 otherwise attempt to procure future professional services.

1036 (9) COMMUNICATIONS WITH PARTIES.—

1037 (a) If an agreement of the parties establishes the manner  
1038 or content of the communications between the appraisers, the  
1039 parties, and the umpire, the appraisers shall abide by such  
1040 agreement. In the absence of agreement, an appraiser may not  
1041 discuss a proceeding with any party or with the umpire in the  
1042 absence of any other party, except in the following  
1043 circumstances:

1044 1. If the appointment of the appraiser or umpire is being

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1045 considered, the prospective appraiser or umpire may ask about  
1046 the identities of the parties, counsel, and the general nature  
1047 of the case, and may respond to inquiries from a party, its  
1048 counsel or an umpire designed to determine his or her  
1049 suitability and availability for the appointment;

1050 2. To consult with the party who appointed the appraiser  
1051 concerning the selection of a neutral umpire;

1052 3. To make arrangements for any compensation to be paid by  
1053 the party who appointed the appraiser; or

1054 4. To make arrangements for obtaining materials and  
1055 inspection of the property with the party who appointed the  
1056 appraiser. Such communication is limited to scheduling and the  
1057 exchange of materials.

1058 (b) There may be no communications whereby a party dictates  
1059 to an appraiser what the result of the proceedings must be, what  
1060 matters or elements may be included or considered by the  
1061 appraiser, or what actions the appraiser may take.

1062 Section 3. This act shall take effect July 1, 2015.