

1                                   A bill to be entitled  
2           An act relating to property insurance appraisers and  
3           property insurance appraisal umpires; amending s.  
4           624.04, F.S.; revising the definition of the term  
5           "person"; amending s. 624.303, F.S.; exempting  
6           certificates issued to property insurance appraisal  
7           umpires from the requirement to bear a seal of the  
8           Department of Financial Services; amending s. 624.311,  
9           F.S.; providing a schedule for destruction of property  
10          insurance appraisal umpire licensing files and  
11          records; amending s. 624.317, F.S.; authorizing the  
12          department to investigate property insurance appraisal  
13          umpires for violations of the insurance code; amending  
14          s. 624.501, F.S.; authorizing specified fees for  
15          property insurance appraisal umpires; amending s.  
16          624.523, F.S.; requiring fees associated with property  
17          insurance appraisal umpires' appointments to be  
18          deposited into the Insurance Regulatory Trust Fund;  
19          amending s. 626.015, F.S.; providing a definition;  
20          amending s. 626.016, F.S.; revising the scope of the  
21          Chief Financial Officer's powers and duties and the  
22          department's enforcement jurisdiction to include  
23          umpires; amending s. 626.022, F.S.; including property  
24          insurance appraisal umpire licensing in the scope of  
25          part I of ch. 626, F.S., relating to licensing

26 | procedures; amending s. 626.112, F.S.; requiring  
27 | umpires to be licensed and appointed; requiring  
28 | licensure as an adjuster when serving as an appraiser  
29 | under certain conditions; prohibiting certain  
30 | disqualified persons from acting or serving as an  
31 | umpire or appraiser; amending s. 626.171, F.S.;  
32 | requiring a specified application and payment of fees  
33 | for an umpire license; requiring applicants for  
34 | licensure as an umpire to submit fingerprints to the  
35 | department; amending s. 626.207, F.S.; providing that  
36 | s. 112.011, F.S., relating to disqualification from  
37 | licensure or public employment does not apply to  
38 | applicants for licensure as umpires; amending s.  
39 | 626.2815, F.S.; requiring specified continuing  
40 | education for licensure as an umpire; revising  
41 | applicability; amending s. 626.451, F.S.; providing  
42 | requirements relating to the appointment of an umpire;  
43 | amending s. 626.461, F.S.; providing that an umpire  
44 | appointment continues in effect, subject to certain  
45 | conditions, until the person's license is revoked or  
46 | otherwise terminated; amending s. 626.521, F.S.;  
47 | authorizing the department to obtain a credit and  
48 | character report for certain umpire applicants;  
49 | amending s. 626.541, F.S.; requiring an umpire to  
50 | provide certain information to the department when

51 | doing business under a different business name or when  
52 | information in the licensure application changes;  
53 | amending s. 626.601, F.S.; authorizing the department  
54 | to investigate improper conduct of any licensed  
55 | umpire; amending s. 626.611, F.S.; requiring the  
56 | department to refuse, suspend, or revoke an umpire's  
57 | license under certain circumstances; amending s.  
58 | 626.621, F.S.; authorizing the department to refuse,  
59 | suspend, or revoke an umpire's license under certain  
60 | circumstances; amending s. 626.641, F.S.; prohibiting  
61 | an umpire from certain transactions, business,  
62 | ownership, control, or employment during the period  
63 | the umpire's license is suspended or revoked; amending  
64 | ss. 626.7845, 626.8305, and 626.8411, F.S.; conforming  
65 | cross-references; amending s. 626.8443, F.S.;  
66 | prohibiting a title insurance agent from certain  
67 | transactions, business, ownership, control, or  
68 | employment during the period the agent's license is  
69 | suspended or revoked; amending s. 626.854, F.S.;  
70 | providing limitations on fees charged by a public  
71 | adjuster during an appraisal; creating s. 626.8791,  
72 | F.S.; establishing required notice in a contract for  
73 | appraisal services; amending s. 626.9957, F.S.;  
74 | conforming a cross-reference; creating part XIV of ch.  
75 | 626, F.S., relating to property insurance appraisal

76 | umpires; creating s. 626.9961, F.S.; providing a short  
 77 | title; creating s. 626.9962, F.S.; providing  
 78 | legislative findings; creating s. 626.9963, F.S.;  
 79 | providing that part XIV supplements part I of ch. 626,  
 80 | F.S., the "Licensing Procedures Law"; creating s.  
 81 | 626.9964, F.S.; providing definitions; creating s.  
 82 | 626.9965, F.S.; providing qualifications for license  
 83 | as an umpire; prohibiting the department from  
 84 | rejecting an application solely on specified grounds;  
 85 | creating s. 626.9966, F.S.; authorizing the department  
 86 | to refuse, suspend, or revoke an umpire's license  
 87 | under certain circumstances; creating s. 626.9967,  
 88 | F.S.; providing ethical standards for property  
 89 | insurance appraisal umpires; creating s. 626.9968,  
 90 | F.S.; providing for disqualification of an umpire  
 91 | under certain circumstances; repealing s. 627.70151,  
 92 | F.S., relating to appraisal conflicts of interest;  
 93 | providing an appropriation and authorizing positions;  
 94 | providing applicability; providing an effective date.

95 |

96 | Be It Enacted by the Legislature of the State of Florida:

97 |

98 | Section 1. Section 624.04, Florida Statutes, is amended to  
 99 | read:

100 | 624.04 "Person" defined.—"Person" includes an individual,

101 insurer, company, association, organization, Lloyds, society,  
 102 reciprocal insurer or interinsurance exchange, partnership,  
 103 syndicate, business trust, corporation, agent, general agent,  
 104 broker, service representative, adjuster, property insurance  
 105 appraisal umpire, and every legal entity.

106 Section 2. Subsection (2) of section 624.303, Florida  
 107 Statutes, is amended to read:

108 624.303 Seal; certified copies as evidence.—

109 (2) All certificates executed by the department or office,  
 110 other than licenses of agents, property insurance appraisal  
 111 umpires, ~~or~~ adjusters, or similar licenses or permits, shall  
 112 bear its respective seal.

113 Section 3. Paragraphs (b) and (c) of subsection (4) of  
 114 section 624.311, Florida Statutes, are amended to read:

115 624.311 Records; reproductions; destruction.—

116 (4) To facilitate the efficient use of floor space and  
 117 filing equipment in its offices, the department, commission, and  
 118 office may each destroy the following records and documents  
 119 pursuant to chapter 257:

120 (b) Agent, adjuster, property insurance appraisal umpire,  
 121 and similar license files, including license files of the  
 122 Division of State Fire Marshal, over 2 years old; except that  
 123 the department or office shall preserve by reproduction or  
 124 otherwise a copy of the original records upon the basis of which  
 125 each such licensee qualified for her or his initial license,

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126 | except a competency examination, and of any disciplinary  
127 | proceeding affecting the licensee;

128 |       (c) All agent, adjuster, property insurance appraisal  
129 | umpire, and similar license files and records, including  
130 | original license qualification records and records of  
131 | disciplinary proceedings 5 years after a licensee has ceased to  
132 | be qualified for a license;

133 |       Section 4. Subsection (1) of section 624.317, Florida  
134 | Statutes, is amended to read:

135 |       624.317 Investigation of agents, adjusters, property  
136 | insurance appraisal umpires, administrators, service companies,  
137 | and others.—If it has reason to believe that any person has  
138 | violated or is violating any provision of this code, or upon the  
139 | written complaint signed by any interested person indicating  
140 | that any such violation may exist:

141 |       (1) The department shall conduct such investigation as it  
142 | deems necessary of the accounts, records, documents, and  
143 | transactions pertaining to or affecting the insurance affairs of  
144 | any general agent, surplus lines agent, adjuster, property  
145 | insurance appraisal umpire, managing general agent, insurance  
146 | agent, insurance agency, customer representative, service  
147 | representative, or other person subject to its jurisdiction,  
148 | subject to the requirements of s. 626.601.

149 |       Section 5. Paragraph (c) of subsection (19) and subsection  
150 | (28) of section 624.501, Florida Statutes, are amended, and a

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151 new subsection (29) is added to that section, to read:

152       624.501 Filing, license, appointment, and miscellaneous  
153 fees.—The department, commission, or office, as appropriate,  
154 shall collect in advance, and persons so served shall pay to it  
155 in advance, fees, licenses, and miscellaneous charges as  
156 follows:

157       (19) Miscellaneous services:

158       (c) For preparing lists of agents, adjusters, property  
159 insurance appraisal umpires, and other insurance  
160 representatives, and for other miscellaneous services, such  
161 reasonable charge as may be fixed by the office or department.

162       (28) Late filing of appointment renewals for agents,  
163 adjusters, property insurance appraisal umpires, and other  
164 insurance representatives, each appointment\_\_\$20.00

165       (29) Property insurance appraisal umpires:

166       (a) Property insurance appraisal umpire's appointment and  
167 biennial renewal or continuation thereof, each appointment  
168 \$60.00

169       (b) Fee to cover actual cost of a credit report when such  
170 report must be secured by the department.

171       Section 6. Paragraph (e) of subsection (1) of section  
172 624.523, Florida Statutes, is amended to read:

173       624.523 Insurance Regulatory Trust Fund.—

174       (1) There is created in the State Treasury a trust fund  
175 designated "Insurance Regulatory Trust Fund" to which shall be

176 | credited all payments received on account of the following  
 177 | items:

178 |       (e) All payments received on account of items provided for  
 179 | under respective provisions of s. 624.501, as follows:

180 |       1. Subsection (1) (certificate of authority of insurer).

181 |       2. Subsection (2) (charter documents of insurer).

182 |       3. Subsection (3) (annual license tax of insurer).

183 |       4. Subsection (4) (annual statement of insurer).

184 |       5. Subsection (5) (application fee for insurance  
 185 | representatives).

186 |       6. The "appointment fee" portion of any appointment  
 187 | provided for under paragraphs (6) (a) and (b) (insurance  
 188 | representatives, property, marine, casualty and surety  
 189 | insurance, and agents).

190 |       7. Paragraph (6) (c) (nonresident agents).

191 |       8. Paragraph (6) (d) (service representatives).

192 |       9. The "appointment fee" portion of any appointment  
 193 | provided for under paragraph (7) (a) (life insurance agents,  
 194 | original appointment, and renewal or continuation of  
 195 | appointment).

196 |       10. Paragraph (7) (b) (nonresident agent license).

197 |       11. The "appointment fee" portion of any appointment  
 198 | provided for under paragraph (8) (a) (health insurance agents,  
 199 | agent's appointment, and renewal or continuation fee).

200 |       12. Paragraph (8) (b) (nonresident agent appointment).



201           13. The "appointment fee" portion of any appointment  
 202 provided for under subsections (9) and (10) (limited licenses  
 203 and fraternal benefit society agents).  
 204           14. Subsection (11) (surplus lines agent).  
 205           15. Subsection (12) (adjusters' appointment).  
 206           16. Subsection (13) (examination fee).  
 207           17. Subsection (14) (temporary license and appointment as  
 208 agent or adjuster).  
 209           18. Subsection (15) (reissuance, reinstatement, etc.).  
 210           19. Subsection (16) (additional license continuation  
 211 fees).  
 212           20. Subsection (17) (filing application for permit to form  
 213 insurer).  
 214           21. Subsection (18) (license fee of rating organization).  
 215           22. Subsection (19) (miscellaneous services).  
 216           23. Subsection (20) (insurance agencies).  
 217           24. Subsection (29) (property insurance appraisal umpire's  
 218 appointment).  
 219           Section 7. Subsections (16) through (19) of section  
 220 626.015, Florida Statutes, are renumbered as subsections (17)  
 221 through (20), respectively, and a new subsection (16) is added  
 222 to that section, to read:  
 223           626.015 Definitions.—As used in this part:  
 224           (16) "Property insurance appraisal umpire" or "umpire"  
 225 means a property insurance appraisal umpire as defined in s.

226 | 626.9964.

227 | Section 8. Subsection (1) of section 626.016, Florida  
 228 | Statutes, is amended to read:

229 | 626.016 Powers and duties of department, commission, and  
 230 | office.—

231 | (1) The powers and duties of the Chief Financial Officer  
 232 | and the department specified in this part apply only with  
 233 | respect to insurance agents, insurance agencies, managing  
 234 | general agents, ~~insurance~~ adjusters, umpires, reinsurance  
 235 | intermediaries, viatical settlement brokers, customer  
 236 | representatives, service representatives, and agencies.

237 | Section 9. Subsection (1) of section 626.022, Florida  
 238 | Statutes, is amended to read:

239 | 626.022 Scope of part.—

240 | (1) This part applies as to insurance agents, service  
 241 | representatives, adjusters, umpires, and insurance agencies; as  
 242 | to any and all kinds of insurance; and as to stock insurers,  
 243 | mutual insurers, reciprocal insurers, and all other types of  
 244 | insurers, except that:

245 | (a) It does not apply as to reinsurance, except that ss.  
 246 | 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.  
 247 | 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-  
 248 | 626.591, and ss. 626.601-626.711 shall apply as to reinsurance  
 249 | intermediaries as defined in s. 626.7492.

250 | (b) The applicability of this chapter as to fraternal

251 benefit societies shall be as provided in chapter 632.

252 (c) It does not apply to a bail bond agent, as defined in  
 253 s. 648.25, except as provided in chapter 648 or chapter 903.

254 (d) This part does not apply to a certified public  
 255 accountant licensed under chapter 473 who is acting within the  
 256 scope of the practice of public accounting, as defined in s.  
 257 473.302, provided that the activities of the certified public  
 258 accountant are limited to advising a client of the necessity of  
 259 obtaining insurance, the amount of insurance needed, or the line  
 260 of coverage needed, and provided that the certified public  
 261 accountant does not directly or indirectly receive or share in  
 262 any commission or referral fee.

263 Section 10. Subsections (6) through (9) of section  
 264 626.112, Florida Statutes, are renumbered as subsections (9)  
 265 through (12), respectively, subsection (1) is amended, and new  
 266 subsections (6), (7), and (8) are added to that section, to  
 267 read:

268 626.112 License and appointment required; agents, customer  
 269 representatives, adjusters, umpires, insurance agencies, service  
 270 representatives, managing general agents.—

271 (1) (a) No person may be, act as, or advertise or hold  
 272 himself or herself out to be an insurance agent, insurance  
 273 adjuster, or customer representative unless he or she is  
 274 currently licensed by the department and appointed by an  
 275 appropriate appointing entity or person.

276 (b) Except as provided in subsection (9) ~~(6)~~ or in  
277 applicable department rules, and in addition to other conduct  
278 described in this chapter with respect to particular types of  
279 agents, a license as an insurance agent, service representative,  
280 customer representative, or limited customer representative is  
281 required in order to engage in the solicitation of insurance.  
282 For purposes of this requirement, as applicable to any of the  
283 license types described in this section, the solicitation of  
284 insurance is the attempt to persuade any person to purchase an  
285 insurance product by:

286 1. Describing the benefits or terms of insurance coverage,  
287 including premiums or rates of return;

288 2. Distributing an invitation to contract to prospective  
289 purchasers;

290 3. Making general or specific recommendations as to  
291 insurance products;

292 4. Completing orders or applications for insurance  
293 products;

294 5. Comparing insurance products, advising as to insurance  
295 matters, or interpreting policies or coverages; or

296 6. Offering or attempting to negotiate on behalf of  
297 another person a viatical settlement contract as defined in s.  
298 626.9911.

299

300 However, an employee leasing company licensed pursuant to

301 chapter 468 which is seeking to enter into a contract with an  
302 employer that identifies products and services offered to  
303 employees may deliver proposals for the purchase of employee  
304 leasing services to prospective clients of the employee leasing  
305 company setting forth the terms and conditions of doing  
306 business; classify employees as permitted by s. 468.529; collect  
307 information from prospective clients and other sources as  
308 necessary to perform due diligence on the prospective client and  
309 to prepare a proposal for services; provide and receive  
310 enrollment forms, plans, and other documents; and discuss or  
311 explain in general terms the conditions, limitations, options,  
312 or exclusions of insurance benefit plans available to the client  
313 or employees of the employee leasing company were the client to  
314 contract with the employee leasing company. Any advertising  
315 materials or other documents describing specific insurance  
316 coverages must identify and be from a licensed insurer or its  
317 licensed agent or a licensed and appointed agent employed by the  
318 employee leasing company. The employee leasing company may not  
319 advise or inform the prospective business client or individual  
320 employees of specific coverage provisions, exclusions, or  
321 limitations of particular plans. As to clients for which the  
322 employee leasing company is providing services pursuant to s.  
323 468.525(4), the employee leasing company may engage in  
324 activities permitted by ss. 626.7315, 626.7845, and 626.8305,  
325 subject to the restrictions specified in those sections. If a

326 prospective client requests more specific information concerning  
327 the insurance provided by the employee leasing company, the  
328 employee leasing company must refer the prospective business  
329 client to the insurer or its licensed agent or to a licensed and  
330 appointed agent employed by the employee leasing company.

331 (6) No person shall be, act as, or represent or hold  
332 himself or herself out to be a property insurance appraisal  
333 umpire unless he or she holds a currently effective property  
334 insurance appraisal umpire license and appointment.

335 (7) No person shall be, act as, or represent or hold  
336 himself or herself out to be a property insurance appraiser who  
337 is eligible to represent an insured on a personal residential or  
338 commercial residential property insurance claim unless he or she  
339 holds a currently effective adjuster license and appointment or  
340 is exempt from licensure under s. 626.860. A licensed adjuster  
341 who holds an active appointment with an insurance company may  
342 not serve as an appraiser for an insured.

343 (8) No person who is a convicted felon or disqualified  
344 under s. 626.207 may act or serve as a property insurance  
345 appraisal umpire or property insurance appraiser.

346 Section 11. Subsections (1) and (4) of section 626.171,  
347 Florida Statutes, are amended to read:

348 626.171 Application for license as an agent, customer  
349 representative, adjuster, umpire, service representative,  
350 managing general agent, or reinsurance intermediary.-

351 (1) The department may not issue a license as agent,  
352 customer representative, adjuster, umpire, service  
353 representative, managing general agent, or reinsurance  
354 intermediary to any person except upon written application filed  
355 with the department, meeting the qualifications for the license  
356 applied for as determined by the department, and payment in  
357 advance of all applicable fees. The application must be made  
358 under the oath of the applicant and be signed by the applicant.  
359 An applicant may permit a third party to complete, submit, and  
360 sign an application on the applicant's behalf, but is  
361 responsible for ensuring that the information on the application  
362 is true and correct and is accountable for any misstatements or  
363 misrepresentations. The department shall accept the uniform  
364 application for nonresident agent licensing. The department may  
365 adopt revised versions of the uniform application by rule.

366 (4) An applicant for a license as an agent, customer  
367 representative, adjuster, umpire, service representative,  
368 managing general agent, or reinsurance intermediary must submit  
369 a set of the individual applicant's fingerprints, or, if the  
370 applicant is not an individual, a set of the fingerprints of the  
371 sole proprietor, majority owner, partners, officers, and  
372 directors, to the department and must pay the fingerprint  
373 processing fee set forth in s. 624.501. Fingerprints shall be  
374 used to investigate the applicant's qualifications pursuant to  
375 s. 626.201. The fingerprints shall be taken by a law enforcement

376 agency, designated examination center, or other department-  
377 approved entity. The department shall require all designated  
378 examination centers to have fingerprinting equipment and to take  
379 fingerprints from any applicant or prospective applicant who  
380 pays the applicable fee. The department may not approve an  
381 application for licensure as an agent, customer service  
382 representative, adjuster, umpire, service representative,  
383 managing general agent, or reinsurance intermediary if  
384 fingerprints have not been submitted.

385 Section 12. Subsection (9) of section 626.207, Florida  
386 Statutes, is amended to read:

387 626.207 Disqualification of applicants and licensees;  
388 penalties against licensees; rulemaking authority.—

389 (9) Section 112.011 does not apply to any applicants for  
390 licensure under the Florida Insurance Code, including, but not  
391 limited to, agents, agencies, adjusters, adjusting firms,  
392 umpires, customer representatives, or managing general agents.

393 Section 13. Subsections (1) and (2) of section 626.2815,  
394 Florida Statutes, are amended to read:

395 626.2815 Continuing education requirements.—

396 (1) The purpose of this section is to establish  
397 requirements and standards for continuing education courses for  
398 individuals licensed to solicit, sell, or adjust insurance or to  
399 serve as an umpire in the state.

400 (2) Except as otherwise provided in this section, this



401 section applies to individuals licensed to transact ~~engage in~~  
 402 ~~the sale of~~ insurance or adjust ~~adjustment of~~ insurance claims  
 403 in this state for all lines of insurance for which an  
 404 examination is required for licensing and to individuals  
 405 licensed to serve as an umpire ~~each insurer, employer, or~~  
 406 ~~appointing entity, including, but not limited to, those created~~  
 407 ~~or existing pursuant to s. 627.351.~~ This section does not apply  
 408 to an individual who holds a license for the sale of any line of  
 409 insurance for which an examination is not required by the laws  
 410 of this state or who holds a limited license as a crop or hail  
 411 and multiple-peril crop insurance agent. Licensees who are  
 412 unable to comply with the continuing education requirements due  
 413 to active duty in the military may submit a written request for  
 414 a waiver to the department.

415 Section 14. Subsections (1), (3), (5), and (6) of section  
 416 626.451, Florida Statutes, are amended to read:

417 626.451 Appointment of agent or other representative.—

418 (1) Each appointing entity or person designated by the  
 419 department to administer the appointment process appointing an  
 420 agent, adjuster, umpire, service representative, customer  
 421 representative, or managing general agent in this state shall  
 422 file the appointment with the department or office and, at the  
 423 same time, pay the applicable appointment fee and taxes. Every  
 424 appointment shall be subject to the prior issuance of the  
 425 appropriate agent's, adjuster's, umpire's, service

426 representative's, customer representative's, or managing general  
427 agent's license.

428 (3) By authorizing the effectuation of the appointment of  
429 an agent, adjuster, umpire, service representative, customer  
430 representative, or managing general agent the appointing entity  
431 is thereby certifying to the department that it is willing to be  
432 bound by the acts of the agent, adjuster, umpire, service  
433 representative, customer representative, or managing general  
434 agent, within the scope of the licensee's employment or  
435 appointment.

436 (5) Any law enforcement agency or state attorney's office  
437 that is aware that an agent, adjuster, umpire, service  
438 representative, customer representative, or managing general  
439 agent has pleaded guilty or nolo contendere to or has been found  
440 guilty of a felony shall notify the department or office of such  
441 fact.

442 (6) Upon the filing of an information or indictment  
443 against an agent, adjuster, umpire, service representative,  
444 customer representative, or managing general agent, the state  
445 attorney shall immediately furnish the department or office a  
446 certified copy of the information or indictment.

447 Section 15. Section 626.461, Florida Statutes, is amended  
448 to read:

449 626.461 Continuation of appointment of agent or other  
450 representative.—Subject to renewal or continuation by the

451 appointing entity, the appointment of the agent, adjuster,  
452 umpire, service representative, customer representative, or  
453 managing general agent shall continue in effect until the  
454 person's license is revoked or otherwise terminated, unless  
455 written notice of earlier termination of the appointment is  
456 filed with the department or person designated by the department  
457 to administer the appointment process by either the appointing  
458 entity or the appointee.

459 Section 16. Subsection (3) of section 626.521, Florida  
460 Statutes, is amended to read:

461 626.521 Character, credit reports.—

462 (3) As to an applicant for an adjuster's, umpire's, or  
463 reinsurance intermediary's license who is to be self-employed,  
464 the department may secure, at the cost of the applicant, a full  
465 detailed credit and character report made by an established and  
466 reputable independent reporting service relative to the  
467 applicant.

468 Section 17. Subsection (1) of section 626.541, Florida  
469 Statutes, is amended to read:

470 626.541 Firm, corporate, and business names; officers;  
471 associates; notice of changes.—

472 (1) Any licensed agent, ~~or~~ adjuster, or umpire doing  
473 business under a firm or corporate name or under any business  
474 name other than his or her own individual name shall, within 30  
475 days after initially transacting ~~the initial transaction of~~

476 | insurance or engaging in insurance activities under such  
477 | business name, file with the department, on forms adopted and  
478 | furnished by the department, a written statement of the firm,  
479 | corporate, or business name being so used, the address of any  
480 | office or offices or places of business making use of such name,  
481 | and the name and social security number of each officer and  
482 | director of the corporation and of each individual associated in  
483 | such firm or corporation as to the insurance transactions  
484 | thereof or in the use of such business name.

485 |       Section 18. Subsection (1) of section 626.601, Florida  
486 | Statutes, is amended to read:

487 |       626.601 Improper conduct; inquiry; fingerprinting.—

488 |       (1) The department or office may, upon its own motion or  
489 | upon a written complaint signed by any interested person and  
490 | filed with the department or office, inquire into any alleged  
491 | improper conduct of any licensed, approved, or certified  
492 | licensee, insurance agency, agent, adjuster, umpire, service  
493 | representative, managing general agent, customer representative,  
494 | title insurance agent, title insurance agency, mediator, neutral  
495 | evaluator, navigator, continuing education course provider,  
496 | instructor, school official, or monitor group under this code.  
497 | The department or office may thereafter initiate an  
498 | investigation of any such individual or entity if it has  
499 | reasonable cause to believe that the individual or entity has  
500 | violated any provision of the insurance code. During the course

501 of its investigation, the department or office shall contact the  
502 individual or entity being investigated unless it determines  
503 that contacting such individual or entity could jeopardize the  
504 successful completion of the investigation or cause injury to  
505 the public.

506 Section 19. Subsection (1) of section 626.611, Florida  
507 Statutes, is amended to read:

508 626.611 Grounds for compulsory refusal, suspension, or  
509 revocation of agent's, title agency's, adjuster's, umpire's,  
510 customer representative's, service representative's, or managing  
511 general agent's license or appointment.—

512 (1) The department shall deny an application for, suspend,  
513 revoke, or refuse to renew or continue the license or  
514 appointment of any applicant, agent, title agency, adjuster,  
515 umpire, customer representative, service representative, or  
516 managing general agent, and it shall suspend or revoke the  
517 eligibility to hold a license or appointment of any such person,  
518 if it finds that as to the applicant, licensee, or appointee any  
519 one or more of the following applicable grounds exist:

520 (a) Lack of one or more of the qualifications for the  
521 license or appointment as specified in this code.

522 (b) Material misstatement, misrepresentation, or fraud in  
523 obtaining the license or appointment or in attempting to obtain  
524 the license or appointment.

525 (c) Failure to pass to the satisfaction of the department

526 any examination required under this code.

527 (d) If the license or appointment is willfully used, or to  
528 be used, to circumvent any of the requirements or prohibitions  
529 of this code.

530 (e) Willful misrepresentation of any insurance policy or  
531 annuity contract or willful deception with regard to any such  
532 policy or contract, done either in person or by any form of  
533 dissemination of information or advertising.

534 (f) If, as an adjuster, or agent licensed and appointed to  
535 adjust claims under this code, he or she has materially  
536 misrepresented to an insured or other interested party the terms  
537 and coverage of an insurance contract with intent and for the  
538 purpose of effecting settlement of claim for loss or damage or  
539 benefit under such contract on less favorable terms than those  
540 provided in and contemplated by the contract.

541 (g) Demonstrated lack of fitness or trustworthiness to  
542 engage in the business of insurance.

543 (h) Demonstrated lack of reasonably adequate knowledge and  
544 technical competence to engage in the transactions authorized by  
545 the license or appointment.

546 (i) Fraudulent or dishonest practices in the conduct of  
547 business under the license or appointment.

548 (j) Misappropriation, conversion, or unlawful withholding  
549 of moneys belonging to insurers or insureds or beneficiaries or  
550 to others and received in conduct of business under the license

551 or appointment.

552 (k) Unlawfully rebating, attempting to unlawfully rebate,  
553 or unlawfully dividing or offering to divide his or her  
554 commission with another.

555 (l) Having obtained or attempted to obtain, or having used  
556 or using, a license or appointment as agent or customer  
557 representative for the purpose of soliciting or handling  
558 "controlled business" as defined in s. 626.730 with respect to  
559 general lines agents, s. 626.784 with respect to life agents,  
560 and s. 626.830 with respect to health agents.

561 (m) Willful failure to comply with, or willful violation  
562 of, any proper order or rule of the department or willful  
563 violation of any provision of this code.

564 (n) Having been found guilty of or having pleaded guilty  
565 or nolo contendere to a felony or a crime punishable by  
566 imprisonment of 1 year or more under the law of the United  
567 States of America or of any state thereof or under the law of  
568 any other country which involves moral turpitude, without regard  
569 to whether a judgment of conviction has been entered by the  
570 court having jurisdiction of such cases.

571 (o) Fraudulent or dishonest practice in submitting or  
572 aiding or abetting any person in the submission of an  
573 application for workers' compensation coverage under chapter 440  
574 containing false or misleading information as to employee  
575 payroll or classification for the purpose of avoiding or

576 | reducing the amount of premium due for such coverage.

577 |       (p) Sale of an unregistered security that was required to  
578 | be registered, pursuant to chapter 517.

579 |       (q) In transactions related to viatical settlement  
580 | contracts as defined in s. 626.9911:

581 |           1. Commission of a fraudulent or dishonest act.

582 |           2. No longer meeting the requirements for initial  
583 | licensure.

584 |           3. Having received a fee, commission, or other valuable  
585 | consideration for his or her services with respect to viatical  
586 | settlements that involved unlicensed viatical settlement  
587 | providers or persons who offered or attempted to negotiate on  
588 | behalf of another person a viatical settlement contract as  
589 | defined in s. 626.9911 and who were not licensed life agents.

590 |           4. Dealing in bad faith with viators.

591 |       Section 20. Section 626.621, Florida Statutes, is amended  
592 | to read:

593 |       626.621 Grounds for discretionary refusal, suspension, or  
594 | revocation of agent's, adjuster's, umpire's, customer  
595 | representative's, service representative's, or managing general  
596 | agent's license or appointment.—The department may, in its  
597 | discretion, deny an application for, suspend, revoke, or refuse  
598 | to renew or continue the license or appointment of any  
599 | applicant, agent, adjuster, umpire, customer representative,  
600 | service representative, or managing general agent, and it may



601 suspend or revoke the eligibility to hold a license or  
602 appointment of any such person, if it finds that as to the  
603 applicant, licensee, or appointee any one or more of the  
604 following applicable grounds exist under circumstances for which  
605 such denial, suspension, revocation, or refusal is not mandatory  
606 under s. 626.611:

607 (1) Any cause for which issuance of the license or  
608 appointment could have been refused had it then existed and been  
609 known to the department.

610 (2) Violation of any provision of this code or of any  
611 other law applicable to the business of insurance in the course  
612 of dealing under the license or appointment.

613 (3) Violation of any lawful order or rule of the  
614 department, commission, or office.

615 (4) Failure or refusal, upon demand, to pay over to any  
616 insurer he or she represents or has represented any money coming  
617 into his or her hands belonging to the insurer.

618 (5) Violation of the provision against twisting, as  
619 defined in s. 626.9541(1)(1).

620 (6) In the conduct of business under the license or  
621 appointment, engaging in unfair methods of competition or in  
622 unfair or deceptive acts or practices, as prohibited under part  
623 IX of this chapter, or having otherwise shown himself or herself  
624 to be a source of injury or loss to the public.

625 (7) Willful overinsurance of any property or health

626 insurance risk.

627 (8) Having been found guilty of or having pleaded guilty  
628 or nolo contendere to a felony or a crime punishable by  
629 imprisonment of 1 year or more under the law of the United  
630 States of America or of any state thereof or under the law of  
631 any other country, without regard to whether a judgment of  
632 conviction has been entered by the court having jurisdiction of  
633 such cases.

634 (9) If a life agent, violation of the code of ethics.

635 (10) Cheating on an examination required for licensure or  
636 violating test center or examination procedures published  
637 orally, in writing, or electronically at the test site by  
638 authorized representatives of the examination program  
639 administrator. Communication of test center and examination  
640 procedures must be clearly established and documented.

641 (11) Failure to inform the department in writing within 30  
642 days after pleading guilty or nolo contendere to, or being  
643 convicted or found guilty of, any felony or a crime punishable  
644 by imprisonment of 1 year or more under the law of the United  
645 States or of any state thereof, or under the law of any other  
646 country without regard to whether a judgment of conviction has  
647 been entered by the court having jurisdiction of the case.

648 (12) Knowingly aiding, assisting, procuring, advising, or  
649 abetting any person in the violation of or to violate a  
650 provision of the insurance code or any order or rule of the

651 department, commission, or office.

652 (13) Has been the subject of or has had a license, permit,  
653 appointment, registration, or other authority to conduct  
654 business subject to any decision, finding, injunction,  
655 suspension, prohibition, revocation, denial, judgment, final  
656 agency action, or administrative order by any court of competent  
657 jurisdiction, administrative law proceeding, state agency,  
658 federal agency, national securities, commodities, or option  
659 exchange, or national securities, commodities, or option  
660 association involving a violation of any federal or state  
661 securities or commodities law or any rule or regulation adopted  
662 thereunder, or a violation of any rule or regulation of any  
663 national securities, commodities, or options exchange or  
664 national securities, commodities, or options association.

665 (14) Failure to comply with any civil, criminal, or  
666 administrative action taken by the child support enforcement  
667 program under Title IV-D of the Social Security Act, 42 U.S.C.  
668 ss. 651 et seq., to determine paternity or to establish, modify,  
669 enforce, or collect support.

670 (15) Directly or indirectly accepting any compensation,  
671 inducement, or reward from an inspector for the referral of the  
672 owner of the inspected property to the inspector or inspection  
673 company. This prohibition applies to an inspection intended for  
674 submission to an insurer in order to obtain property insurance  
675 coverage or establish the applicable property insurance premium.

676 Section 21. Subsection (4) of section 626.641, Florida  
677 Statutes, is amended to read:

678 626.641 Duration of suspension or revocation.—

679 (4) During the period of suspension or revocation of a  
680 license or appointment, and until the license is reinstated or,  
681 if revoked, a new license issued, the former licensee or  
682 appointee may not engage in or attempt or profess to engage in  
683 any transaction or business for which a license or appointment  
684 is required under this code or directly or indirectly own,  
685 control, or be employed in any manner by an agent, agency,  
686 adjuster, ~~or~~ adjusting firm, or umpire.

687 Section 22. Subsection (2) of section 626.7845, Florida  
688 Statutes, is amended to read:

689 626.7845 Prohibition against unlicensed transaction of  
690 life insurance.—

691 (2) Except as provided in s. 626.112(9) ~~626.112(6)~~, with  
692 respect to any line of authority specified in s. 626.015(10), no  
693 individual shall, unless licensed as a life agent:

694 (a) Solicit insurance or annuities or procure  
695 applications;

696 (b) In this state, engage or hold himself or herself out  
697 as engaging in the business of analyzing or abstracting  
698 insurance policies or of counseling or advising or giving  
699 opinions to persons relative to insurance or insurance contracts  
700 other than:

701           1. As a consulting actuary advising an insurer; or  
 702           2. As to the counseling and advising of labor unions,  
 703 associations, trustees, employers, or other business entities,  
 704 the subsidiaries and affiliates of each, relative to their  
 705 interests and those of their members or employees under  
 706 insurance benefit plans; or

707           (c) In this state, from this state, or with a resident of  
 708 this state, offer or attempt to negotiate on behalf of another  
 709 person a viatical settlement contract as defined in s. 626.9911.

710           Section 23. Section 626.8305, Florida Statutes, is amended  
 711 to read:

712           626.8305 Prohibition against the unlicensed transaction of  
 713 health insurance.—Except as provided in s. 626.112(9)  
 714 ~~626.112(6)~~, with respect to any line of authority specified in  
 715 s. 626.015(6), no individual shall, unless licensed as a health  
 716 agent:

717           (1) Solicit insurance or procure applications; or  
 718           (2) In this state, engage or hold himself or herself out  
 719 as engaging in the business of analyzing or abstracting  
 720 insurance policies or of counseling or advising or giving  
 721 opinions to persons relative to insurance contracts other than:

722           (a) As a consulting actuary advising insurers; or  
 723           (b) As to the counseling and advising of labor unions,  
 724 associations, trustees, employers, or other business entities,  
 725 the subsidiaries and affiliates of each, relative to their

726 interests and those of their members or employees under  
 727 insurance benefit plans.

728 Section 24. Paragraph (a) of subsection (2) of section  
 729 626.8411, Florida Statutes, is amended to read:

730 626.8411 Application of Florida Insurance Code provisions  
 731 to title insurance agents or agencies.—

732 (2) The following provisions of part I do not apply to  
 733 title insurance agents or title insurance agencies:

734 (a) Section 626.112(10) ~~626.112(7)~~, relating to licensing  
 735 of insurance agencies.

736 Section 25. Subsection (4) of section 626.8443, Florida  
 737 Statutes, is amended to read:

738 626.8443 Duration of suspension or revocation.—

739 (4) During the period of suspension or after revocation of  
 740 the license and appointment, the former licensee shall not  
 741 engage in or attempt to profess to engage in any transaction or  
 742 business for which a license or appointment is required under  
 743 this code or directly or indirectly own, control, or be employed  
 744 in any manner by any insurance agent or agency, ~~or~~ adjuster, ~~or~~  
 745 adjusting firm, or umpire.

746 Section 26. Paragraph (d) is added to subsection (11) of  
 747 section 626.854, Florida Statutes, to read:

748 626.854 "Public adjuster" defined; prohibitions.—The  
 749 Legislature finds that it is necessary for the protection of the  
 750 public to regulate public insurance adjusters and to prevent the

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751 unauthorized practice of law.

752 (11)

753 (d) If a public adjuster enters into a contract with an  
754 insured or a claimant to perform an appraisal, as defined in s.  
755 626.9964, the public adjuster may not charge, agree to, or  
756 accept from any source compensation, payment, commission, fee,  
757 or any other thing of value in excess of the limitations set  
758 forth in paragraph (b) for the appraisal services or, if also  
759 serving as adjuster on the claim, a combination of adjuster and  
760 appraisal services.

761 Section 27. Section 626.8791, Florida Statutes, is created  
762 to read:

763 626.8791 Contracts for appraisal services; required  
764 notice.—A contract between an adjuster and an insured or  
765 claimant to perform an appraisal must contain the following  
766 language in at least 14-point boldfaced, uppercase type: "THERE  
767 IS NO LEGAL REQUIREMENT THAT AN APPRAISER CHARGE A CLIENT A SET  
768 FEE OR A PERCENTAGE OF MONEY RECOVERED IN A CASE. YOU, THE  
769 CLIENT, HAVE THE RIGHT TO TALK WITH YOUR APPRAISER ABOUT THE  
770 PROPOSED FEE AND TO BARGAIN ABOUT THE RATE OR PERCENTAGE AS IN  
771 ANY OTHER CONTRACT. IF YOU DO NOT REACH AN AGREEMENT WITH ONE  
772 APPRAISER YOU MAY TALK WITH OTHER APPRAISERS."

773 Section 28. Subsection (1) of section 626.9957, Florida  
774 Statutes, is amended to read:

775 626.9957 Conduct prohibited; denial, revocation, or

776 suspension of registration.—

777 (1) As provided in s. 626.112, only a person licensed as  
 778 an insurance agent or customer representative may engage in the  
 779 solicitation of insurance. A person who engages in the  
 780 solicitation of insurance as described in s. 626.112(1) without  
 781 such license is subject to the penalties provided under s.  
 782 626.112(12) ~~626.112(9)~~.

783 Section 29. Part XIV of chapter 626, Florida Statutes,  
 784 consisting of sections 626.9961 through 626.9968, is created to  
 785 read:

786 PART XIV

787 PROPERTY INSURANCE APPRAISAL UMPIRES

788 626.9961 Short title.—This part may be referred to as the  
 789 "Property Insurance Appraisal Umpire Law."

790 626.9962 Legislative findings.—The Legislature finds it  
 791 necessary to regulate persons that hold themselves out to the  
 792 public as qualified to provide services as property insurance  
 793 appraisal umpires in order to protect the public safety and  
 794 welfare and to avoid economic injury to the residents of this  
 795 state. This part applies only to property insurance appraisal  
 796 umpires as defined in this part.

797 626.9963 Part supplements licensing law.—This part is  
 798 supplementary to part I, the "Licensing Procedures Law."

799 626.9964 Definitions.—As used in this part, the term:

800 (1) "Appraisal" means, for purposes of licensure under



801 this part only, a process of alternative dispute resolution used  
802 in a personal residential or commercial residential property  
803 insurance claim.

804 (2) "Competent" means sufficiently qualified and capable  
805 of performing an appraisal.

806 (3) "Department" means the Department of Financial  
807 Services.

808 (4) "Property insurance appraisal umpire" or "umpire"  
809 means a person selected by the appraisers representing the  
810 insurer and the insured, or, if the appraisers cannot agree, by  
811 the court, and who is charged with resolving issues that the  
812 appraisers are unable to agree upon during the course of an  
813 appraisal.

814 (5) "Property insurance appraiser" or "appraiser" means  
815 the person selected by an insurer or insured to perform an  
816 appraisal.

817 626.9965 Qualification for license as a property insurance  
818 appraisal umpire.-

819 (1) The department shall issue a license as an umpire to a  
820 person who meets the requirements of subsection (2) and is one  
821 of the following:

822 (a) A retired county, circuit, or appellate judge.

823 (b) Licensed as an engineer pursuant to chapter 471 or is  
824 a retired professional engineer as defined in s. 471.005.

825 (c) Licensed as a general contractor, building contractor,

826 or residential contractor pursuant to part I of chapter 489.

827 (d) Licensed or registered as an architect to engage in  
 828 the practice of architecture pursuant to part I of chapter 481.

829 (e) A member of The Florida Bar.

830 (f) Licensed as an adjuster pursuant to part VI of chapter  
 831 626, which license includes the property and casualty lines of  
 832 insurance. An adjuster must have been licensed for at least 5  
 833 years as an adjuster before he or she may be licensed as an  
 834 umpire.

835 (2) An applicant may be licensed to practice in this state  
 836 as an umpire if the applicant:

837 (a) Is a natural person at least 18 years of age;

838 (b) Is a United States citizen or legal alien who  
 839 possesses work authorization from the United States Bureau of  
 840 Citizenship and Immigration;

841 (c) Is of good moral character;

842 (d) Has paid the applicable fees specified in s. 624.501;  
 843 and

844 (e) Has, before the date of the application for licensure,  
 845 satisfactorily completed education courses approved by the  
 846 department covering:

847 1. At least 19 hours of insurance claims estimating; and

848 2. At least 5 hours of insurance law, ethics for insurance  
 849 professionals, disciplinary trends, and case studies.

850

851 A retired county, circuit, or appellate judge who is a member in  
852 good standing of The Florida Bar is exempt from the continuing  
853 education requirements of s. 626.2815 and the education courses  
854 required by this subsection.

855 (3) The department may not reject an application solely  
856 because the applicant is or is not a member of a given appraisal  
857 organization.

858 626.9966 Grounds for refusal, suspension, or revocation of  
859 an umpire license or appointment.—The department may deny an  
860 application for license or appointment under this part; suspend,  
861 revoke, or refuse to renew or continue a license or appointment  
862 of an umpire; or suspend or revoke eligibility for licensure or  
863 appointment as an umpire if the department finds that one or  
864 more of the following applicable grounds exist:

865 (1) Violating a duty imposed upon him or her by law or by  
866 the terms of the umpire agreement; aiding, assisting, or  
867 conspiring with any other person engaged in any such misconduct  
868 and in furtherance thereof; or forming the intent, design, or  
869 scheme to engage in such misconduct and committing an overt act  
870 in furtherance of such intent, design, or scheme. An umpire  
871 commits a violation of this part regardless of whether the  
872 victim or intended victim of the misconduct has sustained any  
873 damage or loss; the damage or loss has been settled and paid  
874 after the discovery of misconduct; or the victim or intended  
875 victim is an insurer or customer or a person in a confidential

876 relationship with the umpire or is an identified member of the  
877 general public.

878 (2) Having a registration, license, or certification to  
879 practice or conduct any regulated profession, business, or  
880 vocation revoked, suspended, or encumbered; or having an  
881 application for such registration, licensure, or certification  
882 to practice or conduct any regulated profession, business, or  
883 vocation denied by this or any other state, any nation, or any  
884 possession or district of the United States.

885 (3) Making or filing a report or record, written or oral,  
886 which the umpire knows to be false; willfully failing to file a  
887 report or record required by state or federal law; willfully  
888 impeding or obstructing such filing; or inducing another person  
889 to impede or obstruct such filing.

890 (4) Agreeing to serve as an umpire if service is  
891 contingent upon the umpire reporting a predetermined amount,  
892 analysis, or opinion.

893 (5) Agreeing to serve as an umpire if the fee to be paid  
894 for his or her services is contingent upon the opinion,  
895 conclusion, or valuation he or she reaches.

896 (6) Failure of an umpire, without good cause, to  
897 communicate within 10 business days after a request for  
898 communication from an appraiser.

899 (7) Violation of any ethical standard for umpires  
900 specified in s. 626.9967.

901           626.9967 Ethical standards for property insurance  
 902 appraisal umpires.—  
 903           (1) FEES AND EXPENSES.—  
 904           (a) The fees charged by an umpire must be reasonable and  
 905 consistent with the nature of the case.  
 906           (b) In determining fees, an umpire:  
 907           1. Must charge on an hourly basis and may bill only for  
 908 actual time spent on or allocated for the appraisal.  
 909           2. May not charge, agree to, or accept as compensation or  
 910 reimbursement any payment, commission, or fee that is based on a  
 911 percentage of the value of the claim or that is contingent upon  
 912 a specified outcome.  
 913           3. May charge for costs actually incurred, and no other  
 914 costs. An umpire may not charge for the cost of an expert unless  
 915 the umpire has disclosed the amount of the expert's fee to the  
 916 appraiser for the insurer and the appraiser for the insured  
 917 before incurring the cost for the expert's services.  
 918           4. May not charge a fee of more than \$500 if the amount  
 919 reported by the appraiser for the insurer or by the appraiser  
 920 for the insured does not exceed \$2,500.  
 921           (c) An appraiser may assign the duty of paying the  
 922 umpire's fee to, and the umpire is entitled to receive payment  
 923 directly from, the insurer and the insured only if the insurer  
 924 and the insured acknowledge and accept that duty and agree in  
 925 writing to be responsible for payment.

926        (2) MAINTENANCE OF RECORDS.—An umpire shall maintain  
927 records necessary to support charges for services and expenses,  
928 and, upon request, shall provide an accounting of all applicable  
929 charges to the insurer and insured. An umpire shall retain  
930 original or true copies of any contracts engaging his or her  
931 services, appraisal reports, and supporting data assembled and  
932 formulated by the umpire in preparing appraisal reports for at  
933 least 5 years. The umpire shall make the records available to  
934 the department for inspection and copying within 7 business days  
935 after a request. If an appraisal has been the subject of, or has  
936 been admitted as evidence in, a lawsuit, reports and records  
937 related to the appraisal must be retained for at least 2 years  
938 after the date that the trial ends.

939        (3) ADVERTISING.—An umpire may not engage in marketing  
940 practices that contain false or misleading information. An  
941 umpire shall ensure that any advertisement of his or her  
942 qualifications, services to be rendered, or the appraisal  
943 process are accurate and honest. An umpire may not make claims  
944 of achieving specific outcomes or promises implying favoritism  
945 for the purpose of obtaining business.

946        (4) INTEGRITY AND IMPARTIALITY.—

947        (a)1. An umpire may not accept an appraisal unless he or  
948 she can serve competently, promptly commence the appraisal, and,  
949 thereafter, devote the time and attention to its completion in  
950 the manner expected by all persons involved in the appraisal.

951 2. An umpire shall conduct the appraisal process in a  
952 manner that advances the fair and efficient resolution of issues  
953 that arise.

954 3. An umpire shall deliberate and decide all issues within  
955 the scope of the appraisal, but may not render a decision on any  
956 other issues. An umpire shall decide all matters justly,  
957 exercising independent judgment. An umpire may not delegate his  
958 or her duties to any other person. An umpire who considers the  
959 opinion of an expert does not violate this paragraph.

960 (b) An umpire may not engage in any business, provide any  
961 service, or perform any act that would compromise his or her  
962 integrity or impartiality.

963 (5) SKILL AND EXPERIENCE.—An umpire must decline or  
964 withdraw from an appraisal or request appropriate assistance  
965 when the facts and circumstances of the appraisal prove to be  
966 beyond his or her skill or experience.

967 (6) GIFTS AND SOLICITATION.—An umpire or any individual or  
968 entity acting on behalf of an umpire may not solicit, accept,  
969 give, or offer to give, directly or indirectly, any gift, favor,  
970 loan, or other item of value in excess of \$25 to any individual  
971 who participates in the appraisal, for the purpose of  
972 solicitation or otherwise attempting to procure future work from  
973 any person who participates in the appraisal, or as an  
974 inducement to enter into an appraisal with an umpire. This  
975 subsection does not prevent an umpire from accepting other

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976 appraisals where the appraisers agree upon the umpire or the  
977 court appoints the umpire.

978 (7) EX PARTE COMMUNICATION.—In any property insurance  
979 appraisal, ex parte communication between an umpire and an  
980 appraiser is prohibited. However, an appraiser may communicate  
981 with another appraiser if an umpire is not present or does not  
982 receive the ex parte communication.

983 626.9968 Conflicts of interest.—An insurer or a  
984 policyholder may challenge an umpire's impartiality and  
985 disqualify the proposed umpire only if:

986 (1) A familial relationship within the third degree exists  
987 between the umpire and a party or a representative of a party;

988 (2) The umpire has previously represented a party in a  
989 professional capacity in the same claim or matter involving the  
990 same property;

991 (3) The umpire has represented another person in a  
992 professional capacity in the same matter or a substantially  
993 related matter that includes the claim, the same property or an  
994 adjacent property, and the other person's interests are  
995 materially adverse to the interests of a party;

996 (4) The umpire has worked as an employer or employee of a  
997 party within the preceding 5 years; or

998 (5) The umpire has violated s. 626.9966.

999 Section 30. Section 627.70151, Florida Statutes, is  
1000 repealed.



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1001           Section 31. For the 2017-2018 fiscal year, the sums of  
1002 \$24,000 in recurring funds from the Insurance Regulatory Trust  
1003 Fund and \$73,107 in recurring funds and \$39,230 in nonrecurring  
1004 funds from the Administrative Trust Fund are appropriated to the  
1005 Department of Financial Services, and one full-time equivalent  
1006 position with associated salary rate of 47,291 is authorized,  
1007 for the purpose of implementing this act.

1008           Section 32. This act applies to all appraisals requested  
1009 on or after October 1, 2017.

1010           Section 33. This act shall take effect October 1, 2017.