

By Senator Richter

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1                                   A bill to be entitled  
2       An act relating to property insurance appraisals;  
3       creating part XIV of ch. 626, F.S., relating to  
4       property insurance appraisers and property insurance  
5       appraisal umpires; creating s. 626.9961, F.S.;  
6       creating the property insurance appraiser and property  
7       insurance appraisal umpire licensing program within  
8       the Department of Financial Services; providing  
9       legislative purpose; providing applicability; creating  
10      s. 626.9962, F.S.; defining terms; creating s.  
11      626.9963, F.S.; authorizing the department to  
12      establish specified fees; requiring the deposit of  
13      fees into the Insurance Regulatory Trust Fund;  
14      creating s. 626.9964, F.S.; authorizing the department  
15      to issue a license as a property insurance appraiser  
16      or a property insurance appraisal umpire upon receipt  
17      of an application; requiring applications to be made  
18      under oath or affirmation and signed by the applicant;  
19      requiring applicants to include specified information  
20      in their applications; requiring that applications be  
21      submitted with applicable fees; requiring applicants  
22      to submit fingerprints to the department; providing  
23      for state and national processing of fingerprints;  
24      requiring an applicant to pay specified fingerprint  
25      processing fees; requiring the department to develop  
26      and maintain as a public record a current list of  
27      appraisers and umpires; authorizing applicants to  
28      practice in this state if they meet specified  
29      requirements; requiring the department to review and

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30 approve continuing education courses for appraisers  
31 and umpires; prohibiting the department from issuing  
32 an appraiser or umpire license to an individual found  
33 to be untrustworthy or incompetent or who fails to  
34 meet other specified requirements; providing that an  
35 incomplete application expires after a specified  
36 period; prohibiting the department from rejecting an  
37 applicant based solely upon membership or lack of  
38 membership in any particular appraisal organization;  
39 creating s. 626.9965, F.S.; authorizing the department  
40 to issue a license by endorsement to an applicant who  
41 the department certifies is qualified unless the  
42 applicant is under investigation in another state for  
43 specified acts until the investigation is complete and  
44 disciplinary proceedings have been terminated;  
45 creating s. 626.9966, F.S.; requiring licensed  
46 appraisers and umpires to appoint their respective  
47 licenses with the department; requiring appraisers and  
48 umpires to complete their appointments before  
49 undertaking the duties of an appraiser or umpire;  
50 providing that an individual who has been licensed by  
51 the department may be subsequently appointed without  
52 additional written examination if his or her  
53 application for appointment is filed with the  
54 department within a specified period; providing that  
55 an appointment continues in force until canceled,  
56 suspended, revoked, or terminated; providing for  
57 expiration of a license after a specified period;  
58 creating s. 626.9967, F.S.; requiring an appraiser or

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59           umpire to submit to the department satisfactory proof  
60           that specified continuing education requirements have  
61           been met; authorizing the department to immediately  
62           terminate or refuse to renew the appointment of an  
63           appraiser or umpire if the department does not receive  
64           such proof; requiring the department to establish by  
65           rule criteria and course content for appraisal  
66           courses; requiring each appraiser or umpire course  
67           provider, instructor, and classroom course to be  
68           approved by and registered with the department before  
69           continuing education courses may be offered; requiring  
70           the department to adopt rules establishing standards  
71           for the approval, registration, discipline, or removal  
72           from registration of course providers, instructor, and  
73           courses; prohibiting an approved instructor from  
74           teaching specified courses; creating s. 626.9968,  
75           F.S.; authorizing the practice of or the offer to  
76           practice as an appraiser or umpire by licensees  
77           through specified entities; requiring specified  
78           entities that hold themselves out as offering property  
79           insurance appraisal services to be registered with the  
80           department; providing that specified entities are not  
81           relieved of responsibility for the conduct or acts of  
82           their agents, employees, or officers; providing that  
83           an individual practicing as an appraiser or umpire is  
84           not relieved of responsibility for professional  
85           services performed as a result of employment with  
86           specified entities; creating s. 626.9969, F.S.;

87           requiring the department to deny an application for,

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88 suspend, revoke, or refuse to renew or continue the  
89 license or appointment of any applicant, property  
90 insurance appraiser, or property insurance appraisal  
91 umpire and suspend or revoke the eligibility to hold a  
92 license or appointment of any such person in certain  
93 circumstances; creating s. 626.9971, F.S.; authorizing  
94 the department to deny an application for and suspend,  
95 revoke, or refuse to renew or continue a license as an  
96 appraiser or umpire in certain circumstances; creating  
97 s. 626.9972, F.S.; requiring appraisers and umpires to  
98 maintain confidentiality of all information obtained  
99 during an appraisal; requiring appraisers and umpires  
100 to maintain confidentiality in the storage and  
101 disposal of records; prohibiting appraisers and  
102 umpires from disclosing identifying information in  
103 certain circumstances; requiring that the fees charged  
104 by an appraiser or an umpire are reasonable and  
105 consistent with the nature of the case; prohibiting an  
106 umpire from charging, agreeing to, or accepting as  
107 compensation or reimbursement any payment, commission,  
108 or fee that is based on a percentage of the appraised  
109 value or that is contingent on a specified outcome;  
110 requiring appraisers and umpires to maintain specified  
111 records and provide an accounting of applicable  
112 charges upon request; prohibiting appraisers and  
113 umpires from engaging in marketing practices that  
114 convey false or misleading information; prohibiting  
115 appraisers from accepting an appointment in certain  
116 circumstances; requiring appraisers to conduct the

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117 appraisal process in a specified manner; prohibiting  
118 umpires from engaging in any business, providing any  
119 service, or performing any act under certain  
120 circumstances; requiring appraisers and umpires to  
121 decline an appointment or selection, withdraw, or  
122 request appropriate assistance in certain  
123 circumstances; prohibiting appraisers and umpires from  
124 giving or accepting any gift, favor, loan, or other  
125 item of value in the appraisal process; prohibiting  
126 appraisers and umpires from soliciting or otherwise  
127 attempting to procure future professional services  
128 during the appraisal process; requiring appraisers to  
129 abide by any agreement they reach on the manner or  
130 content of communications between them; prohibiting  
131 appraisers from discussing a proceeding with any party  
132 or with the umpire except in specified circumstances;  
133 providing exceptions; prohibiting communications in  
134 which a party dictates to an appraiser a specified  
135 result, consideration, or action; creating s.  
136 626.9973, F.S.; prohibiting certain acts regarding  
137 appraisers or umpires; providing penalties; creating  
138 s. 626.9974, F.S.; authorizing the department to adopt  
139 rules to administer this part; providing an  
140 appropriation; providing effective dates.

141  
142 Be It Enacted by the Legislature of the State of Florida:

143  
144 Section 1. Part XIV of chapter 626, Florida Statutes,  
145 consisting of sections 626.9961 through 626.9974, is created to

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146 read:

147 PART XIV148 PROPERTY INSURANCE APPRAISERS AND PROPERTY INSURANCE APPRAISAL149 UMPIRES

150  
151 626.9961 Property insurance appraiser and property  
152 insurance appraisal umpire licensing program; legislative  
153 purpose; scope of part.-

154 (1) The property insurance appraiser and property insurance  
155 appraisal umpire licensing program is created within the  
156 Department of Financial Services.

157 (2) The Legislature finds it necessary to regulate persons  
158 and companies that hold themselves out to the public as  
159 qualified to provide services as appraisers and umpires to  
160 protect the public safety and welfare, to prevent damage to real  
161 and personal property, and to avoid economic injury to the  
162 residents of this state.

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

167 626.9962 Definitions.-As used in this part, the term:

168 (1) "Appraisal" means the process of dispute resolution, as  
169 defined in the property insurance contract, which determines the  
170 amount of loss when the insurer and insured are unable to agree  
171 on the amount of the loss, or, if the insurer has elected to  
172 repair the property and the insurer and the insured are unable  
173 to agree on the scope of repairs, the scope of repairs.  
174 Appraisal occurs after coverage is established.

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175 (2) "Competent" means sufficiently qualified and capable of  
176 performing an appraisal.

177 (3) "Department" means the Department of Financial  
178 Services.

179 (4) "Independent" means a person who is not subject to any  
180 control, restriction, modification, or limitation by an  
181 appointing party.

182 (a) An appraiser may not represent himself or herself as an  
183 independent appraiser if he or she accepts an appointment that  
184 is contingent upon reporting a predetermined result, analysis,  
185 or opinion, or if the fee to be paid for the services of the  
186 appraiser in connection with an appointment is contingent upon a  
187 predetermined opinion, conclusion, or valuation.

188 (b) An umpire may not represent himself or herself as an  
189 independent umpire unless he or she conducts his or her  
190 investigation, evaluation, and estimation without instruction  
191 from an appointing party. An umpire is not independent if he or  
192 she accepts an appointment that is contingent upon reporting a  
193 predetermined result, analysis, or opinion or if the fee to be  
194 paid for the services of the umpire in connection with an  
195 appointment is contingent upon a predetermined opinion,  
196 conclusion, or valuation.

197 (5) "Property insurance appraisal umpire" or "umpire" means  
198 a third party selected by appraisers representing the insurer  
199 and the insured who is charged with resolving issues that the  
200 appraisers are unable to agree upon during the course of an  
201 appraisal process conducted pursuant to a residential,  
202 commercial residential, or commercial property insurance  
203 contract that provides for resolution of claim disputes by

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204 appraisal.

205 (6) "Property insurance appraiser" or "appraiser" means a  
206 third party selected by an insurer or an insured to develop an  
207 appraisal under a residential, commercial residential, or  
208 commercial property insurance contract that provides for  
209 resolution of claim disputes by appraisal.

210 626.9963 Fees.—

211 (1) The department may establish an application fee and  
212 fees for examination, reexamination, and licensure and  
213 appointment as a property insurance appraiser or a property  
214 insurance appraisal umpire, and for designation as a provider of  
215 continuing education. Fees shall be remitted at the time of  
216 application.

217 (a) The application fee is \$50 and is nonrefundable.

218 (b) The examination and reexamination fees, at a minimum,  
219 must be sufficient to cover the actual cost of examination and  
220 reexamination.

221 (c) The fee for an initial license is \$5.

222 (d) The fee for a biennial appointment and renewal of such  
223 appointment is \$60.

224 (e) The fee for applications for designation as a provider  
225 of continuing education is \$100 per course.

226 (2) Fees shall be deposited into the Insurance Regulatory  
227 Trust Fund.

228 626.9964 Application for license as a property insurance  
229 appraiser or property insurance appraisal umpire.—

230 (1) Effective October 1, 2016, upon receipt of a completed  
231 application that is made under oath and signed by the applicant,  
232 the department may issue a license as a property insurance



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233 appraiser or a property insurance appraisal umpire to a person  
234 who meets the requirements of subsection (6).

235 (2) The application for license must include the following  
236 information:

237 (a) The applicant's full name; age; social security number;  
238 residence address; business address; mailing address; contact  
239 telephone numbers, including a business telephone number; and e-  
240 mail address.

241 (b) Whether the applicant has been refused or has  
242 voluntarily surrendered or has had suspended or revoked a  
243 professional license by any state.

244 (c) Proof that the applicant meets the requirements for  
245 licensure as an appraiser or umpire under subsection (6).

246 (d) The applicant's gender.

247 (e) The applicant's native language.

248 (f) The applicant's highest achieved level of education.

249 (3) The applicant shall submit the applicable fee with his  
250 or her application.

251 (4) An applicant must submit a full set of fingerprints to  
252 the department. The department must forward the fingerprints to  
253 the Department of Law Enforcement for state processing, and the  
254 Department of Law Enforcement shall forward the fingerprints to  
255 the Federal Bureau of Investigation for national processing.  
256 Fees for state and federal fingerprint processing must be paid  
257 by the applicant. The state fee for fingerprint processing, at a  
258 minimum, must be sufficient to cover the actual costs of  
259 fingerprint processing.

260 (5) The department shall develop and maintain as a public  
261 record a current list of licensed appraisers and umpires.

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262       (6) An applicant may be licensed to practice in this state  
263 as an appraiser or umpire if he or she is of good moral  
264 character and meets one of the following requirements:

265       (a) Is a retired county, circuit, or appellate judge.

266       (b) Is licensed as an engineer pursuant to chapter 471 or  
267 is a retired professional engineer as defined in s. 471.005.

268       (c) Is licensed as a general contractor, building  
269 contractor, or residential contractor pursuant to part I of  
270 chapter 489.

271       (d) Is licensed or registered as an architect to engage in  
272 the practice of architecture pursuant to part I of chapter 481.

273       (e) Is a member of The Florida Bar.

274       (f) Is licensed as an adjuster pursuant to part VI of  
275 chapter 626, which license includes the property and casualty  
276 lines of insurance. An adjuster must have been licensed for at  
277 least 3 years as an adjuster before he or she may be licensed as  
278 an appraiser and must have been licensed for at least 5 years as  
279 an adjuster before he or she may be licensed as an umpire.

280       (7) The department shall review and approve courses of  
281 study for the continued education of appraisers and umpires.

282       (8) The department may not issue a license as an appraiser  
283 or umpire to any individual found by the department to be  
284 untrustworthy or incompetent or who:

285       (a) Has not filed an application with the department in  
286 accordance with this subsection (2).

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

289       (c) Is not a United States citizen or legal alien who  
290 possesses work authorization from the United States Bureau of

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291 Citizenship and Immigration Services.

292 (d) Has not completed the experience or licensing  
293 requirements of this part.

294 (9) An incomplete application expires 6 months after the  
295 date it is received by the department.

296 (10) The department may not reject an application solely  
297 because the applicant is or is not a member of a given appraisal  
298 organization.

299 626.9965 Licensure by endorsement.—The department may issue  
300 a license by endorsement to an applicant who the department  
301 certifies is qualified to practice as an appraiser or umpire  
302 unless the applicant is under investigation in this or another  
303 state for any act that would constitute a violation of this part  
304 and until the investigation is complete and disciplinary  
305 proceedings have been terminated.

306 626.9966 Appointment of license.—

307 (1) A property insurance appraiser or property insurance  
308 appraisal umpire must appoint himself or herself with the  
309 department and pay fees in the amount specified in s. 626.9963.  
310 The appraiser or umpire must complete his or her appointment  
311 before undertaking the duties of an appraiser or an umpire. The  
312 appointment of an appraiser or umpire continues in force until  
313 suspended, revoked, or terminated, as provided in this part, and  
314 is subject to biennial renewal or continuation by the licensee.

315 (2) An individual who has been licensed by the department  
316 as an appraiser or umpire may be subsequently appointed without  
317 additional written examination if his or her application for  
318 appointment is filed with the department within 48 months after  
319 the date of cancellation or expiration of the previous

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320 appointment.

321 (3) The license of an appraiser or umpire continues in  
322 force until canceled, suspended, or revoked or until it is  
323 otherwise terminated, as provided in this part, but expires by  
324 operation of law 48 months after the date of cancellation or  
325 expiration of the last appointment.

326 626.9967 Continuing education.—

327 (1) The property insurance appraiser or property insurance  
328 appraisal umpire must provide satisfactory proof to the  
329 department that, during the 2 years before his or her  
330 application for renewal, he or she completed at least 24 hours  
331 of continuing education, approved by the department and relating  
332 to appraisers and umpires, which covers new laws, ethics,  
333 disciplinary trends, case studies, industry trends, and other  
334 similar topics that the department determines are relevant to  
335 legally and ethically performing the responsibilities of an  
336 appraiser or umpire. If the department does not receive such  
337 proof, the department may immediately terminate or refuse to  
338 renew the appointment of an appraiser or umpire. The department  
339 shall establish the criteria for and content of appraisal  
340 courses by rule.

341 (2) Each appraiser or umpire course provider, instructor,  
342 and classroom course must be approved by and registered with the  
343 department before offering continuing education courses.

344 (3) The department shall adopt rules establishing standards  
345 for the approval of courses and the registration, discipline, or  
346 removal from registration of course providers and instructors.  
347 The standards adopted by the department must ensure that  
348 instructors have the knowledge, competence, and integrity to

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349 fulfill the educational objectives of this part.

350 (4) An approved instructor may not teach any course that is  
351 outside the scope of this part.

352 626.9968 Partnerships, corporations, and other business  
353 entities.—A licensee may practice or offer to practice as a  
354 property insurance appraiser or property insurance appraisal  
355 umpire through a partnership, corporation, or other business  
356 entity that offers appraisal or umpire services to the public,  
357 or through the agents, employees, or officers of, or partners in  
358 such a partnership, corporation, or business entity. However,  
359 partnerships, corporations, or other business entities that hold  
360 themselves out as offering property insurance appraisal services  
361 must be registered with the department. This section does not  
362 allow a corporation or other business entity to hold a license  
363 to practice appraisal or umpire services. A partnership,  
364 corporation, or other business entity is not relieved of  
365 responsibility for the conduct or acts of its agents, employees,  
366 or officers by reason of its compliance with this section. An  
367 individual who practices as an appraiser or umpire is not  
368 relieved of responsibility for professional services performed  
369 as a result of his or her employment or relationship with a  
370 partnership, corporation, or other business entity.

371 626.9969 Grounds for compulsory refusal, suspension, or  
372 revocation of an appraiser or umpire license.—The department  
373 shall deny an application for license under this section;  
374 suspend, revoke, or refuse to renew or continue a license or  
375 appointment of an applicant, property insurance appraiser, or  
376 property insurance appraisal umpire; or suspend or revoke  
377 eligibility for licensure or appointment as an appraiser or

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378 umpire if the department finds that one or more of the following  
379 applicable grounds exist:

380 (1) Lacking one or more of the qualifications for licensure  
381 as specified in this part.

382 (2) Making a material misstatement or misrepresentation or  
383 committing fraud in obtaining a license or in attempting to  
384 obtain a license or appointment.

385 (3) Failing to achieve a passing score, as determined by  
386 the department, on any examination required under this part.

387 (4) Willfully using a license or appointment to circumvent  
388 any of the requirements or prohibitions of this part.

389 (5) Demonstrating a lack of fitness or trustworthiness to  
390 practice as an appraiser or umpire.

391 (6) Demonstrating a lack of reasonably adequate knowledge  
392 and technical competence to conduct transactions authorized by  
393 the license.

394 (7) Committing fraudulent or dishonest practices in the  
395 conduct of business under the license.

396 (8) Willfully failing to comply with or willfully violating  
397 any order or rule of the department or this part.

398 (9) Having been found guilty of or having pled guilty or  
399 nolo contendere to a felony or a crime punishable by  
400 imprisonment of 1 year or more under federal or any state law,  
401 or under the law of any other country, which involves moral  
402 turpitude, without regard of whether a judgment or conviction  
403 has been entered by the court having jurisdiction of such cases.

404 (10) Violating a duty imposed upon him or her by law or by  
405 the terms of a contract, whether written, oral, expressed, or  
406 implied, during the course of an appraisal; aiding, assisting,

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407 or conspiring with any other person engaged in any such  
408 misconduct and in furtherance thereof; or forming the intent,  
409 design, or scheme to engage in such misconduct and committing an  
410 overt act in furtherance of such intent, design, or scheme. A  
411 licensee commits a violation of this subsection regardless of  
412 whether the victim or intended victim of the misconduct has  
413 sustained any damage or loss; the damage or loss has been  
414 settled and paid after the discovery of misconduct; or the  
415 victim or intended victim is a customer or a person in a  
416 confidential relationship with the licensee or is an identified  
417 member of the general public.

418 (11) Having a registration, license, or certification as an  
419 appraiser or umpire revoked, suspended, or otherwise acted  
420 against; having a registration, license, or certificate to  
421 practice or conduct any regulated profession, business, or  
422 vocation revoked or suspended; or having an application for such  
423 registration, licensure, or certification to practice or conduct  
424 any regulated profession, business, or vocation denied, by this  
425 or any other state, any nation, or any possession or district of  
426 the United States.

427 (12) Making or filing a report or record, written or oral,  
428 which the licensee knows to be false; willfully failing to file  
429 a report or record required by state or federal law; willfully  
430 impeding or obstructing such filing; or inducing another person  
431 to impede or obstruct such filing.

432 (13) Accepting an appointment as an appraiser or umpire if  
433 the appointment is contingent upon the appraiser or umpire  
434 reporting a predetermined result, analysis, or opinion, or if  
435 the fee to be paid for the services of the umpire is contingent

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436 upon the opinion, conclusion, or valuation reached by the  
437 umpire.

438 626.9971 Grounds for discretionary denial, suspension, or  
439 revocation of a property insurance appraiser's or property  
440 insurance appraisal umpire's license.—The department may deny an  
441 application for license or suspend, revoke, or refuse to renew  
442 or continue a license as a property insurance appraiser or  
443 property insurance appraisal umpire if any of the following  
444 occurs:

445 (1) If the licensee is, or is applying for a license to be,  
446 an appraiser, failure to timely communicate with the opposing  
447 party's appraiser without good cause or failure or refusal to  
448 exercise reasonable diligence in submitting recommendations to  
449 the opposing party's appraiser.

450 (2) If the licensee is, or is applying for a license to be,  
451 an umpire, failure to timely communicate with the appraiser  
452 representing the insurer and the insured without good cause or  
453 failure or refusal to exercise reasonable diligence in  
454 submitting recommendations to such appraisers.

455 (3) Violation of any ethical standard for appraisers and  
456 umpires specified in s. 626.9972.

457 (4) Failure to inform the department in writing within 30  
458 days after pleading guilty or nolo contendere to, or being  
459 convicted or found guilty of, a felony.

460 (5) Failure to timely notify the department of any change  
461 in business location, or failure to fully disclose all business  
462 locations from which he or she operates as an appraiser or  
463 umpire.

464 (6) Any cause for which issuance of the license or



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465 appointment could have been refused had it then existed and been  
466 known to the department.

467 (7) Violation of this part or of any other law applicable  
468 to the business of insurance in the course of his or her  
469 practice under this section.

470 (8) Violation of any order or rule of the department,  
471 commission, or office.

472 (9) Knowingly aiding, assisting, procuring, advising, or  
473 abetting any person in the violation of the insurance code or  
474 any order or rule of the department, commission, or office.

475 (10) Failure to comply with any civil, criminal, or  
476 administrative action taken by the child support enforcement  
477 program under Title IV-D of the Social Security Act, 42 U.S.C.  
478 ss. 651 et seq., to determine paternity or to establish, modify,  
479 enforce, or collect support.

480 626.9972 Ethical standards for property insurance  
481 appraisers and property insurance appraisal umpires.-

482 (1) CONFIDENTIALITY.-Unless disclosure is otherwise  
483 required by law, a property insurance appraiser or a property  
484 insurance appraisal umpire shall maintain confidentiality of all  
485 information revealed during an appraisal. However, an appraiser  
486 may disclose such information to the party who hired him or her.

487 (2) RECORDKEEPING.-An appraiser or umpire shall maintain  
488 confidentiality in the storage and disposal of records and may  
489 not disclose any identifying information if materials are used  
490 in research, training, or statistical compilations.

491 (3) FEES AND EXPENSES.-

492 (a) The fees charged by an appraiser or umpire must be  
493 reasonable and consistent with the nature of the case. In

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494 determining fees, an appraiser or umpire:

495 1. If charging on an hourly basis, may bill for services  
496 only for actual time spent on or allocated for the appraisal.

497 2. May charge for costs actually incurred, and no other  
498 costs.

499 (b) An umpire may not charge, agree to, or accept as  
500 compensation or reimbursement any payment, commission, or fee  
501 that is based on a percentage of the appraised value or that is  
502 contingent upon a specified outcome.

503 (4) MAINTENANCE OF RECORDS.—An appraiser or umpire shall  
504 maintain records necessary to support charges for services and  
505 expenses, and, upon request, shall provide an accounting of all  
506 applicable charges to the parties. An appraiser or umpire shall  
507 retain original or true copies of any contracts engaging his or  
508 her services, appraisal reports, and supporting data assembled  
509 and formulated by the licensee in preparing appraisal reports  
510 for at least 5 years. The period for retaining such records  
511 begins on the date of the submission of the appraisal report to  
512 the client. Upon reasonable notice, the records shall be made  
513 available by the licensee to the department for inspection and  
514 making copies. If an appraisal has been the subject of, or has  
515 been admitted as evidence in, a lawsuit, reports and records  
516 related to the appraisal must be retained for at least 2 years  
517 after the date that the trial ends.

518 (5) ADVERTISING.—An appraiser or umpire may not engage in  
519 marketing practices that contain false or misleading  
520 information. A licensee shall ensure that any advertisement of  
521 his or her qualifications, services to be rendered, or the  
522 appraisal process are accurate and honest. An appraiser or

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523 umpire may not make claims of achieving specific outcomes or  
524 promises implying favoritism for the purpose of obtaining  
525 business.

526 (6) INTEGRITY AND IMPARTIALITY.—

527 (a)1. An appraiser may not accept an appointment unless he  
528 or she can serve independently of the party appointing him or  
529 her; serve competently; and promptly commence the appraisal and,  
530 thereafter, devote the time and attention to its completion in  
531 the manner expected by all of the parties involved in the  
532 appraisal.

533 2. An appraiser shall conduct the appraisal process in a  
534 manner that advances the fair and efficient resolution of issues  
535 that arise during the appraisal process. An appraiser shall make  
536 all reasonable efforts to prevent delays in the appraisal  
537 process, the harassment of parties or other participants, or  
538 other abuse or disruption of the appraisal process.

539 3. After an appraiser accepts an appointment, the appraiser  
540 may not withdraw or abandon the appointment unless compelled to  
541 do so by unanticipated circumstances that would render it  
542 impossible or impracticable to continue.

543 4. An appraiser shall deliberate and decide all issues  
544 submitted for determination, but may not render a decision on  
545 any other issues. An appraiser shall decide all matters justly,  
546 exercising independent judgment. An appraiser may not delegate  
547 the duty to make a determination to any other person.

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

551 (7) SKILL AND EXPERIENCE.—An appraiser or umpire shall

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552 decline an appointment or selection, withdraw, or request  
553 appropriate assistance when the facts and circumstances of the  
554 appraisal prove to be beyond his or her skill or experience.

555 (8) GIFTS AND SOLICITATION.—An appraiser or umpire may not  
556 give or accept any gift, favor, loan, or other item of value in  
557 the appraisal process. During the appraisal process, an  
558 appraiser or umpire may not solicit or otherwise attempt to  
559 procure future work with the client.

560 (9) COMMUNICATIONS WITH PARTIES.—

561 (a) If an agreement of the parties establishes the manner  
562 or content of the communications between the appointed  
563 appraisers, the affected parties, and the umpire, the appraisers  
564 shall abide by such agreement. In the absence of such an  
565 agreement, an appraiser may not discuss a proceeding with any  
566 party or with the umpire in the absence of any other party,  
567 except in the following circumstances:

568 1. If the appointment of the appraiser or umpire is being  
569 considered, the prospective appraiser or umpire may inquire  
570 about the identity of the parties, the parties' legal counsel,  
571 and the general nature of the case, and may respond to inquiries  
572 from any party or its counsel or an umpire which are designed to  
573 determine his or her suitability and availability for the  
574 appointment.

575 2. The appraiser may consult with the party who appointed  
576 him or her concerning the selection of a neutral umpire.

577 3. The appraiser may make arrangements for any compensation  
578 to be paid by the party who appointed him or her.

579 4. The appraiser may make arrangements for obtaining  
580 materials and providing for inspection of the property with the

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581 party who appointed the appraiser. Such communication is limited  
582 to scheduling and the exchange of materials.

583 (b) There may not be any communication during which a party  
584 dictates to an appraiser the outcome of the proceedings, the  
585 matters or elements that may be included or considered by the  
586 appraiser, or specific actions the appraiser may take.

587 626.9973 Prohibitions; penalties.—Effective October 1,  
588 2016, a person may not use the name or title "property insurance  
589 appraiser," "appraiser," "property insurance appraisal umpire,"  
590 or "umpire" unless he or she is licensed pursuant to this part.  
591 A person who is found to be in violation of this section commits  
592 a misdemeanor of the first degree, punishable as provided in s.  
593 775.082 or s. 775.083.

594 626.9974 Rulemaking authority.—The department may adopt  
595 rules to administer this part. Such rules may:

596 (1) Establish a process for determining compliance with  
597 licensure requirements.

598 (2) Prescribe necessary forms.

599 (3) Implement specific rulemaking authority pursuant to  
600 this section.

601 (4) Establish specific penalties which may be assessed  
602 against licensees under this part for violations of the Florida  
603 Insurance Code.

604 Section 2. For the 2016-2017 fiscal year, the sums of  
605 \$605,874 in recurring funds and \$59,053 in nonrecurring funds  
606 from the Insurance Regulatory Trust Fund are appropriated to the  
607 Department of Financial Services, and four full-time equivalent  
608 positions with associated salary rate of 212,315 are authorized,  
609 for the purpose of implementing this act.

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610           Section 3. Except as otherwise expressly provided, this act  
611 shall take effect July 1, 2016.