



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1
2 An act relating to the Division of Insurance Agents
3 and Agency Services; amending s. 20.121, F.S.;
4 revising the name of the division; amending s.
5 624.310, F.S.; revising service delivery methods;
6 amending s. 624.318, F.S.; prohibiting the removal of
7 specified original documents under certain conditions;
8 amending s. 624.501, F.S.; revising original
9 appointment and renewal fees related to certain
10 insurance representatives; amending s. 626.015, F.S.;
11 prohibiting new limited customer representative
12 licenses from being issued after a specified date;
13 defining the term "unaffiliated insurance agent";
14 amending s. 626.0428, F.S.; revising prohibitions
15 relating to binding insurance and soliciting
16 insurance; requiring a branch place of business to
17 have an agent in charge; authorizing an agent to be in
18 charge of more than one branch office under certain
19 circumstances; providing requirements relating to the
20 designation of an agent in charge; providing that the
21 agent in charge is accountable for misconduct and
22 violations committed by the licensee and any person
23 under his or her supervision; prohibiting an insurance
24 agency from conducting insurance business at a
25 location without a designated agent in charge;



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

26 providing for expiration of an agency license under
27 specified circumstances; amending s. 626.112, F.S.;
28 providing licensure exemptions that allow specified
29 individuals or entities to conduct insurance business
30 at specified locations under certain circumstances;
31 revising licensure requirements and penalties with
32 respect to registered insurance agencies; providing
33 that the registration of an approved registered
34 insurance agency automatically converts to an
35 insurance agency license on a specified date; amending
36 s. 626.171, F.S.; providing an exemption from certain
37 licensure application fees; amending s. 626.172, F.S.;
38 revising requirements relating to applications for
39 insurance agency licenses; amending s. 626.207, F.S.;
40 conforming a cross-reference; amending s. 626.241,
41 F.S.; revising the scope of the examination for a
42 limited agent; amending s. 626.261, F.S.; deleting a
43 provision requiring certain costs to be paid by
44 applicants who request licensure examinations in
45 Spanish; amending s. 626.311, F.S.; limiting the types
46 of business that may be transacted by certain agents;
47 amending s. 626.321, F.S.; providing that a limited
48 license to offer motor vehicle rental insurance issued
49 to a business that rents or leases motor vehicles
50 encompasses employees and authorized representatives



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

51 of such business; amending s. 626.382, F.S.; providing
52 that an insurance agency license continues in force
53 until canceled, suspended, revoked, terminated, or
54 expired; amending s. 626.601, F.S.; revising
55 terminology relating to investigations conducted by
56 the Department of Financial Services and the Office of
57 Insurance Regulation with respect to individuals and
58 entities involved in the insurance industry; amending
59 s. 626.611, F.S.; requiring the department to suspend
60 certain licenses and appointments; amending s.
61 626.641, F.S.; conforming a cross-reference; amending
62 s. 626.733, F.S.; revising applicability of certain
63 appointment provisions; amending s. 626.7355, F.S.;
64 revising qualifications for a temporary customer
65 representative's license; repealing s. 626.747, F.S.,
66 relating to branch agencies, agents in charge, and the
67 payment of additional county tax under certain
68 circumstances on a specified date; amending s.
69 626.7845, F.S.; revising a prohibition against
70 unlicensed transaction of life insurance; amending ss.
71 626.8411, 626.861, and 626.862, F.S.; conforming
72 cross-references; amending s. 626.9272, F.S.; revising
73 requirements for the licensure of nonresident surplus
74 lines agents; creating s. 627.4553, F.S.; requiring an
75 insurance agent who recommends the surrender of



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

76 | certain annuity or life insurance to provide certain
77 | information to the department; amending s. 627.7015,
78 | F.S.; revising the rulemaking authority of the
79 | department with respect to qualifications and
80 | specified types of penalties covered under the
81 | property insurance mediation program; amending s.
82 | 627.706, F.S.; revising definitions; amending s.
83 | 627.7074, F.S.; providing grounds for the department
84 | to deny an application, or suspend or revoke approval
85 | of certification, of a neutral evaluator; requiring
86 | the department to adopt rules; amending s. 627.745,
87 | F.S.; revising qualifications for approval as a
88 | mediator by the department; providing grounds for the
89 | department to deny an application, or suspend or
90 | revoke approval, of a mediator; authorizing the
91 | department to adopt rules; amending s. 627.952, F.S.;
92 | providing that certain persons who are not residents
93 | of this state must be licensed and appointed as
94 | nonresident surplus lines agents in this state in
95 | order to engage in specified activities with respect
96 | to servicing insurance contracts, certificates, or
97 | agreements for purchasing or risk retention groups;
98 | deleting a fidelity bond requirement applicable to
99 | certain nonresident agents who are licensed as surplus
100 | lines agents in another state; amending s. 648.43,



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

101 F.S.; revising requirements for the submission of a
 102 power of attorney; amending s. 648.49, F.S.; revising
 103 provisions relating to the duration of suspension or
 104 revocation of a license; amending ss. 943.0585 and
 105 943.059, F.S.; prohibiting persons seeking to be
 106 licensed by the Division of Insurance Agent and Agency
 107 Services from denying or failing to acknowledge
 108 certain expunged or sealed records; conforming cross-
 109 references; providing an effective date.

110

111 Be It Enacted by the Legislature of the State of Florida:

112

113 Section 1. Paragraph (g) of subsection (2) of section
 114 20.121, Florida Statutes, is amended to read:

115 20.121 Department of Financial Services.—There is created
 116 a Department of Financial Services.

117 (2) DIVISIONS.—The Department of Financial Services shall
 118 consist of the following divisions:

119 (g) The Division of Insurance Agent ~~Agents~~ and Agency
 120 Services.

121 Section 2. Subsection (6) of section 624.310, Florida
 122 Statutes, is amended to read:

123 624.310 Enforcement; cease and desist orders; removal of
 124 certain persons; fines.—

125 (6) ADMINISTRATIVE PROCEDURES.—All administrative



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

126 | proceedings under subsections (3), (4), and (5) shall be
127 | conducted in accordance with chapter 120. Any service required
128 | or authorized to be made by the department or office under this
129 | code shall be made:

130 | (a)1. By certified mail, return receipt requested,
131 | delivered to the addressee only; or

132 | 2. If service by certified mail cannot be obtained at the
133 | last address provided to the department by the recipient, then
134 | by e-mail, delivery receipt required, sent to the most recent e-
135 | mail address provided to the department by the applicant or
136 | licensee in accordance with s. 626.171, s. 626.551, s. 648.34,
137 | or s. 648.421;

138 | (b) By personal delivery, including hand delivery by a
139 | department investigator;

140 | (c) By publication in accordance with s. 120.60; or

141 | (d) In accordance with chapter 48.

142 |

143 | The service provided for in this subsection ~~herein~~ shall be
144 | effective from the date of delivery.

145 | Section 3. Subsection (5) of section 624.318, Florida
146 | Statutes, is amended to read:

147 | 624.318 Conduct of examination or investigation; access to
148 | records; correction of accounts; appraisals.—

149 | (5) ~~Neither~~ The department, the office, or an ~~nor any~~
150 | examiner may not ~~shall~~ remove any original record, account,



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

151 | document, file, or other property of the person being examined
152 | from the offices of such person except with the written consent
153 | of such person given in advance of such removal or pursuant to
154 | an order of court duly obtained.

155 | Section 4. Paragraphs (a) and (c) of subsection (6) and
156 | subsections (7) and (8) of section 624.501, Florida Statutes,
157 | are amended to read:

158 | 624.501 Filing, license, appointment, and miscellaneous
159 | fees.—The department, commission, or office, as appropriate,
160 | shall collect in advance, and persons so served shall pay to it
161 | in advance, fees, licenses, and miscellaneous charges as
162 | follows:

163 | (6) Insurance representatives, property, marine, casualty,
164 | and surety insurance.

165 | (a) Agent's original appointment and biennial renewal or
166 | continuation thereof, each insurer or unaffiliated agent making
167 | an appointment:

168 Appointment fee.....	\$42.00
169 State tax.....	12.00
170 County tax.....	6.00
171 Total.....	\$60.00

172 | (c) Nonresident agent's original appointment and biennial
173 | renewal or continuation thereof, appointment fee, each insurer
174 | or unaffiliated agent making an appointment.....\$60.00

175 | (7) Life insurance agents.



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

176 (a) Agent's original appointment and biennial renewal or
177 continuation thereof, each insurer or unaffiliated agent making
178 an appointment:

179	Appointment fee.....	\$42.00
180	State tax.....	12.00
181	County tax.....	6.00
182	Total.....	\$60.00

183 (b) Nonresident agent's original appointment and biennial
184 renewal or continuation thereof, appointment fee, each insurer
185 or unaffiliated agent making an appointment.....\$60.00

186 (8) Health insurance agents.

187 (a) Agent's original appointment and biennial renewal or
188 continuation thereof, each insurer or unaffiliated agent making
189 an appointment:

190	Appointment fee.....	\$42.00
191	State tax.....	12.00
192	County tax.....	6.00
193	Total.....	\$60.00

194 (b) Nonresident agent's original appointment and biennial
195 renewal or continuation thereof, appointment fee, each insurer
196 or unaffiliated agent making an appointment.....\$60.00

197 Section 5. Subsection (11) of section 626.015, Florida
198 Statutes, is amended, subsection (18) of that section is
199 renumbered as subsection (19), and a new subsection (18) is
200 added to that section, to read:



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

201 626.015 Definitions.—As used in this part:

202 (11) "Limited customer representative" means a customer
203 representative appointed by a general lines agent or agency to
204 assist that agent or agency in transacting only the business of
205 private passenger motor vehicle insurance from the office of
206 that agent or agency. A limited customer representative is
207 subject to the Florida Insurance Code in the same manner as a
208 customer representative, unless otherwise specified. Effective
209 October 1, 2014, a new limited customer representative license
210 may not be issued.

211 (18) "Unaffiliated insurance agent" means a licensed
212 insurance agent, except a limited lines agent, who is self-
213 appointed and who practices as an independent consultant in the
214 business of analyzing or abstracting insurance policies,
215 providing insurance advice or counseling, or making specific
216 recommendations or comparisons of insurance products for a fee
217 established in advance by written contract signed by the
218 parties. An unaffiliated insurance agent may not be affiliated
219 with an insurer, insurer-appointed insurance agent, or insurance
220 agency contracted with or employing insurer-appointed insurance
221 agents.

222 Section 6. Effective January 1, 2015, subsections (2) and
223 (3) of section 626.0428, Florida Statutes, are amended, and
224 subsection (4) is added to that section, to read:

225 626.0428 Agency personnel powers, duties, and



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

226 limitations.-

227 (2) An employee or an authorized representative located at
228 a designated branch of an agent or agency may not bind insurance
229 coverage unless licensed and appointed as an agent or customer
230 representative.

231 (3) An employee or an authorized representative located at
232 a designated branch of an agent or agency may not initiate
233 contact with any person for the purpose of soliciting insurance
234 unless licensed and appointed as an agent or customer
235 representative. As to title insurance, an employee of an agent
236 or agency may not initiate contact with any individual proposed
237 insured for the purpose of soliciting title insurance unless
238 licensed as a title insurance agent or exempt from such
239 licensure pursuant to s. 626.8417(4).

240 (4) (a) Each place of business established by an agent or
241 agency, firm, corporation, or association must be in the active
242 full-time charge of a licensed and appointed agent holding the
243 required agent licenses to transact the lines of insurance being
244 handled at the location.

245 (b) Notwithstanding paragraph (a), the licensed agent in
246 charge of an insurance agency may also be the agent in charge of
247 additional branch office locations of the agency if insurance
248 activities requiring licensure as an insurance agent do not
249 occur at any location when an agent is not physically present
250 and unlicensed employees at the location do not engage in



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

251 insurance activities requiring licensure as an insurance agent
252 or customer representative.

253 (c) An insurance agency and each branch place of business
254 of an insurance agency shall designate an agent in charge and
255 file the name and license number of the agent in charge and the
256 physical address of the insurance agency location with the
257 department at the department's designated website. The
258 designation of the agent in charge may be changed at the option
259 of the agency. A change of the designated agent in charge is
260 effective upon notification to the department, which shall be
261 provided within 30 days after such change.

262 (d) For the purposes of this subsection, an "agent in
263 charge" is the licensed and appointed agent who is responsible
264 for the supervision of all individuals within an insurance
265 agency location, regardless of whether the agent in charge
266 handles a specific transaction or deals with the general public
267 in the solicitation or negotiation of insurance contracts or the
268 collection or accounting of moneys.

269 (e) An agent in charge of an insurance agency is
270 accountable for misconduct or violations of this code committed
271 by the licensee or agent or by any person under his or her
272 supervision while acting on behalf of the agency. This section
273 does not render an agent in charge criminally liable for an act
274 unless the agent in charge personally committed the act or knew
275 or should have known of the act and of the facts constituting a



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

276 violation of this chapter.

277 (f) An insurance agency location may not conduct the
278 business of insurance unless an agent in charge is designated
279 by, and providing services to, the agency at all times. If the
280 agent in charge designated with the department ends his or her
281 affiliation with the agency for any reason and the agency fails
282 to designate another agent in charge within the 30 days provided
283 for in paragraph (c) and such failure continues for 90 days, the
284 agency license shall automatically expire on the 91st day from
285 the date the designated agent in charge ended his or her
286 affiliation with the agency.

287 Section 7. Effective January 1, 2015, subsection (7) of
288 section 626.112, Florida Statutes, is amended to read:

289 626.112 License and appointment required; agents, customer
290 representatives, adjusters, insurance agencies, service
291 representatives, managing general agents.-

292 (7) (a) An ~~Effective October 1, 2006,~~ no individual, firm,
293 partnership, corporation, association, or ~~any~~ other entity shall
294 not act in its own name or under a trade name, directly or
295 indirectly, as an insurance agency~~,~~ unless it complies with s.
296 626.172 with respect to possessing an insurance agency license
297 for each place of business at which it engages in an ~~any~~
298 activity that ~~which~~ may be performed only by a licensed
299 insurance agent. However, an insurance agency that is owned and
300 operated by a single licensed agent conducting business in his



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

301 or her individual name and not employing or otherwise using the
302 services of or appointing other licensees shall be exempt from
303 the agency licensing requirements of this subsection.

304 (b) A branch place of business that is established by a
305 licensed agency is considered a branch agency and is not
306 required to be licensed so long as it transacts business under
307 the same name and federal tax identification number as the
308 licensed agency and has designated with the department a
309 licensed agent in charge of the branch location as required by
310 s. 626.0428 and the address and telephone number of the branch
311 location have been submitted to the department for inclusion in
312 the licensing record of the licensed agency within 30 days after
313 insurance transactions begin at the branch location ~~Each agency~~
314 ~~engaged in business in this state before January 1, 2003, which~~
315 ~~is wholly owned by insurance agents currently licensed and~~
316 ~~appointed under this chapter, each incorporated agency whose~~
317 ~~voting shares are traded on a securities exchange, each agency~~
318 ~~designated and subject to supervision and inspection as a branch~~
319 ~~office under the rules of the National Association of Securities~~
320 ~~Dealers, and each agency whose primary function is offering~~
321 ~~insurance as a service or member benefit to members of a~~
322 ~~nonprofit corporation may file an application for registration~~
323 ~~in lieu of licensure in accordance with s. 626.172(3). Each~~
324 ~~agency engaged in business before October 1, 2006, shall file an~~
325 ~~application for licensure or registration on or before October~~



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

326 ~~1, 2006.~~

327 (c)~~1.~~ If an agency is required to be licensed but fails to
328 file an application for licensure in accordance with this
329 section, the department shall impose on the agency an
330 administrative penalty ~~in an amount~~ of up to \$10,000.

331 ~~2. If an agency is eligible for registration but fails to~~
332 ~~file an application for registration or an application for~~
333 ~~licensure in accordance with this section, the department shall~~
334 ~~impose on the agency an administrative penalty in an amount of~~
335 ~~up to \$5,000.~~

336 (d)(b) Effective October 1, 2015, the department must
337 automatically convert the registration of an approved a
338 registered insurance agency to shall, as a condition precedent
339 to continuing business, obtain an insurance agency license if
340 the department finds that, with respect to any majority owner,
341 partner, manager, director, officer, or other person who manages
342 or controls the agency, any person has:

343 ~~1. Been found guilty of, or has pleaded guilty or nolo~~
344 ~~contendere to, a felony in this state or any other state~~
345 ~~relating to the business of insurance or to an insurance agency,~~
346 ~~without regard to whether a judgment of conviction has been~~
347 ~~entered by the court having jurisdiction of the cases.~~

348 ~~2. Employed any individual in a managerial capacity or in~~
349 ~~a capacity dealing with the public who is under an order of~~
350 ~~revocation or suspension issued by the department. An insurance~~



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

351 ~~agency may request, on forms prescribed by the department,~~
352 ~~verification of any person's license status. If a request is~~
353 ~~mailed within 5 working days after an employee is hired, and the~~
354 ~~employee's license is currently suspended or revoked, the agency~~
355 ~~shall not be required to obtain a license, if the unlicensed~~
356 ~~person's employment is immediately terminated.~~

357 ~~3. Operated the agency or permitted the agency to be~~
358 ~~operated in violation of s. 626.747.~~

359 ~~4. With such frequency as to have made the operation of~~
360 ~~the agency hazardous to the insurance buying public or other~~
361 ~~persons:~~

362 ~~a. Solicited or handled controlled business. This~~
363 ~~subparagraph shall not prohibit the licensing of any lending or~~
364 ~~financing institution or creditor, with respect to insurance~~
365 ~~only, under credit life or disability insurance policies of~~
366 ~~borrowers from the institutions, which policies are subject to~~
367 ~~part IX of chapter 627.~~

368 ~~b. Misappropriated, converted, or unlawfully withheld~~
369 ~~moneys belonging to insurers, insureds, beneficiaries, or others~~
370 ~~and received in the conduct of business under the license.~~

371 ~~e. Unlawfully rebated, attempted to unlawfully rebate, or~~
372 ~~unlawfully divided or offered to divide commissions with~~
373 ~~another.~~

374 ~~d. Misrepresented any insurance policy or annuity~~
375 ~~contract, or used deception with regard to any policy or~~



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

376 ~~contract, done either in person or by any form of dissemination~~
377 ~~of information or advertising.~~

378 ~~e. Violated any provision of this code or any other law~~
379 ~~applicable to the business of insurance in the course of dealing~~
380 ~~under the license.~~

381 ~~f. Violated any lawful order or rule of the department.~~

382 ~~g. Failed or refused, upon demand, to pay over to any~~
383 ~~insurer he or she represents or has represented any money coming~~
384 ~~into his or her hands belonging to the insurer.~~

385 ~~h. Violated the provision against twisting as defined in~~
386 ~~s. 626.9541(1)(1).~~

387 ~~i. In the conduct of business, engaged in unfair methods~~
388 ~~of competition or in unfair or deceptive acts or practices, as~~
389 ~~prohibited under part IX of this chapter.~~

390 ~~j. Willfully overinsured any property insurance risk.~~

391 ~~k. Engaged in fraudulent or dishonest practices in the~~
392 ~~conduct of business arising out of activities related to~~
393 ~~insurance or the insurance agency.~~

394 ~~l. Demonstrated lack of fitness or trustworthiness to~~
395 ~~engage in the business of insurance arising out of activities~~
396 ~~related to insurance or the insurance agency.~~

397 ~~m. Authorized or knowingly allowed individuals to transact~~
398 ~~insurance who were not then licensed as required by this code.~~

399 ~~5. Knowingly employed any person who within the preceding~~
400 ~~3 years has had his or her relationship with an agency~~



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

401 ~~terminated in accordance with paragraph (d).~~

402 ~~6. Willfully circumvented the requirements or prohibitions~~
403 ~~of this code.~~

404 Section 8. Subsection (6) of section 626.171, Florida
405 Statutes, is renumbered as subsection (7), and a new subsection
406 (6) is added to that section to read:

407 626.171 Application for license as an agent, customer
408 representative, adjuster, service representative, managing
409 general agent, or reinsurance intermediary.—

410 (6) Members of the United States Armed Forces and their
411 spouses, and veterans of the United States Armed Forces who have
412 retired within 24 months before application for licensure, are
413 exempt from the application filing fee prescribed in s. 624.501.
414 Qualified individuals must provide a copy of a military
415 identification card, military dependent identification card,
416 military service record, military personnel file, veteran
417 record, discharge paper, or separation document, or a separation
418 document that indicates such members of the United States Armed
419 Forces are currently in good standing or were honorably
420 discharged.

421 Section 9. Subsections (2), (3), and (4) of section
422 626.172, Florida Statutes, are amended to read:

423 626.172 Application for insurance agency license.—

424 (2) An application for an insurance agency license must
425 shall be signed by an individual required to be listed in the



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

426 application under paragraph (a) the owner or owners of the
427 agency. If the agency is incorporated, the application shall be
428 signed by the president and secretary of the corporation. An
429 insurance agency may permit a third party to complete, submit,
430 and sign an application on the insurance agency's behalf;
431 however, the insurance agency is responsible for ensuring that
432 the information on the application is true and correct and is
433 accountable for any misstatements or misrepresentations. The
434 application for an insurance agency license ~~must~~ shall include:

435 (a) The name of each ~~majority~~ owner, partner, officer, and
436 director, president, senior vice president, secretary,
437 treasurer, and limited liability company member who directs or
438 participates in the management or control of the insurance
439 agency, whether through ownership of voting securities, by
440 contract, by ownership of any agency bank account, or otherwise.

441 (b) The residence address of each person required to be
442 listed in the application under paragraph (a).

443 (c) The name, principal business street address, and valid
444 e-mail address of the insurance agency and the name, address,
445 and e-mail address of the agency's registered agent or person or
446 company authorized to accept service on behalf of the agency and
447 its principal business address.

448 (d) The physical address ~~location~~ of each branch agency,
449 including its name, e-mail address, and telephone number, and
450 the date that the branch location began transacting insurance



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

451 ~~office and the name under which each agency office conducts or~~
452 ~~will conduct business.~~

453 (e) The name of the ~~each~~ agent ~~to be~~ in full-time charge
454 of the an agency office, including branch locations, and his or
455 her corresponding location ~~specification of which office.~~

456 (f) The fingerprints of each of the following:

457 1. A sole proprietor;

458 2. Each individual required to be listed in the
459 application under paragraph (a) ~~partner; and~~

460 3. ~~Each owner of an unincorporated agency;~~

461 3.4. Each individual ~~owner~~ who directs or participates in
462 the management or control of an incorporated agency whose shares
463 are not traded on a securities exchange;

464 5. ~~The president, senior vice presidents, treasurer,~~
465 ~~secretary, and directors of the agency; and~~

466 6. ~~Any other person who directs or participates in the~~
467 ~~management or control of the agency, whether through the~~
468 ~~ownership of voting securities, by contract, or otherwise.~~

469
470 Fingerprints must be taken by a law enforcement agency or other
471 entity approved by the department and must be accompanied by the
472 fingerprint processing fee specified in s. 624.501. Fingerprints
473 must ~~shall~~ be processed in accordance with s. 624.34. However,
474 fingerprints need not be filed for an ~~any~~ individual who is
475 currently licensed and appointed under this chapter. This



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

476 paragraph does not apply to corporations whose voting shares are
477 traded on a securities exchange.

478 (g) Such additional information as the department requires
479 by rule to ascertain the trustworthiness and competence of
480 persons required to be listed on the application and to
481 ascertain that such persons meet the requirements of this code.
482 However, the department may not require that credit or character
483 reports be submitted for persons required to be listed on the
484 application.

485 (3) (h) ~~Beginning October 1, 2005,~~ The department must
486 ~~shall~~ accept the uniform application for nonresident agency
487 licensure. The department may adopt by rule revised versions of
488 the uniform application.

489 ~~(3) The department shall issue a registration as an~~
490 ~~insurance agency to any agency that files a written application~~
491 ~~with the department and qualifies for registration. The~~
492 ~~application for registration shall require the agency to provide~~
493 ~~the same information required for an agency licensed under~~
494 ~~subsection (2), the agent identification number for each owner~~
495 ~~who is a licensed agent, proof that the agency qualifies for~~
496 ~~registration as provided in s. 626.112(7), and any other~~
497 ~~additional information that the department determines is~~
498 ~~necessary in order to demonstrate that the agency qualifies for~~
499 ~~registration. The application must be signed by the owner or~~
500 ~~owners of the agency. If the agency is incorporated, the~~



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

501 ~~application must be signed by the president and the secretary of~~
502 ~~the corporation. An agent who owns the agency need not file~~
503 ~~fingerprints with the department if the agent obtained a license~~
504 ~~under this chapter and the license is currently valid.~~

505 ~~(a) If an application for registration is denied, the~~
506 ~~agency must file an application for licensure no later than 30~~
507 ~~days after the date of the denial of registration.~~

508 ~~(b) A registered insurance agency must file an application~~
509 ~~for licensure no later than 30 days after the date that any~~
510 ~~person who is not a licensed and appointed agent in this state~~
511 ~~acquires any ownership interest in the agency. If an agency~~
512 ~~fails to file an application for licensure in compliance with~~
513 ~~this paragraph, the department shall impose an administrative~~
514 ~~penalty in an amount of up to \$5,000 on the agency.~~

515 ~~(c) Sections 626.6115 and 626.6215 do not apply to~~
516 ~~agencies registered under this subsection.~~

517 (4) The department must ~~shall~~ issue a license ~~or~~
518 ~~registration~~ to each agency upon approval of the application,
519 and each agency location must ~~shall~~ display the license ~~or~~
520 ~~registration~~ prominently in a manner that makes it clearly
521 visible to any customer or potential customer who enters the
522 agency location.

523 Section 10. Subsection (7) of section 626.207, Florida
524 Statutes, is amended to read:

525 626.207 Disqualification of applicants and licensees;



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

526 penalties against licensees; rulemaking authority.—

527 (7) After the disqualifying period has been met, the
528 burden is on the applicant to demonstrate that the applicant has
529 been rehabilitated, does not pose a risk to the insurance-buying
530 public, is fit and trustworthy to engage in the business of
531 insurance pursuant to s. 626.611(1)(g) ~~626.611(7)~~, and is
532 otherwise qualified for licensure.

533 Section 11. Subsection (5) of section 626.241, Florida
534 Statutes, is amended to read:

535 626.241 Scope of examination.—

536 (5) Examinations given applicants for a limited agent
537 license ~~as agent or as customer representative~~ shall be limited
538 in scope to the kind of business to be transacted under such
539 license.

540 Section 12. Subsection (5) of section 626.261, Florida
541 Statutes, is amended to read:

542 626.261 Conduct of examination.—

543 (5) The department may provide licensure examinations in
544 Spanish. ~~Applicants requesting examination or reexamination in~~
545 ~~Spanish must bear the full cost of the department's development,~~
546 ~~preparation, administration, grading, and evaluation of the~~
547 ~~Spanish-language examination.~~ When determining whether it is in
548 the public interest to allow the examination to be translated
549 into and administered in Spanish, the department shall consider
550 the percentage of the population who speak Spanish.



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

551 Section 13. Subsection (6) of section 626.311, Florida
552 Statutes, is renumbered as subsection (7), and a new subsection
553 (6) is added to that section to read:

554 626.311 Scope of license.—

555 (6) An agent who appoints his or her license as an
556 unaffiliated insurance agent may not hold an appointment from an
557 insurer for any license he or she holds; transact, solicit, or
558 service an insurance contract on behalf of an insurer; interfere
559 with commissions received or to be received by an insurer-
560 appointed insurance agent or an insurance agency contracted with
561 or employing insurer-appointed insurance agents; or receive
562 compensation or any other thing of value from an insurer, an
563 insurer-appointed insurance agent, or an insurance agency
564 contracted with or employing insurer-appointed insurance agents
565 for any transaction or referral occurring after the date of
566 appointment as an unaffiliated insurance agent. An unaffiliated
567 insurance agent may continue to receive commissions on sales
568 that occurred before the date of appointment as an unaffiliated
569 insurance agent if the receipt of such commissions is disclosed
570 when making recommendations or evaluating products for a client
571 that involve products of the entity from which the commissions
572 are received.

573 Section 14. Paragraph (d) of subsection (1) of section
574 626.321, Florida Statutes, is amended to read:

575 626.321 Limited licenses.—



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

576 (1) The department shall issue to a qualified applicant a
 577 license as agent authorized to transact a limited class of
 578 business in any of the following categories of limited lines
 579 insurance:

580 (d) Motor vehicle rental insurance.—

581 1. License covering only insurance of the risks set forth
 582 in this paragraph when offered, sold, or solicited with and
 583 incidental to the rental or lease of a motor vehicle and which
 584 applies only to the motor vehicle that is the subject of the
 585 lease or rental agreement and the occupants of the motor
 586 vehicle:

587 a. Excess motor vehicle liability insurance providing
 588 coverage in excess of the standard liability limits provided by
 589 the lessor in the lessor's lease to a person renting or leasing
 590 a motor vehicle from the licensee's employer for liability
 591 arising in connection with the negligent operation of the leased
 592 or rented motor vehicle.

593 b. Insurance covering the liability of the lessee to the
 594 lessor for damage to the leased or rented motor vehicle.

595 c. Insurance covering the loss of or damage to baggage,
 596 personal effects, or travel documents of a person renting or
 597 leasing a motor vehicle.

598 d. Insurance covering accidental personal injury or death
 599 of the lessee and any passenger who is riding or driving with
 600 the covered lessee in the leased or rented motor vehicle.



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

601 2. Insurance under a motor vehicle rental insurance
602 license may be issued only if the lease or rental agreement is
603 for no more than 60 days, the lessee is not provided coverage
604 for more than 60 consecutive days per lease period, and the
605 lessee is given written notice that his or her personal
606 insurance policy providing coverage on an owned motor vehicle
607 may provide coverage of such risks and that the purchase of the
608 insurance is not required in connection with the lease or rental
609 of a motor vehicle. If the lease is extended beyond 60 days, the
610 coverage may be extended one time only for a period not to
611 exceed an additional 60 days. Insurance may be provided to the
612 lessee as an additional insured on a policy issued to the
613 licensee's employer.

614 3. The license may be issued only to the full-time
615 salaried employee of a licensed general lines agent or to a
616 business entity that offers motor vehicles for rent or lease if
617 insurance sales activities authorized by the license are in
618 connection with and incidental to the rental or lease of a motor
619 vehicle.

620 a. A license issued to a business entity that offers motor
621 vehicles for rent or lease encompasses each office, branch
622 office, employee, authorized representative located at a
623 designated branch, or place of business making use of the
624 entity's business name in order to offer, solicit, and sell
625 insurance pursuant to this paragraph.



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

626 b. The application for licensure must list the name,
627 address, and phone number for each office, branch office, or
628 place of business that is to be covered by the license. The
629 licensee shall notify the department of the name, address, and
630 phone number of any new location that is to be covered by the
631 license before the new office, branch office, or place of
632 business engages in the sale of insurance pursuant to this
633 paragraph. The licensee must notify the department within 30
634 days after closing or terminating an office, branch office, or
635 place of business. Upon receipt of the notice, the department
636 shall delete the office, branch office, or place of business
637 from the license.

638 c. A licensed and appointed entity is directly responsible
639 and accountable for all acts of the licensee's employees.

640 Section 15. Effective January 1, 2015, section 626.382,
641 Florida Statutes, is amended to read:

642 626.382 Continuation, expiration of license; insurance
643 agencies.—The license of an ~~any~~ insurance agency ~~shall be issued~~
644 ~~for a period of 3 years and~~ shall continue in force until
645 canceled, suspended, or ~~revoked,~~ or until it is otherwise
646 terminated or expires by operation of law. ~~A license may be~~
647 ~~renewed by submitting a renewal request to the department on a~~
648 ~~form adopted by department rule.~~

649 Section 16. Section 626.601, Florida Statutes, is amended
650 to read:



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

651 626.601 Improper conduct; inquiry; fingerprinting.—
652 (1) The department or office may, upon its own motion or
653 upon a written complaint signed by any interested person and
654 filed with the department or office, inquire into any alleged
655 improper conduct of any licensed, approved, or certified
656 licensee, insurance agency, agent, adjuster, service
657 representative, managing general agent, customer representative,
658 title insurance agent, title insurance agency, mediator, neutral
659 evaluator, navigator, continuing education course provider,
660 instructor, school official, or monitor group under this code.
661 The department or office may thereafter initiate an
662 investigation of any such individual or entity licensee if it
663 has reasonable cause to believe that the individual or entity
664 ~~licensee~~ has violated any provision of the insurance code.
665 During the course of its investigation, the department or office
666 shall contact the individual or entity licensee being
667 investigated unless it determines that contacting such
668 individual or entity person could jeopardize the successful
669 completion of the investigation or cause injury to the public.

670 (2) In the investigation by the department or office of
671 any the alleged misconduct, an individual or entity the licensee
672 shall, whenever so required by the department or office, cause
673 the individual's or entity's his or her books and records to be
674 open for inspection for the purpose of such investigation
675 inquiries.



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

676 (3) ~~The~~ Complaints against an individual or entity ~~any~~
677 ~~licensee~~ may be informally alleged and are not required to
678 include ~~need not be in any such~~ language as is necessary to
679 charge a crime on an indictment or information.

680 (4) The expense for any hearings or investigations
681 conducted under this law, as well as the fees and mileage of
682 witnesses, may be paid out of the appropriate fund.

683 (5) If the department or office, after investigation, has
684 reason to believe that an individual ~~a licensee~~ may have been
685 found guilty of or pleaded guilty or nolo contendere to a felony
686 or a crime related to the business of insurance in this or any
687 other state or jurisdiction, the department or office may
688 require the individual ~~licensee~~ to file with the department or
689 office a complete set of his or her fingerprints, which shall be
690 accompanied by the fingerprint processing fee set forth in s.
691 624.501. The fingerprints shall be taken by an authorized law
692 enforcement agency or other department-approved entity.

693 (6) The complaint and any information obtained pursuant to
694 the investigation by the department or office are confidential
695 and are exempt from ~~the provisions of~~ s. 119.07, unless the
696 department or office files a formal administrative complaint,
697 emergency order, or consent order against the individual or
698 entity ~~licensee~~. ~~Nothing in~~ This subsection does not ~~shall be~~
699 ~~construed to~~ prevent the department or office from disclosing
700 the complaint or such information as it deems necessary to



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

701 | conduct the investigation, to update the complainant as to the
702 | status and outcome of the complaint, or to share such
703 | information with any law enforcement agency or other regulatory
704 | body.

705 | Section 17. Section 626.611, Florida Statutes, is amended
706 | to read:

707 | 626.611 Grounds for compulsory refusal, suspension, or
708 | revocation of agent's, title agency's, adjuster's, customer
709 | representative's, service representative's, or managing general
710 | agent's license or appointment.—

711 | (1) The department shall deny an application for, suspend,
712 | revoke, or refuse to renew or continue the license or
713 | appointment of any applicant, agent, title agency, adjuster,
714 | customer representative, service representative, or managing
715 | general agent, and it shall suspend or revoke the eligibility to
716 | hold a license or appointment of any such person, if it finds
717 | that as to the applicant, licensee, or appointee any one or more
718 | of the following applicable grounds exist:

719 | (a)~~(1)~~ Lack of one or more of the qualifications for the
720 | license or appointment as specified in this code.

721 | (b)~~(2)~~ Material misstatement, misrepresentation, or fraud
722 | in obtaining the license or appointment or in attempting to
723 | obtain the license or appointment.

724 | (c)~~(3)~~ Failure to pass to the satisfaction of the
725 | department any examination required under this code.



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

726 (d)~~(4)~~ If the license or appointment is willfully used, or
727 to be used, to circumvent any of the requirements or
728 prohibitions of this code.

729 (e)~~(5)~~ Willful misrepresentation of any insurance policy
730 or annuity contract or willful deception with regard to any such
731 policy or contract, done either in person or by any form of
732 dissemination of information or advertising.

733 (f)~~(6)~~ If, as an adjuster, or agent licensed and appointed
734 to adjust claims under this code, he or she has materially
735 misrepresented to an insured or other interested party the terms
736 and coverage of an insurance contract with intent and for the
737 purpose of effecting settlement of claim for loss or damage or
738 benefit under such contract on less favorable terms than those
739 provided in and contemplated by the contract.

740 (g)~~(7)~~ Demonstrated lack of fitness or trustworthiness to
741 engage in the business of insurance.

742 (h)~~(8)~~ Demonstrated lack of reasonably adequate knowledge
743 and technical competence to engage in the transactions
744 authorized by the license or appointment.

745 (i)~~(9)~~ Fraudulent or dishonest practices in the conduct of
746 business under the license or appointment.

747 (j)~~(10)~~ Misappropriation, conversion, or unlawful
748 withholding of moneys belonging to insurers or insureds or
749 beneficiaries or to others and received in conduct of business
750 under the license or appointment.



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

751 (k) ~~(11)~~ Unlawfully rebating, attempting to unlawfully
752 rebate, or unlawfully dividing or offering to divide his or her
753 commission with another.

754 (l) ~~(12)~~ Having obtained or attempted to obtain, or having
755 used or using, a license or appointment as agent or customer
756 representative for the purpose of soliciting or handling
757 "controlled business" as defined in s. 626.730 with respect to
758 general lines agents, s. 626.784 with respect to life agents,
759 and s. 626.830 with respect to health agents.

760 (m) ~~(13)~~ Willful failure to comply with, or willful
761 violation of, any proper order or rule of the department or
762 willful violation of any provision of this code.

763 (n) ~~(14)~~ Having been found guilty of or having pleaded
764 guilty or nolo contendere to a felony or a crime punishable by
765 imprisonment of 1 year or more under the law of the United
766 States of America or of any state thereof or under the law of
767 any other country which involves moral turpitude, without regard
768 to whether a judgment of conviction has been entered by the
769 court having jurisdiction of such cases.

770 (o) ~~(15)~~ Fraudulent or dishonest practice in submitting or
771 aiding or abetting any person in the submission of an
772 application for workers' compensation coverage under chapter 440
773 containing false or misleading information as to employee
774 payroll or classification for the purpose of avoiding or
775 reducing the amount of premium due for such coverage.



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

776 ~~(p)~~ ~~(16)~~ Sale of an unregistered security that was required
777 to be registered, pursuant to chapter 517.

778 ~~(q)~~ ~~(17)~~ In transactions related to viatical settlement
779 contracts as defined in s. 626.9911:

780 ~~1.~~ ~~(a)~~ Commission of a fraudulent or dishonest act.

781 ~~2.~~ ~~(b)~~ No longer meeting the requirements for initial
782 licensure.

783 ~~3.~~ ~~(c)~~ Having received a fee, commission, or other valuable
784 consideration for his or her services with respect to viatical
785 settlements that involved unlicensed viatical settlement
786 providers or persons who offered or attempted to negotiate on
787 behalf of another person a viatical settlement contract as
788 defined in s. 626.9911 and who were not licensed life agents.

789 ~~4.~~ ~~(d)~~ Dealing in bad faith with viators.

790 (2) The department shall, upon receipt of information or
791 an indictment, immediately temporarily suspend a license or
792 appointment issued under this chapter when the licensee is
793 charged with a felony enumerated in s. 626.207(3). Such
794 suspension shall continue if the licensee is found guilty of, or
795 pleads guilty or nolo contendere to, the crime, regardless of
796 whether a judgment or conviction is entered, during a pending
797 appeal. A person may not transact insurance business after
798 suspension of his or her license or appointment.

799 Section 18. Subsection (2) of section 626.641, Florida
800 Statutes, is amended to read:



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

801 626.641 Duration of suspension or revocation.—
802 (2) No person or appointee under any license or
803 appointment revoked by the department, nor any person whose
804 eligibility to hold same has been revoked by the department,
805 shall have the right to apply for another license or appointment
806 under this code within 2 years from the effective date of such
807 revocation or, if judicial review of such revocation is sought,
808 within 2 years from the date of final court order or decree
809 affirming the revocation. An applicant for another license or
810 appointment pursuant to this subsection must apply and qualify
811 for licensure in the same manner as a first-time applicant, and
812 the application may be denied on the same grounds that apply to
813 first-time applicants for licensure pursuant to ss. 626.207,
814 626.611, and 626.621. In addition, the department shall not
815 grant a new license or appointment or reinstate eligibility to
816 hold such license or appointment if it finds that the
817 circumstance or circumstances for which the eligibility was
818 revoked or for which the previous license or appointment was
819 revoked still exist or are likely to recur; if an individual's
820 license as agent or customer representative or eligibility to
821 hold same has been revoked upon the ground specified in s.
822 626.611(1)(1) ~~626.611(12)~~, the department shall refuse to grant
823 or issue any new license or appointment so applied for.
824 Section 19. Section 626.733, Florida Statutes, is amended
825 to read:



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

826 626.733 Agency firms and corporations; special
827 requirements.—If a sole proprietorship, partnership,
828 corporation, or association holds an agency contract, all
829 members thereof who solicit, negotiate, or effect insurance
830 contracts, and all officers and stockholders of the corporation
831 who solicit, negotiate, or effect insurance contracts, must ~~are~~
832 ~~required to~~ qualify and be licensed individually as agents or
833 customer representatives, + and all of such agents must be
834 individually appointed as to each property and casualty insurer
835 entering into an agency contract with such agency. Each ~~such~~
836 ~~appointing insurer as soon as known to it~~ shall comply with this
837 section and shall determine and require that each agent so
838 ~~associated in or so connected~~ with such agency is likewise
839 appointed as to the same such insurer and for the same type and
840 class of license. However, an ~~no~~ insurer is not required to
841 comply with the appointment provisions of this section for an
842 agent within an agency who does not solicit, negotiate, or
843 effect insurance contracts for that insurer if such insurer
844 ~~satisfactorily demonstrates to the department that the insurer~~
845 ~~has issued an aggregate net written premium, in an agency, in an~~
846 ~~amount of \$25,000 or less.~~

847 Section 20. Paragraphs (a) and (g) of subsection (1) of
848 section 626.7355, Florida Statutes, are amended to read:

849 626.7355 Temporary license as customer representative
850 pending examination.—



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

851 (1) The department shall issue a temporary customer
852 representative's license with respect to a person who has
853 applied for such license upon finding that the person:

854 (a) Has filed an application for a customer
855 representative's license ~~or a limited customer representative's~~
856 ~~license~~ and has paid any fees required under s. 624.501(5) in
857 connection with such application for a customer representative's
858 ~~license or limited customer representative's license.~~

859 (g) Is not disqualified from licensure by the department
860 under s. 626.207. ~~Within the last 5 years, has not been~~
861 ~~convicted, found guilty or pleaded nolo contendere to a felony~~
862 ~~or a crime punishable by imprisonment of 1 year or more under~~
863 ~~the law of any municipality, county, state, territory, or~~
864 ~~country, whether or not a judgment of conviction has been~~
865 ~~entered.~~

866 Section 21. Effective January 1, 2015, section 626.747,
867 Florida Statutes, is repealed.

868 Section 22. Subsection (1) of section 626.7845, Florida
869 Statutes, is amended to read:

870 626.7845 Prohibition against unlicensed transaction of
871 life insurance.—

872 (1) An individual may not solicit or sell variable life
873 insurance, variable annuity contracts, or any other
874 indeterminate value or variable contract as defined in s.
875 627.8015~~7~~ unless the individual has successfully completed a



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

876 licensure examination relating to variable ~~annuity~~ contracts
877 authorized and approved by the department.

878 Section 23. Effective January 1, 2015, subsection (1) of
879 section 626.8411, Florida Statutes, is amended to read:

880 626.8411 Application of Florida Insurance Code provisions
881 to title insurance agents or agencies.—

882 (1) The following provisions ~~of part II~~ applicable to
883 general lines agents or agencies also apply to title insurance
884 agents or agencies:

885 (a) Section 626.734, relating to liability of certain
886 agents.

887 (b) Section 626.0428(4)(a) and (b) ~~626.747~~, relating to
888 branch agencies.

889 (c) Section 626.749, relating to place of business in
890 residence.

891 (d) Section 626.753, relating to sharing of commissions.

892 (e) Section 626.754, relating to rights of agent following
893 termination of appointment.

894 Section 24. Subsection (2) of section 626.861, Florida
895 Statutes, is amended to read:

896 626.861 Insurer's officers, insurer's employees,
897 reciprocal insurer's representatives; adjustments by.—

898 (2) If any such officer, employee, attorney, or agent in
899 connection with the adjustment of any such claim, loss, or
900 damage engages in any of the misconduct described in or



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

901 contemplated by s. 626.611(1)(f) ~~626.611(6)~~, the office may
902 suspend or revoke the insurer's certificate of authority.

903 Section 25. Section 626.862, Florida Statutes, is amended
904 to read:

905 626.862 Agents; adjustments by.—A licensed and appointed
906 insurance agent may, without being licensed as an adjuster,
907 adjust losses for the insurer represented by him or her as agent
908 if so authorized by the insurer. The license and appointment of
909 the agent may be suspended or revoked for violation of or
910 misconduct prohibited by s. 626.611(1)(f) ~~626.611(6)~~.

911 Section 26. Subsection (2) of section 626.9272, Florida
912 Statutes, is amended to read:

913 626.9272 Licensing of nonresident surplus lines agents.—

914 (2) The department may not issue a license unless the
915 applicant satisfies the same licensing requirements under s.
916 626.927 as required of a resident surplus lines agent, excluding
917 the required experience or coursework and examination. The
918 department may refuse to issue such license or appointment when
919 it has reason to believe that any of the grounds exist for
920 denial, suspension, or revocation of a license as set forth in
921 ss. 626.611 and 626.621.

922 Section 27. Section 627.4553, Florida Statutes, is created
923 to read:

924 627.4553 Recommendations to surrender.—If an insurance
925 agent recommends the surrender of an annuity or life insurance



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

926 | policy containing a cash value and does not recommend that the
927 | proceeds from the surrender be used to fund or purchase another
928 | annuity or life insurance policy, before execution of the
929 | surrender, the insurance agent, or insurance company if no agent
930 | is involved, shall provide, on a form that satisfies the
931 | requirements of the rule adopted by the department, information
932 | relating to the annuity or policy to be surrendered. Such
933 | information shall include, but is not limited to, the amount of
934 | any surrender charge, the loss of any minimum interest rate
935 | guarantees, the amount of any tax consequences resulting from
936 | the transaction, the amount of any forfeited death benefit, and
937 | the value of any other investment performance guarantees being
938 | forfeited as a result of the transaction. This section also
939 | applies to a person performing insurance agent activities
940 | pursuant to an exemption from licensure under this part.

941 | Section 28. Paragraph (b) of subsection (4) of section
942 | 627.7015, Florida Statutes, is amended to read:

943 | 627.7015 Alternative procedure for resolution of disputed
944 | property insurance claims.—

945 | (4) The department shall adopt by rule a property
946 | insurance mediation program to be administered by the department
947 | or its designee. The department may also adopt special rules
948 | which are applicable in cases of an emergency within the state.
949 | The rules shall be modeled after practices and procedures set
950 | forth in mediation rules of procedure adopted by the Supreme



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

951 Court. The rules shall provide for:

952 (b) Qualifications, denial of application, suspension,
953 revocation of approval, and other penalties for ~~of~~ mediators as
954 provided in s. 627.745 and in the Florida Rules of Certified and
955 Court Appointed Mediators, ~~and for such other individuals as are~~
956 ~~qualified by education, training, or experience as the~~
957 ~~department determines to be appropriate.~~

958 Section 29. Paragraphs (c) and (f) of subsection (2) of
959 section 627.706, Florida Statutes, are amended to read:

960 627.706 Sinkhole insurance; catastrophic ground cover
961 collapse; definitions.—

962 (2) As used in ss. 627.706-627.7074, and as used in
963 connection with any policy providing coverage for a catastrophic
964 ground cover collapse or for sinkhole losses, the term:

965 (c) "Neutral evaluator" means an ~~a professional~~ engineer
966 licensed under chapter 471 with experience and expertise in the
967 identification of sinkhole activity as well as other potential
968 causes of structural damage or a professional geologist. The
969 engineer or professional geologist must have ~~who has~~ completed a
970 course of study in alternative dispute resolution designed or
971 approved by the department for use in the neutral evaluation
972 process, must be ~~and who is~~ determined by the department to be
973 fair and impartial, and must not be otherwise ineligible for
974 certification as provided in s. 627.7074.

975 (f) "Professional engineer" means a person, as defined in



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

976 | s. 471.005, who has a bachelor's degree or higher in
 977 | engineering. A professional engineer must also have experience
 978 | and expertise in the identification of sinkhole activity or ~~as~~
 979 | ~~well as~~ other potential causes of structural damage.

980 | Section 30. Subsections (7) and (18) of section 627.7074,
 981 | Florida Statutes, are amended to read:

982 | 627.7074 Alternative procedure for resolution of disputed
 983 | sinkhole insurance claims.—

984 | (7) Upon receipt of a request for neutral evaluation, the
 985 | department shall provide the parties a list of certified neutral
 986 | evaluators. The department shall allow the parties to submit
 987 | requests to disqualify evaluators on the list for cause.

988 | (a) The department shall disqualify neutral evaluators for
 989 | cause based only on any of the following grounds:

990 | 1. A familial relationship exists between the neutral
 991 | evaluator and either party or a representative of either party
 992 | within the third degree.

993 | 2. The proposed neutral evaluator has, in a professional
 994 | capacity, previously represented either party or a
 995 | representative of either party, in the same or a substantially
 996 | related matter.

997 | 3. The proposed neutral evaluator has, in a professional
 998 | capacity, represented another person in the same or a
 999 | substantially related matter and that person's interests are
 1000 | materially adverse to the interests of the parties. The term



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1001 "substantially related matter" means participation by the
1002 neutral evaluator on the same claim, property, or adjacent
1003 property.

1004 4. The proposed neutral evaluator has, within the
1005 preceding 5 years, worked as an employer or employee of any
1006 party to the case.

1007 (b) The department shall deny an application, or suspend
1008 or revoke its certification, of a neutral evaluator to serve in
1009 such capacity if the department finds that one or more of the
1010 following grounds exist:

1011 1. Lack of one or more of the qualifications specified in
1012 this section for certification.

1013 2. Material misstatement, misrepresentation, or fraud in
1014 obtaining or attempting to obtain the certification.

1015 3. Demonstrated lack of fitness or trustworthiness to act
1016 as a neutral evaluator.

1017 4. Fraudulent or dishonest practices in the conduct of an
1018 evaluation or in the conduct of financial services business.

1019 5. Violation of any provision of this code or of a lawful
1020 order or rule of the department or aiding, instructing, or
1021 encouraging another party in committing such a violation.

1022 (c) ~~(b)~~ The parties shall appoint a neutral evaluator from
1023 the department list and promptly inform the department. If the
1024 parties cannot agree to a neutral evaluator within 14 business
1025 days, the department shall appoint a neutral evaluator from the



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1026 list of certified neutral evaluators. The department shall allow
1027 each party to disqualify two neutral evaluators without cause.
1028 Upon selection or appointment, the department shall promptly
1029 refer the request to the neutral evaluator.

1030 (d)~~(e)~~ Within 14 business days after the referral, the
1031 neutral evaluator shall notify the policyholder and the insurer
1032 of the date, time, and place of the neutral evaluation
1033 conference. The conference may be held by telephone, if feasible
1034 and desirable. The neutral evaluator shall make reasonable
1035 efforts to hold the conference within 90 days after the receipt
1036 of the request by the department. Failure of the neutral
1037 evaluator to hold the conference within 90 days does not
1038 invalidate either party's right to neutral evaluation or to a
1039 neutral evaluation conference held outside this timeframe.

1040 (18) The department shall adopt rules of procedure for the
1041 neutral evaluation process and adopt rules for certifying,
1042 denying certification of, suspending certification of, and
1043 revoking certification as a neutral evaluator.

1044 Section 31. Subsection (3) of section 627.745, Florida
1045 Statutes, is amended, present subsections (4) and (5) of that
1046 section are renumbered as subsections (5) and (6), respectively,
1047 and a new subsection (4) is added to that section, to read:

1048 627.745 Mediation of claims.—

1049 (3) (a) The department shall approve mediators to conduct
1050 mediations pursuant to this section. All mediators must file an



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1051 application under oath for approval as a mediator.

1052 (b) To qualify for approval as a mediator, an individual ~~a~~
1053 ~~person~~ must meet one of the following qualifications:

1054 1. Possess an active certification as a Florida Supreme
1055 Court certified circuit court mediator. A Florida Supreme Court
1056 certified circuit court mediator in a lapsed, suspended,
1057 sanctioned, or decertified status is not eligible to participate
1058 in the mediation program ~~a masters or doctorate degree in~~
1059 ~~psychology, counseling, business, accounting, or economics, be a~~
1060 ~~member of The Florida Bar, be licensed as a certified public~~
1061 ~~accountant, or demonstrate that the applicant for approval has~~
1062 ~~been actively engaged as a qualified mediator for at least 4~~
1063 ~~years prior to July 1, 1990.~~

1064 2. Be an approved department mediator as of July 1, 2014,
1065 and have conducted at least one mediation on behalf of the
1066 department within 4 years immediately preceding that the date
1067 ~~the application for approval is filed with the department, have~~
1068 ~~completed a minimum of a 40-hour training program approved by~~
1069 ~~the department and successfully passed a final examination~~
1070 ~~included in the training program and approved by the department.~~
1071 ~~The training program shall include and address all of the~~
1072 ~~following:~~

- 1073 a. ~~Mediation theory.~~
1074 b. ~~Mediation process and techniques.~~
1075 c. ~~Standards of conduct for mediators.~~



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1076 ~~d. Conflict management and intervention skills.~~
 1077 ~~e. Insurance nomenclature.~~
 1078 (4) The department shall deny an application, or suspend
 1079 or revoke its approval, of a mediator to serve in such capacity
 1080 if the department finds that one or more of the following
 1081 grounds exist:
 1082 (a) Lack of one or more of the qualifications specified in
 1083 this section for approval.
 1084 (b) Material misstatement, misrepresentation, or fraud in
 1085 obtaining or attempting to obtain the approval.
 1086 (c) Demonstrated lack of fitness or trustworthiness to act
 1087 as a mediator.
 1088 (d) Fraudulent or dishonest practices in the conduct of
 1089 mediation or in the conduct of business in the financial
 1090 services industry.
 1091 (e) Violation of any provision of this code or of a lawful
 1092 order or rule of the department, violation of the Florida Rules
 1093 of Certified and Court Appointed Mediators, or aiding,
 1094 instructing, or encouraging another party in committing such a
 1095 violation.
 1096
 1097 The department may adopt rules to administer this subsection.
 1098 Section 32. Paragraph (b) of subsection (1) of section
 1099 627.952, Florida Statutes, is amended to read:
 1100 627.952 Risk retention and purchasing group agents.—



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1101 (1) Any person offering, soliciting, selling, purchasing,
1102 administering, or otherwise servicing insurance contracts,
1103 certificates, or agreements for any purchasing group or risk
1104 retention group to any resident of this state, either directly
1105 or indirectly, by the use of mail, advertising, or other means
1106 of communication, shall obtain a license and appointment to act
1107 as a resident general lines agent, if a resident of this state,
1108 or a nonresident general lines agent if not a resident. Any such
1109 person shall be subject to all requirements of the Florida
1110 Insurance Code.

1111 (b) Any person required to be licensed and appointed under
1112 this subsection, in order to place business through Florida
1113 eligible surplus lines carriers, must, if a resident of this
1114 state, be licensed and appointed as a surplus lines agent. If
1115 not a resident of this state, such person must be licensed and
1116 appointed as a surplus lines agent in her or his state of
1117 residence and be licensed and appointed as a nonresident surplus
1118 lines agent in this state ~~file and maintain a fidelity bond in~~
1119 ~~favor of the people of the State of Florida executed by a surety~~
1120 ~~company admitted in this state and payable to the State of~~
1121 ~~Florida; however, such nonresident is limited to the provision~~
1122 ~~of insurance for purchasing groups. The bond must be continuous~~
1123 ~~in form and in the amount of not less than \$50,000, aggregate~~
1124 ~~liability. The bond must remain in force and effect until the~~
1125 ~~surety is released from liability by the department or until the~~



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1126 ~~bond is canceled by the surety. The surety may cancel the bond~~
 1127 ~~and be released from further liability upon 30 days' prior~~
 1128 ~~written notice to the department. The cancellation does not~~
 1129 ~~affect any liability incurred or accrued before the termination~~
 1130 ~~of the 30 day period. Upon receipt of a notice of cancellation,~~
 1131 ~~the department shall immediately notify the agent.~~

1132 Section 33. Subsection (1) of section 648.43, Florida
 1133 Statutes, is amended to read:

1134 648.43 Power of attorney; to be approved by department;
 1135 filing of copies; notification of transfer bond.—

1136 (1) Every insurer engaged in the writing of bail bonds
 1137 through bail bond agents in this state shall submit to ~~and have~~
 1138 ~~approved by the~~ office for prior approval ~~department~~ a sample
 1139 power of attorney, which shall ~~will~~ be the only form of power of
 1140 attorney the insurer issues ~~will issue~~ to bail bond agents in
 1141 this state.

1142 Section 34. Subsection (3) of section 648.49, Florida
 1143 Statutes, is amended to read:

1144 648.49 Duration of suspension or revocation.—

1145 (3) During the period of suspension, ~~or after~~ revocation
 1146 of the license and until the license is reinstated or a new
 1147 license is issued, the former licensee may not engage in or
 1148 attempt to profess to engage in any transaction or business for
 1149 which a license or appointment is required under this chapter. A
 1150 ~~Any~~ person who violates this subsection commits a felony of the



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1151 | third degree, punishable as provided in s. 775.082, s. 775.083,
1152 | or s. 775.084.

1153 | Section 35. Paragraphs (a) and (c) of subsection (4) of
1154 | section 943.0585, Florida Statutes, are amended to read:

1155 | 943.0585 Court-ordered expunction of criminal history
1156 | records.—The courts of this state have jurisdiction over their
1157 | own procedures, including the maintenance, expunction, and
1158 | correction of judicial records containing criminal history
1159 | information to the extent such procedures are not inconsistent
1160 | with the conditions, responsibilities, and duties established by
1161 | this section. Any court of competent jurisdiction may order a
1162 | criminal justice agency to expunge the criminal history record
1163 | of a minor or an adult who complies with the requirements of
1164 | this section. The court shall not order a criminal justice
1165 | agency to expunge a criminal history record until the person
1166 | seeking to expunge a criminal history record has applied for and
1167 | received a certificate of eligibility for expunction pursuant to
1168 | subsection (2). A criminal history record that relates to a
1169 | violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1170 | s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
1171 | 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
1172 | 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
1173 | any violation specified as a predicate offense for registration
1174 | as a sexual predator pursuant to s. 775.21, without regard to
1175 | whether that offense alone is sufficient to require such



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1176 registration, or for registration as a sexual offender pursuant
1177 to s. 943.0435, may not be expunged, without regard to whether
1178 adjudication was withheld, if the defendant was found guilty of
1179 or pled guilty or nolo contendere to the offense, or if the
1180 defendant, as a minor, was found to have committed, or pled
1181 guilty or nolo contendere to committing, the offense as a
1182 delinquent act. The court may only order expunction of a
1183 criminal history record pertaining to one arrest or one incident
1184 of alleged criminal activity, except as provided in this
1185 section. The court may, at its sole discretion, order the
1186 expunction of a criminal history record pertaining to more than
1187 one arrest if the additional arrests directly relate to the
1188 original arrest. If the court intends to order the expunction of
1189 records pertaining to such additional arrests, such intent must
1190 be specified in the order. A criminal justice agency may not
1191 expunge any record pertaining to such additional arrests if the
1192 order to expunge does not articulate the intention of the court
1193 to expunge a record pertaining to more than one arrest. This
1194 section does not prevent the court from ordering the expunction
1195 of only a portion of a criminal history record pertaining to one
1196 arrest or one incident of alleged criminal activity.
1197 Notwithstanding any law to the contrary, a criminal justice
1198 agency may comply with laws, court orders, and official requests
1199 of other jurisdictions relating to expunction, correction, or
1200 confidential handling of criminal history records or information



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1201 derived therefrom. This section does not confer any right to the
1202 expunction of any criminal history record, and any request for
1203 expunction of a criminal history record may be denied at the
1204 sole discretion of the court.

1205 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
1206 criminal history record of a minor or an adult which is ordered
1207 expunged by a court of competent jurisdiction pursuant to this
1208 section must be physically destroyed or obliterated by any
1209 criminal justice agency having custody of such record; except
1210 that any criminal history record in the custody of the
1211 department must be retained in all cases. A criminal history
1212 record ordered expunged that is retained by the department is
1213 confidential and exempt from the provisions of s. 119.07(1) and
1214 s. 24(a), Art. I of the State Constitution and not available to
1215 any person or entity except upon order of a court of competent
1216 jurisdiction. A criminal justice agency may retain a notation
1217 indicating compliance with an order to expunge.

1218 (a) The person who is the subject of a criminal history
1219 record that is expunged under this section or under other
1220 provisions of law, including former s. 893.14, former s. 901.33,
1221 and former s. 943.058, may lawfully deny or fail to acknowledge
1222 the arrests covered by the expunged record, except when the
1223 subject of the record:

1224 1. Is a candidate for employment with a criminal justice
1225 agency;



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

- 1226 2. Is a defendant in a criminal prosecution;
- 1227 3. Concurrently or subsequently petitions for relief under
- 1228 this section, s. 943.0583, or s. 943.059;
- 1229 4. Is a candidate for admission to The Florida Bar;
- 1230 5. Is seeking to be employed or licensed by or to contract
- 1231 with the Department of Children and Families, the Division of
- 1232 Vocational Rehabilitation within the Department of Education,
- 1233 the Agency for Health Care Administration, the Agency for
- 1234 Persons with Disabilities, the Department of Health, the
- 1235 Department of Elderly Affairs, or the Department of Juvenile
- 1236 Justice or to be employed or used by such contractor or licensee
- 1237 in a sensitive position having direct contact with children, the
- 1238 disabled, or the elderly; ~~or~~
- 1239 6. Is seeking to be employed or licensed by the Department
- 1240 of Education, any district school board, any university
- 1241 laboratory school, any charter school, any private or parochial
- 1242 school, or any local governmental entity that licenses child
- 1243 care facilities; or
- 1244 7. Is seeking to be licensed by the Division of Insurance
- 1245 Agent and Agency Services within the Department of Financial
- 1246 Services.
- 1247 (c) Information relating to the existence of an expunged
- 1248 criminal history record which is provided in accordance with
- 1249 paragraph (a) is confidential and exempt from the provisions of
- 1250 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1251 | except that the department shall disclose the existence of a
1252 | criminal history record ordered expunged to the entities set
1253 | forth in subparagraphs (a)1., 4., 5., 6., and 7. ~~7.~~ for their
1254 | respective licensing, access authorization, and employment
1255 | purposes, and to criminal justice agencies for their respective
1256 | criminal justice purposes. It is unlawful for any employee of an
1257 | entity set forth in subparagraph (a)1., subparagraph (a)4.,
1258 | subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7.
1259 | ~~subparagraph (a)7.~~ to disclose information relating to the
1260 | existence of an expunged criminal history record of a person
1261 | seeking employment, access authorization, or licensure with such
1262 | entity or contractor, except to the person to whom the criminal
1263 | history record relates or to persons having direct
1264 | responsibility for employment, access authorization, or
1265 | licensure decisions. Any person who violates this paragraph
1266 | commits a misdemeanor of the first degree, punishable as
1267 | provided in s. 775.082 or s. 775.083.

1268 | Section 36. Paragraphs (a) and (c) of subsection (4) of
1269 | section 943.059, Florida Statutes, are amended to read:

1270 | 943.059 Court-ordered sealing of criminal history
1271 | records.—The courts of this state shall continue to have
1272 | jurisdiction over their own procedures, including the
1273 | maintenance, sealing, and correction of judicial records
1274 | containing criminal history information to the extent such
1275 | procedures are not inconsistent with the conditions,



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1276 | responsibilities, and duties established by this section. Any
1277 | court of competent jurisdiction may order a criminal justice
1278 | agency to seal the criminal history record of a minor or an
1279 | adult who complies with the requirements of this section. The
1280 | court shall not order a criminal justice agency to seal a
1281 | criminal history record until the person seeking to seal a
1282 | criminal history record has applied for and received a
1283 | certificate of eligibility for sealing pursuant to subsection
1284 | (2). A criminal history record that relates to a violation of s.
1285 | 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
1286 | 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
1287 | 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
1288 | 916.1075, a violation enumerated in s. 907.041, or any violation
1289 | specified as a predicate offense for registration as a sexual
1290 | predator pursuant to s. 775.21, without regard to whether that
1291 | offense alone is sufficient to require such registration, or for
1292 | registration as a sexual offender pursuant to s. 943.0435, may
1293 | not be sealed, without regard to whether adjudication was
1294 | withheld, if the defendant was found guilty of or pled guilty or
1295 | nolo contendere to the offense, or if the defendant, as a minor,
1296 | was found to have committed or pled guilty or nolo contendere to
1297 | committing the offense as a delinquent act. The court may only
1298 | order sealing of a criminal history record pertaining to one
1299 | arrest or one incident of alleged criminal activity, except as
1300 | provided in this section. The court may, at its sole discretion,



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1301 | order the sealing of a criminal history record pertaining to
1302 | more than one arrest if the additional arrests directly relate
1303 | to the original arrest. If the court intends to order the
1304 | sealing of records pertaining to such additional arrests, such
1305 | intent must be specified in the order. A criminal justice agency
1306 | may not seal any record pertaining to such additional arrests if
1307 | the order to seal does not articulate the intention of the court
1308 | to seal records pertaining to more than one arrest. This section
1309 | does not prevent the court from ordering the sealing of only a
1310 | portion of a criminal history record pertaining to one arrest or
1311 | one incident of alleged criminal activity. Notwithstanding any
1312 | law to the contrary, a criminal justice agency may comply with
1313 | laws, court orders, and official requests of other jurisdictions
1314 | relating to sealing, correction, or confidential handling of
1315 | criminal history records or information derived therefrom. This
1316 | section does not confer any right to the sealing of any criminal
1317 | history record, and any request for sealing a criminal history
1318 | record may be denied at the sole discretion of the court.

1319 | (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
1320 | history record of a minor or an adult which is ordered sealed by
1321 | a court of competent jurisdiction pursuant to this section is
1322 | confidential and exempt from the provisions of s. 119.07(1) and
1323 | s. 24(a), Art. I of the State Constitution and is available only
1324 | to the person who is the subject of the record, to the subject's
1325 | attorney, to criminal justice agencies for their respective



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1326 criminal justice purposes, which include conducting a criminal
1327 history background check for approval of firearms purchases or
1328 transfers as authorized by state or federal law, to judges in
1329 the state courts system for the purpose of assisting them in
1330 their case-related decisionmaking responsibilities, as set forth
1331 in s. 943.053(5), or to those entities set forth in
1332 subparagraphs (a)1., 4., 5., 6., and 8. ~~8.~~ for their respective
1333 licensing, access authorization, and employment purposes.

1334 (a) The subject of a criminal history record sealed under
1335 this section or under other provisions of law, including former
1336 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
1337 deny or fail to acknowledge the arrests covered by the sealed
1338 record, except when the subject of the record:

- 1339 1. Is a candidate for employment with a criminal justice
1340 agency;
- 1341 2. Is a defendant in a criminal prosecution;
- 1342 3. Concurrently or subsequently petitions for relief under
1343 this section, s. 943.0583, or s. 943.0585;
- 1344 4. Is a candidate for admission to The Florida Bar;
- 1345 5. Is seeking to be employed or licensed by or to contract
1346 with the Department of Children and Families, the Division of
1347 Vocational Rehabilitation within the Department of Education,
1348 the Agency for Health Care Administration, the Agency for
1349 Persons with Disabilities, the Department of Health, the
1350 Department of Elderly Affairs, or the Department of Juvenile



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1351 Justice or to be employed or used by such contractor or licensee
1352 in a sensitive position having direct contact with children, the
1353 disabled, or the elderly;

1354 6. Is seeking to be employed or licensed by the Department
1355 of Education, any district school board, any university
1356 laboratory school, any charter school, any private or parochial
1357 school, or any local governmental entity that licenses child
1358 care facilities; ~~or~~

1359 7. Is attempting to purchase a firearm from a licensed
1360 importer, licensed manufacturer, or licensed dealer and is
1361 subject to a criminal history check under state or federal law;
1362 or

1363 8. Is seeking to be licensed by the Division of Insurance
1364 Agent and Agency Services within the Department of Financial
1365 Services.

1366 (c) Information relating to the existence of a sealed
1367 criminal record provided in accordance with the provisions of
1368 paragraph (a) is confidential and exempt from the provisions of
1369 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1370 except that the department shall disclose the sealed criminal
1371 history record to the entities set forth in subparagraphs (a)1.,
1372 4., 5., 6., and 8. ~~8.~~ for their respective licensing, access
1373 authorization, and employment purposes. It is unlawful for any
1374 employee of an entity set forth in subparagraph (a)1.,
1375 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or



ENROLLED

CS/CS/HB 633, Engrossed 1

2014 Legislature

1376 | subparagraph (a)8. ~~subparagraph (a)8.~~ to disclose information
1377 | relating to the existence of a sealed criminal history record of
1378 | a person seeking employment, access authorization, or licensure
1379 | with such entity or contractor, except to the person to whom the
1380 | criminal history record relates or to persons having direct
1381 | responsibility for employment, access authorization, or
1382 | licensure decisions. Any person who violates the provisions of
1383 | this paragraph commits a misdemeanor of the first degree,
1384 | punishable as provided in s. 775.082 or s. 775.083.

1385 | Section 37. Except as otherwise expressly provided in this
1386 | act, this act shall take effect July 1, 2014.