



CS/CS/HB 633, Engrossed 1

2014

1                   A bill to be entitled  
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;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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



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



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,



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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



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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,



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.



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:





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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



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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



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



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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



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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~~



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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~~



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~~



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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~~





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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



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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



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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



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~~



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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;



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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.



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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.—



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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.





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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.



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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:



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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.



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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



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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.



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.



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.



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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:





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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:



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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.—



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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



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



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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



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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



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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



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





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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



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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



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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.~~



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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.—



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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~~



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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



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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



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





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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;



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- 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,



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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,



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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,



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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



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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



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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



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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.