

CHAMBER ACTION

1 The Committee on Appropriations recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to money transmitters; amending s.  
7 560.103, F.S.; revising a definition of unsafe or unsound  
8 practice to include failures to comply with specified  
9 provisions of the Code of Federal Regulations relating to  
10 money and finance; amending s. 560.109, F.S.; authorizing  
11 the Office of Financial Regulation of the Financial  
12 Services Commission to make investigations or examinations  
13 to determine the existence of violations of provisions of  
14 the Code of Federal Regulations relating to money and  
15 finance; amending s. 560.114, F.S.; providing for  
16 disciplinary actions for failure to maintain all books,  
17 accounts, or other documents pursuant to provisions of the  
18 Code of Federal Regulations relating to money and finance;  
19 amending s. 560.129, F.S.; providing that financial  
20 records or information may be furnished to any law  
21 enforcement agency; amending s. 560.208, F.S.; including  
22 business by electronic transfer in the business that  
23 registrants who sell or issue payment instruments or

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24 | transmit funds may conduct; authorizing registrants to  
 25 | charge different prices for funds transmission services  
 26 | based upon different modes of transmission; providing a  
 27 | limitation; providing an effective date.

28 |

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

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31 | Section 1. Subsection (21) of section 560.103, Florida  
 32 | Statutes, is amended to read:

33 | 560.103 Definitions.--As used in the code, unless the  
 34 | context otherwise requires:

35 | (21) "Unsafe and ~~or~~ unsound practice" means:

36 | (a) Any practice or conduct found by the office to be  
 37 | contrary to generally accepted standards applicable to the  
 38 | specific money transmitter, or a violation of any prior order of  
 39 | an appropriate regulatory agency, which practice, conduct, or  
 40 | violation creates the likelihood of material loss, insolvency,  
 41 | or dissipation of assets of the money transmitter or otherwise  
 42 | materially prejudices the interests of its customers; or

43 | (b) Failure to adhere to the provisions of 31 C.F.R. ss.  
 44 | 103.20, 103.22, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41,  
 45 | and 103.125 as they existed on March 31, 2004.

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47 | In making a ~~this~~ determination under this subsection, the office  
 48 | must consider the size and condition of the money transmitter,  
 49 | the magnitude of the loss, the gravity of the violation, and the  
 50 | prior conduct of the person or business involved.

51 Section 2. Subsection (1) of section 560.109, Florida  
52 Statutes, is amended to read:

53 560.109 Investigations, subpoenas, hearings, and  
54 witnesses.--

55 (1) The office may make investigations, or examinations as  
56 prescribed in s. 560.118, within or outside this state, which it  
57 deems necessary in order to determine whether a person has  
58 violated any provision of the code, ~~or~~ the rules adopted by the  
59 commission pursuant to the code, or 31 C.F.R. ss. 103.20,  
60 103.22, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and  
61 103.125 as they existed on March 31, 2004.

62 Section 3. Paragraph (e) of subsection (1) of section  
63 560.114, Florida Statutes, is amended to read:

64 560.114 Disciplinary actions.--

65 (1) The following actions by a money transmitter or money  
66 transmitter-affiliated party are violations of the code and  
67 constitute grounds for the issuance of a cease and desist order,  
68 the issuance of a removal order, the denial of a registration  
69 application or the suspension or revocation of any registration  
70 previously issued pursuant to the code, or the taking of any  
71 other action within the authority of the office pursuant to the  
72 code:

73 (e) Failure to maintain, preserve, and keep available for  
74 examination all books, accounts, or other documents required by  
75 the code, by any rule or order adopted pursuant to the code, by  
76 31 C.F.R. ss. 103.20, 103.22, 103.27, 103.28, 103.29, 103.33,  
77 103.37, 103.41, and 103.125 as they existed on March 31, 2004,  
78 or by any agreement entered into with the office.

79 Section 4. Subsection (2) of section 560.129, Florida  
80 Statutes, is amended to read:

81 560.129 Confidentiality.--

82 (2) This section does not prevent or restrict:

83 (a) Furnishing records or information to any appropriate  
84 regulatory agency or law enforcement agency if such agency  
85 adheres to the confidentiality provisions of the code;

86 (b) Furnishing records or information to an independent  
87 third party or a certified public accountant who has been  
88 approved by the office to conduct an examination under s.  
89 560.118(1)(b), if the independent third party or certified  
90 public accountant adheres to the confidentiality provisions of  
91 the code; or

92 (c) Reporting any suspected criminal activity, with  
93 supporting documents and information, to appropriate law  
94 enforcement or prosecutorial agencies.  
95 provisions of the code;

96 Section 5. Subsection (1) of section 560.208, Florida  
97 Statutes, is amended to read:

98 560.208 Conduct of business.--

99 (1) A registrant may conduct its business at one or more  
100 locations within this state through branches or by means of  
101 authorized vendors, as designated by the registrant, including  
102 the conduct of business through electronic transfer, such as by  
103 the telephone or the Internet. Notwithstanding and without  
104 violating s. 501.0117, a registrant may charge a different price  
105 for a funds transmission service based on the mode of  
106 transmission used in the transaction, so long as the price

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107 | charged for a service paid for with a credit card is not greater  
108 | than the price charged when that service is paid for with  
109 | currency or other similar means accepted within the same mode of  
110 | transmission.

111 |       Section 6. This act shall take effect upon becoming a law.