

By the Committees on Finance and Taxation; Governmental Oversight and Productivity; Banking and Insurance; and Senator Sebesta

314-2591-04

1                                   A bill to be entitled  
2           An act relating to banking regulation; amending  
3           s. 494.0011, F.S.; authorizing the Financial  
4           Services Commission to require electronic  
5           submission of forms, documents, or fees;  
6           providing for a technological or financial  
7           hardship accommodation; providing application;  
8           amending s. 494.0016, F.S.; authorizing the  
9           commission to prescribe requirements for  
10          destroying books, accounts, records, and  
11          documents; authorizing the commission to  
12          recognize alternative statutes of limitation  
13          for such destruction; providing for procedures;  
14          amending s. 494.0029, F.S.; specifying criteria  
15          for receipt of certain applications; specifying  
16          certain permits as not transferable or  
17          assignable; amending s. 494.00295, F.S.;  
18          revising provisions to specify continuing  
19          education for certain professions; amending s.  
20          494.003, F.S.; clarifying application of an  
21          exemption from application of certain mortgage  
22          broker licensure requirements to certain  
23          entities; amending s. 494.0031, F.S.; requiring  
24          licensure of mortgage brokerage businesses;  
25          specifying criteria for receipt of certain  
26          applications; authorizing the commission or the  
27          Office of Financial Regulation to require  
28          certain information from certain applicants;  
29          revising certain fingerprinting requirements;  
30          authorizing the commission to prescribe fees  
31          and procedures for processing fingerprints;

1 authorizing the office to contract for certain  
2 fingerprinting services; specifying certain  
3 licenses as nontransferable or nonassignable;  
4 amending s. 494.0033, F.S.; clarifying mortgage  
5 broker licensure requirements; authorizing the  
6 commission to waive certain examination  
7 requirements under certain circumstances;  
8 authorizing the commission to prescribe certain  
9 additional testing fees; revising certain  
10 fingerprinting requirements; authorizing the  
11 commission to prescribe fees and procedures for  
12 processing fingerprints; authorizing the office  
13 to contract for certain fingerprinting  
14 services; specifying criteria for receipt of  
15 certain applications; deleting certain  
16 provisions relating to cancellation and  
17 reinstatement of licenses; amending s.  
18 494.0034, F.S.; clarifying the commission's  
19 authorization to prescribe license renewal  
20 forms; amending s. 494.0036, F.S.; clarifying  
21 provisions relating to issuance of mortgage  
22 brokerage business branch office licenses;  
23 specifying criteria for receipt of certain  
24 applications; amending s. 494.0041, F.S.;  
25 specifying an additional ground for  
26 disciplinary action; amending s. 494.006, F.S.;  
27 clarifying application of an exemption from  
28 application of certain mortgage lender  
29 licensure requirements to certain entities;  
30 amending s. 494.0061, F.S.; requiring licensure  
31 of mortgage lenders; specifying criteria for

1 receipt of certain applications; revising  
2 certain fingerprinting requirements;  
3 authorizing the commission to prescribe fees  
4 and procedures for processing fingerprints;  
5 authorizing the office to contract for certain  
6 fingerprinting services; deleting certain  
7 provisions relating to cancellation and  
8 reinstatement of licenses; authorizing the  
9 commission to waive certain examination  
10 requirements under certain circumstances;  
11 authorizing the commission to prescribe certain  
12 additional testing fees; amending s. 494.0062,  
13 F.S.; requiring licensure of correspondent  
14 mortgage lenders; specifying criteria for  
15 receipt of certain applications; authorizing  
16 the office to require applicants to provide  
17 certain information; revising certain  
18 fingerprinting requirements; authorizing the  
19 commission to prescribe fees and procedures for  
20 processing fingerprints; authorizing the office  
21 to contract for certain fingerprinting  
22 services; deleting certain provisions relating  
23 to cancellation and reinstatement of licenses;  
24 authorizing the commission to waive certain  
25 examination requirements under certain  
26 circumstances; authorizing the commission to  
27 prescribe certain additional testing fees;  
28 amending s. 494.0064, F.S.; clarifying a  
29 reference to professional continuing education  
30 for certain licensees; amending s. 494.0065,  
31 F.S.; specifying criteria for receipt of

1 certain applications; specifying certain  
2 education and testing requirements for certain  
3 principal representatives and for certain  
4 applications or transfer applications;  
5 authorizing the commission to waive certain  
6 examination requirements under certain  
7 circumstances; authorizing the commission to  
8 prescribe certain additional testing fees;  
9 increasing a license transfer fee; revising  
10 certain fingerprinting requirements;  
11 authorizing the commission to prescribe fees  
12 and procedures for processing fingerprints;  
13 authorizing the office to contract for certain  
14 fingerprinting services; requiring mortgage  
15 lenders to designate a principal  
16 representative; providing criteria and  
17 requirements; amending s. 494.0066, F.S.;  
18 clarifying branch office licensure  
19 requirements; amending s. 494.0067, F.S.;  
20 clarifying reference to professional continuing  
21 education requirements; amending s. 494.0072,  
22 F.S.; providing an additional ground for  
23 disciplinary action; amending s. 494.00721,  
24 F.S.; correcting cross-references; amending s.  
25 516.03, F.S.; specifying criteria for receipt  
26 of certain applications; authorizing the  
27 commission to require electronic submission of  
28 forms, documents, or fees; providing for a  
29 technological or financial hardship  
30 accommodation; amending s. 516.07, F.S.;  
31 providing an additional ground for disciplinary

1           action; amending s. 516.12, F.S.; authorizing  
2           the commission to prescribe certain minimum  
3           information in a licensee's books, accounts,  
4           records, and documents; authorizing the  
5           commission to prescribe requirements for  
6           destroying books, accounts, records, and  
7           documents; authorizing the commission to  
8           recognize alternative statutes of limitation  
9           for such destruction; providing for procedures;  
10          amending s. 517.061, F.S.; revising provisions  
11          related to exempt transactions; amending ss.  
12          517.051, 517.081, F.S.; revising standards for  
13          accounting principles to be used in preparing  
14          certain financial statements; amending s.  
15          517.12, F.S.; revising provisions for taking  
16          and submitting fingerprints of dealers,  
17          associated persons, and similarly situated  
18          persons; revising provisions relating to  
19          expiration and renewal of registration of such  
20          persons; providing an exemption from  
21          registration requirements for a Canadian dealer  
22          and an associated person who represents a  
23          Canadian dealer under certain conditions;  
24          providing for notice filing by a Canadian  
25          dealer under certain conditions; authorizing  
26          the Office of Financial Regulation of the  
27          Financial Services Commission to issue a permit  
28          to evidence the effectiveness of a notice  
29          filing for a Canadian dealer; providing for the  
30          renewal of a notice filing by a Canadian  
31          dealer; providing for reinstatement of a notice

1 filing; providing obligations for a Canadian  
2 dealer who has given notice of filing;  
3 providing obligations for an associated person  
4 representing a Canadian dealer who has given  
5 notice of filing; providing for the termination  
6 of a notice of filing; providing for the  
7 collection of fees; amending s. 517.131, F.S.;  
8 revising conditions under which recovery can be  
9 made from the Securities Guaranty Fund;  
10 amending s. 517.141, F.S.; prescribing  
11 circumstances under which a claimant must  
12 reimburse the fund; amending s. 517.161, F.S.;  
13 providing an additional ground for revocation,  
14 restriction, or suspension of a registration;  
15 amending ss. 520.03, 520.32, 520.52, and  
16 520.63, F.S.; specifying criteria for receipt  
17 of certain applications; amending s. 520.994,  
18 F.S.; authorizing the commission to require  
19 electronic submission of forms, documents, or  
20 fees; providing for a technological or  
21 financial hardship accommodation; amending s.  
22 520.995, F.S.; providing an additional ground  
23 for disciplinary action; amending ss. 520.997  
24 and 537.009, F.S.; authorizing the commission  
25 to prescribe certain minimum information in a  
26 licensee's books, accounts, records, and  
27 documents; authorizing the commission to  
28 prescribe requirements for destroying books,  
29 accounts, records, and documents; authorizing  
30 the commission to recognize alternative  
31 statutes of limitation for such destruction;

1 providing for procedures; amending ss. 560.105  
2 and 560.118, F.S.; authorizing the commission  
3 to require electronic submission of forms,  
4 documents, or fees; providing for a  
5 technological or financial hardship  
6 accommodation; amending s. 560.114, F.S.;  
7 providing an additional ground for disciplinary  
8 action; amending s. 560.121, F.S.; authorizing  
9 the commission to prescribe certain minimum  
10 information in a licensee's books, accounts,  
11 records, and documents; authorizing the  
12 commission to prescribe requirements for  
13 destroying books, accounts, records, and  
14 documents; authorizing the commission to  
15 recognize alternative statutes of limitation  
16 for such destruction; providing for procedures;  
17 decreasing the required time period for the  
18 office to retain certain reports, records,  
19 applications, and related information; amending  
20 s. 560.205, F.S.; revising certain  
21 fingerprinting requirements; authorizing the  
22 commission to prescribe fees and procedures for  
23 processing fingerprints; authorizing the office  
24 to contract for certain fingerprinting  
25 services; authorizing the commission to  
26 establish procedures for depositing fees and  
27 filing documents electronically; deleting a  
28 requirement that an applicant provide a list of  
29 certain vendors; requiring the reporting of  
30 certain changes of registration by written  
31 amendment; amending s. 560.207, F.S.;

1 authorizing the commission to establish  
2 procedures for depositing fees and filing  
3 documents electronically; amending s. 560.210,  
4 F.S.; revising permissible investment  
5 requirements for certain registrants; amending  
6 ss. 560.211 and 560.310, F.S.; requiring notice  
7 to the office of the location of certain  
8 amended records; amending ss. 560.305 and  
9 560.308, F.S.; authorizing the commission to  
10 establish procedures for depositing fees and  
11 filing documents electronically; amending s.  
12 560.306, F.S.; revising certain fingerprinting  
13 requirements; authorizing the commission to  
14 prescribe fees and procedures for processing  
15 fingerprints; authorizing the office to  
16 contract for certain fingerprinting services;  
17 requiring the reporting of certain changes of  
18 registration by written amendment; specifying  
19 in general that accounting principles are those  
20 generally accepted in the United States;  
21 specifying commission authority by rules;  
22 creating s. 626.565, F.S.; requiring an agent  
23 of the Department of Insurance to dispose of  
24 records containing personal financial or health  
25 information of certain persons after the  
26 retention requirement has been met; requiring  
27 such disposition to protect the confidentiality  
28 of personal financial or health information;  
29 authorizing the department to adopt rules for  
30 the disposition of personal financial or health  
31 information; providing an effective date.



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

2  
3 Section 1. Subsection (2) of section 494.0011, Florida  
4 Statutes, is amended, and subsection (6) is added to that  
5 section, to read:

6 494.0011 Powers and duties of the commission and  
7 office.--

8 (2) The commission has authority to adopt rules  
9 pursuant to ss. 120.536(1) and 120.54 to implement ss.  
10 494.001-494.0077. The commission may adopt rules which require  
11 to allow electronic submission of any forms, documents, or  
12 fees required by this act, provided such rules reasonably  
13 accommodate technological or financial hardship. The  
14 commission may prescribe by rule requirements and procedures  
15 for obtaining a technological or financial hardship exemption.  
16 The commission may also adopt rules to accept certification of  
17 compliance with requirements of this act in lieu of requiring  
18 submission of documents.

19 (6) The grant or denial of a license shall be in  
20 accordance with s. 120.60.

21 Section 2. Subsection (4) of section 494.0016, Florida  
22 Statutes, is amended to read:

23 494.0016 Books, accounts, and records; maintenance;  
24 examinations by the office.--

25 (4) The commission may prescribe by rule the minimum  
26 information to be shown in the books, accounts, records, and  
27 documents of licensees so that such records will enable the  
28 office to determine the licensee's compliance with ss.  
29 494.001-494.0077. In addition, the commission may prescribe by  
30 rule the requirements for destruction of books, accounts,  
31 records, and documents retained by the licensee after

1 completion of the time period indicated in subsection (3).  
2 Notwithstanding the 3-year retention period provided in  
3 subsection (3), if the office identifies a statute of  
4 limitations in a federal law or rule or another law or rule of  
5 this state that is reasonably related by subject matter to the  
6 administration of this chapter, the commission may identify  
7 that statute of limitations by rule and may prohibit the  
8 destruction of records required to be maintained by this  
9 chapter for a period of time established by rule that is  
10 reasonably related to such statute of limitations. The  
11 commission shall prescribe by rule those documents or records  
12 that are to be preserved that are related to the identified  
13 statute of limitations.

14 Section 3. Subsection (1) of section 494.0029, Florida  
15 Statutes, is amended to read:

16 494.0029 Mortgage business schools.--

17 (1)(a) Each person, school, or institution, except  
18 accredited colleges, universities, community colleges, and  
19 area technical centers in this state, which offers or conducts  
20 mortgage business training as a condition precedent to  
21 licensure as a mortgage broker, or mortgage lender, or a  
22 correspondent mortgage lender shall obtain a permit from the  
23 office and abide by the regulations imposed upon such person,  
24 school, or institution by this chapter and rules adopted  
25 pursuant to this chapter. The commission shall, by rule,  
26 recertify the permits annually with initial and renewal permit  
27 fees that do not exceed \$500 plus the cost of accreditation.

28 (b) A permit application shall be deemed received for  
29 purposes of s. 120.60 upon receipt of a completed application  
30 form as prescribed by commission rule, a nonrefundable  
31

1 application fee of \$500, and any other fee prescribed by law  
2 or rule.

3 (c) A permit issued under this section is not  
4 transferable or assignable.

5 Section 4. Section 494.00295, Florida Statutes, is  
6 amended to read:

7 494.00295 Professional continuing education.--

8 (1) Each mortgage broker, mortgage lender, and  
9 correspondent mortgage lender must certify to the office at  
10 the time of renewal that during the 2 years prior to an  
11 application for license renewal, all mortgage brokers and the  
12 principal representative and, loan originators, ~~and associates~~  
13 of a mortgage lender or correspondent mortgage lender have  
14 successfully completed at least 14 hours of professional  
15 continuing education programs covering primary and subordinate  
16 mortgage financing transactions and the provisions of this  
17 chapter. Licensees shall maintain records documenting  
18 compliance with this subsection for a period of 4 years.

19 (2) Professional continuing education programs must  
20 contribute directly to the professional competency of the  
21 participants, may only be offered by permitted mortgage  
22 business schools or entities specifically exempted from  
23 permitting as mortgage business schools, and may include  
24 electronically transmitted or distance education courses.

25 (3) The commission shall adopt rules necessary to  
26 administer this section, including rules governing qualifying  
27 hours for professional continuing education programs and  
28 standards for electronically transmitted or distance education  
29 courses, including course completion requirements.

30  
31

1           Section 5. Paragraphs (b) and (c) of subsection (1)  
2 and paragraph (e) of subsection (2) of section 494.003,  
3 Florida Statutes, are amended to read:

4           494.003 Exemptions.--

5           (1) None of the following persons is subject to the  
6 requirements of ss. 494.003-494.0043:

7           (b) A state or federal chartered bank, ~~bank holding~~  
8 ~~company~~, trust company, savings and loan association, savings  
9 bank or credit union, a bank holding company regulated under  
10 the laws of any state or the United States, or a consumer  
11 finance company licensed pursuant to chapter 516.

12           (c) A wholly owned bank holding company subsidiary  
13 formed and regulated under the laws of any state or the United  
14 States or a wholly owned savings and loan association holding  
15 company subsidiary that is approved or certified by the  
16 Department of Housing and Urban Development, the Veterans  
17 Administration, the Government National Mortgage Association,  
18 the Federal National Mortgage Association, or the Federal Home  
19 Loan Mortgage Corporation.

20           (2) None of the following persons is required to be  
21 licensed under ss. 494.003-494.0043:

22           (e) A wholly owned subsidiary of a state or federal  
23 chartered bank or savings and loan association the sole  
24 activity of which is to distribute the lending programs of  
25 such state or federal chartered bank or savings and loan  
26 association to persons who arrange loans for, or make loans  
27 to, borrowers.

28           Section 6. Section 494.0031, Florida Statutes, is  
29 amended to read:

30           494.0031 Licensure as a mortgage brokerage business.--

31

1           (1) Each person who acts as a mortgage brokerage  
2 business must be licensed pursuant to this section.

3           ~~(2)(1)~~ The commission or office may require each  
4 applicant for a mortgage brokerage business license to provide  
5 any information reasonably necessary to make a determination  
6 of the applicant's eligibility for licensure.The office shall  
7 issue a mortgage brokerage business license to each person  
8 who:

9           (a) Has submitted a completed application form and a  
10 nonrefundable application fee of \$425. ~~and~~

11           (b) Has a qualified principal broker pursuant to s.  
12 494.0035.

13  
14 A license application shall be deemed received for purposes of  
15 s. 120.60 upon receipt of a completed application form as  
16 prescribed by the commission by rule, a nonrefundable  
17 application fee of \$425, and any other fee prescribed by law  
18 or rule.

19           ~~(3)(2)~~ The commission may require by rule that each  
20 officer, director, and ultimate equitable owner of a  
21 10-percent or greater interest in the mortgage brokerage  
22 business submit a complete set of fingerprints. Fingerprint  
23 cards submitted to the office shall be taken by an authorized  
24 law enforcement officer if such fingerprint card is submitted  
25 to the office in paper form. In addition to the fees  
26 prescribed in s. 215.405, the commission may prescribe by rule  
27 an additional fee, not to exceed \$30, for processing the  
28 fingerprints. The commission may prescribe by rule procedures  
29 for submitting fingerprints and fees by electronic means to  
30 the office or to a third party approved by the office. In  
31 order to implement the submission and processing of

1 fingerprints as specified by rule pursuant to this section,  
2 the office may contract with any other state agency that  
3 provides fingerprinting services.

4 (4)~~(3)~~ Notwithstanding the provisions of subsection  
5 ~~(2)~~(1), it is a ground for denial of licensure if the  
6 applicant; designated principal mortgage broker; any officer,  
7 director, partner, or joint venturer; any natural person  
8 owning a 10-percent or greater interest in the mortgage  
9 brokerage business; or any natural person who is the ultimate  
10 equitable owner of a 10-percent or greater interest in the  
11 mortgage brokerage business has committed any violation  
12 specified in ss. 494.001-494.0077 or has pending against him  
13 or her any criminal prosecution or administrative enforcement  
14 action, in any jurisdiction, which involves fraud, dishonest  
15 dealing, or any other act of moral turpitude.

16 (5)~~(4)~~ A mortgage brokerage business or branch office  
17 license may be canceled if it was issued through mistake or  
18 inadvertence of the office. A notice of cancellation must be  
19 issued by the office within 90 days after the issuance of the  
20 license. A notice of cancellation shall be effective upon  
21 receipt. The notice of cancellation shall provide the  
22 applicant with notification of the right to request a hearing  
23 within 21 days after the applicant's receipt of the notice of  
24 cancellation. A license shall be reinstated if the applicant  
25 can demonstrate that the requirements for obtaining the  
26 license pursuant to this chapter have been satisfied.

27 (6)~~(5)~~ A license issued under this part is not  
28 transferable or assignable.~~If an initial mortgage brokerage~~  
29 ~~business or branch office license has been issued but the~~  
30 ~~check upon which the license is based is returned due to~~  
31 ~~insufficient funds, the license shall be deemed canceled. A~~

1 ~~license deemed canceled pursuant to this subsection shall be~~  
2 ~~reinstated if the office receives a certified check for the~~  
3 ~~appropriate amount within 30 days after the date the check was~~  
4 ~~returned due to insufficient funds.~~

5 Section 7. Subsections (1), (2), and (7) of section  
6 494.0033, Florida Statutes, are amended to read:

7 494.0033 Mortgage broker's license.--

8 (1) Each natural person who acts as a mortgage broker  
9 for a mortgage brokerage business or acts as an associate for  
10 a mortgage lender or correspondent mortgage lender must be  
11 licensed pursuant to this section. To act as a mortgage  
12 broker, an individual must be an associate of a mortgage  
13 brokerage business, mortgage lender, or correspondent mortgage  
14 lender. A mortgage broker is prohibited from being an  
15 associate of more than one mortgage brokerage business,  
16 mortgage lender, or correspondent mortgage lender.

17 (2) Each initial application for a mortgage broker's  
18 license must be in the form prescribed by rule of the  
19 commission. The commission may require each applicant to  
20 provide any information reasonably necessary to make a  
21 determination of the applicant's eligibility for licensure.  
22 The office shall issue an initial license to any natural  
23 person who:

24 (a) Is at least 18 years of age.†

25 (b) Has passed a written test adopted and administered  
26 by the office, or has passed an electronic test adopted and  
27 administered by the office or a third party approved by the  
28 office, which is designed to determine competency in primary  
29 and subordinate mortgage financing transactions as well as to  
30 test knowledge of ss. 494.001-494.0077 and the rules adopted  
31 pursuant thereto. The commission may prescribe by rule an

1 additional fee not to exceed \$100 for the electronic version  
2 of the mortgage broker test. The commission may waive by rule  
3 the examination requirement for any individual who has passed  
4 a comparable test offered by a national group of state  
5 mortgage regulators or a federal governmental agency which  
6 covers primary and subordinate mortgage financing  
7 transactions.†

8 (c) Has submitted a completed application and a  
9 nonrefundable application fee of \$200. An application shall be  
10 deemed received for purposes of s. 120.60 upon receipt of a  
11 completed application form as prescribed by the commission by  
12 rule, a nonrefundable application fee of \$200, and any other  
13 fee prescribed by law or rule.~~The commission may set by rule~~  
14 ~~an additional fee for a retake of the examination; and~~

15 (d) Has filed a complete set of fingerprints, ~~taken by~~  
16 ~~an authorized law enforcement officer,~~ for submission by the  
17 office to the Department of Law Enforcement or the Federal  
18 Bureau of Investigation for processing. Fingerprint cards  
19 submitted to the office shall be taken by an authorized law  
20 enforcement officer if such fingerprint card is submitted to  
21 the office in paper form. In addition to the fees prescribed  
22 in s. 215.405, the commission may prescribe by rule additional  
23 fees, not to exceed \$30, for processing the fingerprints. The  
24 commission may prescribe by rule procedures for submitting  
25 fingerprints and fees by electronic means to the office or to  
26 a third party approved by the office. In order to implement  
27 the submission and processing of fingerprints as specified by  
28 rule pursuant to this section, the office may contract with  
29 any other state agency that provides fingerprinting services.

30 ~~(7) If an initial mortgage broker license has been~~  
31 ~~issued but the check upon which the license is based is~~



1 ~~returned due to insufficient funds, the license shall be~~  
2 ~~deemed canceled. A license deemed canceled pursuant to this~~  
3 ~~subsection shall be reinstated if the office receives a~~  
4 ~~certified check for the appropriate amount within 30 days~~  
5 ~~after the date the check was returned due to insufficient~~  
6 ~~funds.~~

7 Section 8. Subsection (2) of section 494.0034, Florida  
8 Statutes, is amended to read:

9 494.0034 Renewal of mortgage broker's license.--

10 (2) The commission shall adopt rules establishing a  
11 procedure for the biennial renewal of mortgage broker's  
12 licenses. The commission may prescribe the form of the renewal  
13 ~~application~~ and may require an update of information since the  
14 licensee's last renewal.

15 Section 9. Subsection (2) of section 494.0036, Florida  
16 Statutes, is amended to read:

17 494.0036 Mortgage brokerage business branch offices.--

18 (2) The office shall issue a mortgage brokerage  
19 business branch office license to a mortgage brokerage  
20 business license applicant, after the office determines the  
21 license applicant has submitted upon receipt of a completed  
22 application in a form as prescribed by commission rule and  
23 payment of an initial nonrefundable branch office license fee  
24 of \$225. Branch office licenses must be renewed in conjunction  
25 with the renewal of the mortgage brokerage business license.  
26 The branch office license shall be issued in the name of the  
27 mortgage brokerage business that maintains the branch office.  
28 An application shall be deemed received for purposes of s.  
29 120.60 upon receipt of a completed application form as  
30 prescribed by the commission by rule, a nonrefundable

31

1 application fee of \$225, and any other fee prescribed by law  
2 or rule.

3 Section 10. Paragraph (s) is added to subsection (2)  
4 of section 494.0041, Florida Statutes, to read:

5 494.0041 Administrative penalties and fines; license  
6 violations.--

7 (2) Each of the following acts constitutes a ground  
8 for which the disciplinary actions specified in subsection (1)  
9 may be taken:

10 (s) Payment to the office for a license or permit with  
11 a check or electronic transmission of funds that fails to  
12 clear the applicant's or licensee's financial institutions.

13 Section 11. Paragraphs (a) and (c) of subsection (1)  
14 and paragraph (a) of subsection (2) of section 494.006,  
15 Florida Statutes, are amended to read:

16 494.006 Exemptions.--

17 (1) None of the following persons are subject to the  
18 requirements of ss. 494.006-494.0077 in order to act as a  
19 mortgage lender or correspondent mortgage lender:

20 (a) A state or federal chartered bank, bank holding  
21 ~~company,~~ trust company, savings and loan association, savings  
22 bank or credit union, a bank holding company regulated under  
23 the laws of any state or the United States, or an insurance  
24 company if the insurance company is duly licensed in this  
25 state.

26 (c) A wholly owned bank holding company subsidiary  
27 formed and regulated under the laws of any state or the United  
28 States or a wholly owned savings and loan association holding  
29 company subsidiary that is approved or certified by the  
30 Department of Housing and Urban Development, the Veterans  
31 Administration, the Government National Mortgage Association,

1 the Federal National Mortgage Association, or the Federal Home  
2 Loan Mortgage Corporation.

3 (2)(a) A natural person employed by a mortgage lender  
4 or correspondent mortgage lender licensed under ss.  
5 494.001-494.0077 is exempt from the licensure requirements of  
6 ss. 494.001-494.0077 when acting within the scope of  
7 employment with the licensee.

8 Section 12. Section 494.0061, Florida Statutes, is  
9 amended to read:

10 494.0061 Mortgage lender's license requirements.--

11 (1) Each person who acts as a mortgage lender must be  
12 licensed pursuant to this section.

13 (2)~~(1)~~ The commission or office may require each  
14 applicant for a mortgage lender license to provide any  
15 information reasonably necessary to make a determination of  
16 the applicant's eligibility for licensure. The office shall  
17 issue an initial mortgage lender license to any person that  
18 submits:

19 (a) A completed application form.†

20 (b) A nonrefundable application fee of \$575.†

21 (c) Audited financial statements, which documents  
22 disclose that the applicant has a bona fide and verifiable net  
23 worth, pursuant to United States generally accepted accounting  
24 principles, of at least \$250,000, which must be continuously  
25 maintained as a condition of licensure.†

26 (d) A surety bond in the amount of \$10,000, payable to  
27 the state and conditioned upon compliance with ss.  
28 494.001-494.0077, which inures to the office and which must be  
29 continuously maintained thereafter in full force.†

30 (e) Documentation that the applicant is duly  
31 incorporated, registered, or otherwise formed as a general

1 partnership, limited partnership, limited liability company,  
2 or other lawful entity under the laws of this state or another  
3 state of the United States, ~~and~~

4 (f) For applications submitted after October 1, 2001,  
5 proof that the applicant's principal representative has  
6 completed 24 hours of classroom instruction in primary and  
7 subordinate financing transactions and in the provisions of  
8 this chapter and rules adopted under this chapter.

9  
10 An application shall be deemed received for purposes of s.  
11 120.60 upon receipt of a completed application form as  
12 prescribed by the commission by rule, a nonrefundable  
13 application fee of \$575, and any other fee prescribed by law  
14 or rule.

15 ~~(3)(2)~~ Notwithstanding the provisions of subsection  
16 ~~(2)(1)~~, it is a ground for denial of licensure if the  
17 applicant, any principal officer or director of the applicant,  
18 or any natural person owning a 10-percent or greater interest  
19 in the applicant, or any natural person who is the ultimate  
20 equitable owner of a 10-percent or greater interest in the  
21 applicant has committed any violation specified in s.  
22 494.0072, or has pending against her or him any criminal  
23 prosecution or administrative enforcement action, in any  
24 jurisdiction, which involves fraud, dishonest dealing, or any  
25 act of moral turpitude.

26 ~~(4)(3)~~ Each initial application for a mortgage  
27 lender's license must be in a form prescribed by the  
28 commission. ~~The commission or office may require each~~  
29 ~~applicant to provide any information reasonably necessary to~~  
30 ~~make a determination of the applicant's eligibility for~~  
31 ~~licensure.~~ The commission or office may require that each

1 officer, director, and ultimate equitable owner of a  
2 10-percent or greater interest in the applicant submit a  
3 complete set of fingerprints. Fingerprint cards submitted to  
4 the office shall be taken by an authorized law enforcement  
5 officer if such fingerprint card is submitted to the office in  
6 paper form. In addition to the fees prescribed in s. 215.405,  
7 the commission may prescribe by rule an additional fee, not to  
8 exceed \$30, for processing the fingerprints. The commission  
9 may prescribe by rule procedures for submitting fingerprints  
10 and fees by electronic means to the office or to a third party  
11 approved by the office. In order to implement the submission  
12 and processing of fingerprints as specified by rule pursuant  
13 to this section, the office may contract with any other state  
14 agency that provides fingerprinting services.

15 (5)~~(4)~~ A person required to be licensed under ss.  
16 494.006-494.0077, or an agent or employee thereof, is deemed  
17 to have consented to the venue of courts of competent  
18 jurisdiction in this state regarding any matter within the  
19 authority of ss. 494.001-494.0077 regardless of where an act  
20 or violation was committed.

21 (6)~~(5)~~ A license issued in accordance with ss.  
22 494.006-494.0077 is not transferable or assignable.

23 (7)~~(6)~~ A mortgage lender or branch office license may  
24 be canceled if it was issued through mistake or inadvertence  
25 of the office. A notice of cancellation must be issued by the  
26 office within 90 days after the issuance of the license. A  
27 notice of cancellation shall be effective upon receipt. The  
28 notice of cancellation shall provide the applicant with  
29 notification of the right to request a hearing within 21 days  
30 after the applicant's receipt of the notice of cancellation. A  
31 license shall be reinstated if the applicant can demonstrate

1 that the requirements for obtaining the license pursuant to  
2 this chapter have been satisfied.

3 ~~(7) If an initial mortgage lender or branch office~~  
4 ~~license has been issued but the check upon which the license~~  
5 ~~is based is returned due to insufficient funds, the license~~  
6 ~~shall be deemed canceled. A license deemed canceled pursuant~~  
7 ~~to this subsection shall be reinstated if the office receives~~  
8 ~~a certified check for the appropriate amount within 30 days~~  
9 ~~after the date the check was returned due to insufficient~~  
10 ~~funds.~~

11 (8) Each lender, regardless of the number of branches  
12 it operates, shall designate a principal representative who  
13 exercises control of the licensee's business and shall  
14 maintain a form prescribed by the commission designating the  
15 principal representative. If the form is not accurately  
16 maintained, the business is considered to be operated by each  
17 officer, director, or equitable owner of a 10-percent or  
18 greater interest in the business.

19 (9) ~~After October 1, 2001,~~An applicant's principal  
20 representative must pass a written test prescribed by the  
21 commission and administered by the office, or has passed an  
22 electronic test prescribed by the commission and administered  
23 by the office or a third party approved by the office,which  
24 covers primary and subordinate mortgage financing transactions  
25 and the provisions of this chapter and rules adopted under  
26 this chapter. The commission may set by rule a fee not to  
27 exceed \$100 for the electronic version of the mortgage broker  
28 test. The commission may waive by rule the examination  
29 requirement for any individual who has passed a comparable  
30 test offered by a national group of state mortgage regulators  
31

1 or a federal governmental agency which covers primary and  
2 subordinate mortgage financing transactions.

3 (10) A lender shall notify the office of the name and  
4 address of any new principal representative and shall document  
5 that the person has completed the educational and testing  
6 requirements of this section within 90 days after ~~upon~~ the  
7 designation of a new principal representative.

8 Section 13. Section 494.0062, Florida Statutes, is  
9 amended to read:

10 494.0062 Correspondent mortgage lender's license  
11 requirements.--

12 (1) Each person who acts as a correspondent mortgage  
13 lender must be licensed pursuant to this section.

14 (2)(1) The office may require each applicant to  
15 provide any information reasonably necessary to make a  
16 determination of the applicant's eligibility for licensure.

17 The office shall issue an initial correspondent mortgage  
18 lender license to any person who submits:

19 (a) A completed application form;

20 (b) A nonrefundable application fee of \$500;

21 (c) Audited financial statements, which document that  
22 the application has a bona fide and verifiable net worth,  
23 pursuant to Unites States generally accepted accounting  
24 principles, of \$25,000 or more, which must be continuously  
25 maintained as a condition of licensure;

26 (d) A surety bond in the amount of \$10,000, payable to  
27 the State of Florida and conditioned upon compliance with ss.  
28 494.001-494.0077, which inures to the office and which must be  
29 continuously maintained, thereafter, in full force;

30 (e) Documentation that the applicant is duly  
31 incorporated, registered, or otherwise formed as a general

1 partnership, limited partnership, limited liability company,  
2 or other lawful entity under the laws of this state or another  
3 state of the United States; and

4 (f) For applications filed after October 1, 2001,  
5 proof that the applicant's principal representative has  
6 completed 24 hours of classroom instruction in primary and  
7 subordinate financing transactions and in the provisions of  
8 this chapter and rules enacted under this chapter.

9  
10 An application shall be deemed received for purposes of s.  
11 120.60 upon receipt of a completed application form as  
12 prescribed by the commission by rule, a nonrefundable  
13 application fee of \$500, and any other fee prescribed by law  
14 or rule.

15 (3)~~(2)~~ Notwithstanding the provisions of subsection  
16 (2)~~(1)~~, it is a ground for denial of licensure if the  
17 applicant, any principal officer or director of the applicant,  
18 or any natural person who is the ultimate equitable owner of a  
19 10-percent or greater interest in the applicant has committed  
20 any violation specified in s. 494.0072, or has pending against  
21 her or him any criminal prosecution or administrative  
22 enforcement action, in any jurisdiction, which involves fraud,  
23 dishonest dealing, or any act of moral turpitude.

24 (4)~~(3)~~ Each initial application for a correspondent  
25 mortgage lender's license must be in a form prescribed by the  
26 commission. ~~The commission or office may require each~~  
27 ~~applicant to provide any information reasonably necessary to~~  
28 ~~make a determination of the applicant's eligibility for~~  
29 ~~licensure.~~ The commission or office may require by rule that  
30 each officer, director, and ultimate equitable owner of a  
31 10-percent or greater interest submit a complete set of



1 fingerprints. Fingerprint cards submitted to the office shall  
2 be taken by an authorized law enforcement officer if such  
3 fingerprint card is submitted to the office in paper form. In  
4 addition to the fees prescribed in s. 215.405, the commission  
5 may prescribe by rule an additional fee, not to exceed \$30,  
6 for processing the fingerprints. The commission may prescribe  
7 by rule procedures for submitting fingerprints and fees by  
8 electronic means to the office or to a third party approved by  
9 the office. In order to implement the submission and  
10 processing of fingerprints as specified by rule pursuant to  
11 this section, the office may contract with any other state  
12 agency that provides fingerprinting services.

13 (5)~~(4)~~ Each license is valid for the remainder of the  
14 biennium in which the license is issued.

15 (6)~~(5)~~ A person licensed as a correspondent mortgage  
16 lender may make mortgage loans, but may not service a mortgage  
17 loan for more than 4 months after the date the mortgage loan  
18 was made or acquired by the correspondent mortgage lender.

19 (7)~~(6)~~ A licensee under ss. 494.006-494.0077, or an  
20 agent or employee thereof, is deemed to have consented to the  
21 venue of courts of competent jurisdiction in this state  
22 regarding any matter within the authority of ss.  
23 494.001-494.0077 regardless of where an act or violation was  
24 committed.

25 (8)~~(7)~~ A correspondent mortgage lender is subject to  
26 the same requirements and restrictions as a licensed mortgage  
27 lender unless otherwise provided in this section.

28 (9)~~(8)~~ A license issued under this section is not  
29 transferable or assignable.

30 (10)~~(9)~~ A correspondent mortgage lender or branch  
31 office license may be canceled if it was issued through

1 mistake or inadvertence of the office. A notice of  
2 cancellation must be issued by the office within 90 days after  
3 the issuance of the license. A notice of cancellation shall be  
4 effective upon receipt. The notice of cancellation shall  
5 provide the applicant with notification of the right to  
6 request a hearing within 21 days after the applicant's receipt  
7 of the notice of cancellation. A license shall be reinstated  
8 if the applicant can demonstrate that the requirements for  
9 obtaining the license pursuant to this chapter have been  
10 satisfied.

11 ~~(10) If an initial correspondent mortgage lender or~~  
12 ~~branch office license has been issued but the check upon which~~  
13 ~~the license is based is returned due to insufficient funds,~~  
14 ~~the license shall be deemed canceled. A license deemed~~  
15 ~~canceled pursuant to this subsection shall be reinstated if~~  
16 ~~the office receives a certified check for the appropriate~~  
17 ~~amount within 30 days after the date the check was returned~~  
18 ~~due to insufficient funds.~~

19 (11) Each correspondent lender shall designate a  
20 principal representative who exercises control over the  
21 business and shall maintain a form prescribed by the  
22 commission designating the principal representative. If the  
23 form is not accurately maintained, the business is considered  
24 to be operated by each officer, director, or equitable owner  
25 of a 10-percent or greater interest in the business.

26 (12) ~~After October 1, 2001,~~An applicant's principal  
27 representative must pass a written test prescribed by the  
28 commission and administered by the office or a third party  
29 approved by the office,which covers primary and subordinate  
30 mortgage financing transactions and the provisions of this  
31 chapter and rules adopted under this chapter. The commission

1 may waive by rule the examination requirement for any  
2 individual who has passed a comparable test offered by a  
3 national group of state mortgage regulators or a federal  
4 governmental agency that covers primary and subordinate  
5 mortgage financing transactions. The commission may set by  
6 rule a fee not to exceed \$100 for taking the examination.

7 (13) A correspondent lender shall notify the office of  
8 the name and address of any new principal representative and  
9 shall document that such person has completed the educational  
10 and testing requirements of this section within 90 days after  
11 ~~upon~~ the lender's designation of a new principal  
12 representative.

13 Section 14. Paragraph (b) of subsection (1) of section  
14 494.0064, Florida Statutes, is amended to read:

15 494.0064 Renewal of mortgage lender's license; branch  
16 office license renewal.--

17 (1)

18 (b) A licensee shall also submit, as part of the  
19 renewal form, certification that during the preceding 2 years  
20 the licensee's principal representative and, loan originators,  
21 ~~and associates~~ have completed the professional continuing  
22 education requirements of s. 494.00295.

23 Section 15. Section 494.0065, Florida Statutes, is  
24 amended to read:

25 494.0065 Saving clause.--

26 (1)(a) Any person in good standing who holds an active  
27 registration pursuant to former s. 494.039 or license pursuant  
28 to former s. 521.205, or any person who acted solely as a  
29 mortgage servicer on September 30, 1991, is eligible to apply  
30 to the office for a mortgage lender's license and is eligible  
31 for licensure if the applicant:

1           1. For at least 12 months during the period of October  
2 1, 1989, through September 30, 1991, has engaged in the  
3 business of either acting as a seller or assignor of mortgage  
4 loans or as a servicer of mortgage loans, or both;

5           2. Has documented a minimum net worth of \$25,000 in  
6 audited financial statements; and

7           3. Has applied for licensure pursuant to this section  
8 by January 1, 1992, and paid an application fee of \$100.

9           (b) A licensee pursuant to paragraph (a) may operate a  
10 wholly owned subsidiary or affiliate for the purpose of  
11 servicing accounts if the subsidiary or affiliate is  
12 operational as of September 30, 1991. Such subsidiary or  
13 affiliate is not required to obtain a separate license, but is  
14 subject to all the requirements of a licensee under ss.  
15 494.006-494.0077.

16           (2) A licensee issued a license pursuant to subsection  
17 (1) may renew its mortgage lending license if it documents a  
18 minimum net worth of \$25,000, according to United States  
19 generally accepted accounting principles, which must be  
20 continuously maintained as a condition to licensure. The  
21 office shall require an audited financial statement which  
22 documents such net worth.

23           (3) The commission may prescribe by rule forms and  
24 procedures for application for licensure, and amendment and  
25 withdrawal of application for licensure, or transfer,  
26 including any existing branch offices, in accordance with  
27 subsections (4) and (5), and for renewal of licensure of  
28 licensees under this section. An application shall be deemed  
29 received for purposes of s. 120.60 upon receipt of a completed  
30 application form as prescribed by the commission by rule, a

31

1 nonrefundable application fee of \$575, and any other fee  
2 prescribed by law or rule.

3 (4)(a) Notwithstanding ss. 494.0061~~(6)~~~~(5)~~and  
4 494.0067(3), the ultimate equitable owner, as of the effective  
5 date of this act, of a mortgage lender licensed under this  
6 section may transfer, one time, at least 50 percent of the  
7 ownership, control, or power to vote any class of equity  
8 securities of such mortgage lender, except as provided in  
9 paragraph (b). For purposes of this subsection, satisfaction  
10 of the amount of the ownership transferred may be met in  
11 multiple transactions or in a single transaction.

12 (b) A person who is an ultimate equitable owner on the  
13 effective date of this act may transfer, at any time, at least  
14 50 percent of the ownership, control, or power to vote any  
15 class of equity securities of such person to the person's  
16 spouse or child, and any such transferee may transfer, at any  
17 time, such ownership, control, or power to vote to a spouse or  
18 child of such transferee, in perpetuity.

19 (c) For any transfer application filed after October  
20 1, 2004:

21 1. Proof shall be required that the applicant's  
22 principal representative has completed 24 hours of instruction  
23 in primary and subordinate financing transactions and in the  
24 provisions of this chapter and rules adopted under this  
25 chapter.

26 2. An applicant's principal representative must pass a  
27 written test prescribed by the commission and administered by  
28 the office, or has passed an electronic test prescribed by the  
29 commission and administered by the office or a third party  
30 approved by the office, which covers primary and subordinate  
31 mortgage financing transactions and the provisions of this

1 chapter and rules adopted under this chapter. The commission  
2 may set by rule a fee not to exceed \$100 for the electronic  
3 version of the mortgage broker test. The commission may waive  
4 by rule the examination requirement for any individual who has  
5 passed a comparable test offered by a national group of state  
6 mortgage regulators or a federal governmental agency which  
7 covers primary and subordinate mortgage financing  
8 transactions.

9 (5) The commission or office may require each  
10 applicant for any transfer to provide any information  
11 reasonably necessary to make a determination of the  
12 applicant's eligibility for licensure. The office shall issue  
13 the transfer of licensure to any person who submits the  
14 following documentation at least 90 days prior to the  
15 anticipated transfer:

16 (a) A completed application form.

17 (b) A nonrefundable fee set by rule of the commission  
18 in the amount of ~~\$575~~\$500.

19 (c) Audited financial statements that substantiate  
20 that the applicant has a bona fide and verifiable net worth,  
21 according to United States generally accepted accounting  
22 principles, of at least \$25,000, which must be continuously  
23 maintained as a condition of licensure.

24 (d) Documentation that the applicant is incorporated,  
25 registered, or otherwise formed as a general partnership,  
26 limited partnership, limited liability company, or other  
27 lawful entity under the laws of this state or another state of  
28 the United States.

29  
30 An application shall be deemed received for purposes of s.  
31 120.60 upon receipt of a completed application form as

1 prescribed by the commission by rule, a nonrefundable  
2 application fee of \$575, and any other fee prescribed by law  
3 or rule.The commission or office may require by rule that  
4 each officer, director, and ultimate equitable owner of a  
5 10-percent or greater interest in the applicant submit a  
6 complete set of fingerprints. Fingerprint cards submitted to  
7 the office shall be taken by an authorized law enforcement  
8 officer if such fingerprint card is submitted to the office in  
9 paper form. In addition to the fees prescribed in s. 215.405,  
10 the commission may prescribe by rule an additional fee, not to  
11 exceed \$30, for processing the fingerprints. The commission  
12 may prescribe by rule procedures for submitting fingerprints  
13 and fees by electronic means to the office or to a third party  
14 approved by the office. In order to implement the submission  
15 and processing of fingerprints as specified by rule pursuant  
16 to this section, the office may contract with any other state  
17 agency that provides fingerprinting services.

18 (6) Notwithstanding subsection (5), a transfer under  
19 subsection (4) may be denied if the applicant, any principal  
20 officer or director of the applicant, or any natural person  
21 owning a 10-percent or greater interest in the applicant has  
22 committed any violation specified in s. 494.0072, or has  
23 entered a plea of nolo contendere, regardless of adjudication,  
24 or has an action pending against the applicant in any criminal  
25 prosecution or administrative enforcement action, in any  
26 jurisdiction, which involves fraud, dishonest dealing, or any  
27 act of moral turpitude.

28 (7) A license issued in accordance with this section  
29 is not transferable or assignable except as provided in  
30 subsection (4).

31

1           (8) Each person applying for a transfer of any branch  
2 office pursuant to subsection (4) must comply with the  
3 requirements of s. 494.0066.

4           (9) Each mortgage lender shall designate a principal  
5 representative who exercises control over the business and  
6 shall maintain a form prescribed by the commission by rule  
7 designating the principal representative. If the form is not  
8 accurately maintained, the business is considered to be  
9 operated by each officer, director, or equitable owner of a  
10 10-percent or greater interest in the business.

11           (10) A lender shall notify the office of the name and  
12 address of any new principal representative and shall document  
13 that the person has completed the educational and testing  
14 requirements of this section within 90 days after the  
15 designation of a new principal representative.

16           Section 16. Subsection (2) of section 494.0066,  
17 Florida Statutes, is amended to read:

18           494.0066 Branch offices.--

19           (2) The office shall issue a branch office license to  
20 a licensee licensed under s. 494.0065(1) or a transfer  
21 licensee after the office determines the licensee has  
22 submitted upon receipt of a completed application form as  
23 prescribed by rule by the commission and an initial  
24 nonrefundable branch office license fee of \$325. The branch  
25 office application must include the name and license number of  
26 the licensee under ss. 494.006-494.0077, the name of the  
27 licensee's employee in charge of the branch office, and the  
28 address of the branch office. The branch office license shall  
29 be issued in the name of the licensee under ss.  
30 494.006-494.0077 and must be renewed in conjunction with the  
31 license renewal.



1           Section 17. Paragraph (a) of subsection (10) of  
2 section 494.0067, Florida Statutes, is amended to read:

3           494.0067 Requirements of licensees under ss.  
4 494.006-494.0077.--

5           (10)(a) Each licensee shall require the principal  
6 representative and all loan originators or associates who  
7 perform services for the licensee to complete 14 hours of  
8 professional continuing education during each biennial license  
9 period. The education shall cover primary and subordinate  
10 mortgage financing transactions and the provisions of this  
11 chapter and the rules adopted under this chapter.

12           Section 18. Paragraph (s) is added to subsection (2)  
13 of section 494.0072, Florida Statutes, to read:

14           494.0072 Administrative penalties and fines; license  
15 violations.--

16           (2) Each of the following acts constitutes a ground  
17 for which the disciplinary actions specified in subsection (1)  
18 may be taken:

19           (s) Payment to the office for a license or permit with  
20 a check or electronic transmission of funds that fails to  
21 clear the applicant's or licensee's financial institution.

22           Section 19. Subsection (2) of section 494.00721,  
23 Florida Statutes, is amended to read:

24           494.00721 Net worth.--

25           (2) If a mortgage lender or correspondent mortgage  
26 lender fails to satisfy the net worth requirements, the  
27 mortgage lender or correspondent mortgage lender shall  
28 immediately cease taking any new mortgage loan applications.  
29 Thereafter, the mortgage lender or correspondent mortgage  
30 lender shall have up to 60 days within which to satisfy the  
31 net worth requirements. If the licensee makes the office

1 aware, prior to an examination, that the licensee no longer  
2 meets the net worth requirements, the mortgage lender or  
3 correspondent mortgage lender shall have 120 days within which  
4 to satisfy the net worth requirements. A mortgage lender or  
5 correspondent mortgage lender shall not resume acting as a  
6 mortgage lender or correspondent mortgage lender without  
7 written authorization from the office, which authorization  
8 shall be granted if the mortgage lender or correspondent  
9 mortgage lender provides the office with documentation which  
10 satisfies the requirements of s. 494.0061~~(2)~~(1)(c), s.  
11 494.0062~~(2)~~(1)(c), or s. 494.0065(2), whichever is applicable.

12 Section 20. Section 516.03, Florida Statutes, is  
13 amended to read:

14 516.03 Application for license; fees; etc.--

15 (1) APPLICATION.--Application for a license to make  
16 loans under this chapter shall be in the form prescribed by  
17 rule of the commission, and shall contain the name, residence  
18 and business addresses of the applicant and, if the applicant  
19 is a copartnership or association, of every member thereof  
20 and, if a corporation, of each officer and director thereof,  
21 also the county and municipality with the street and number or  
22 approximate location where the business is to be conducted,  
23 and such further relevant information as the commission or  
24 office may require. At the time of making such application the  
25 applicant shall pay to the office a biennial license fee of  
26 \$625. Applications, except for applications to renew or  
27 reactivate a license, must also be accompanied by an  
28 investigation fee of \$200. An application shall be deemed  
29 received for purposes of s. 120.60 upon receipt of a completed  
30 application form as prescribed by the commission by rule, a  
31 nonrefundable application fee of \$625, and any other fee

1 prescribed by law or rule.The commission may adopt rules to  
2 require ~~allow~~ electronic submission of any form, document, or  
3 fee required by this act, provided such rules reasonably  
4 accommodate technological or financial hardship. The  
5 commission may prescribe by rule requirements and procedures  
6 for obtaining a technological or financial hardship exemption.

7 (2) FEES.--Fees herein provided for shall be collected  
8 by the office and shall be turned into the State Treasury to  
9 the credit of the regulatory trust fund under the office. The  
10 office shall have full power to employ such examiners or  
11 clerks to assist the office as may from time to time be deemed  
12 necessary and fix their compensation. The commission may adopt  
13 rules to require ~~allow~~ electronic submission of any fee  
14 required by this section, provided such rules reasonably  
15 accommodate technological or financial hardship. The  
16 commission may prescribe by rule requirements and procedures  
17 for obtaining a technological or financial hardship exemption.

18 Section 21. Paragraph (o) is added to subsection (1)  
19 of section 516.07, Florida Statutes, to read:

20 516.07 Grounds for denial of license or for  
21 disciplinary action.--

22 (1) The following acts are violations of this chapter  
23 and constitute grounds for denial of an application for a  
24 license to make consumer finance loans and grounds for any of  
25 the disciplinary actions specified in subsection (2):

26 (o) Payment to the office for a license or permit with  
27 a check or electronic transmission of funds that fails to  
28 clear the applicant's or licensee's financial institution.

29 Section 22. Subsection (3) is added to section 516.12,  
30 Florida Statutes, to read:

31 516.12 Records to be kept by licensee.--

1           (3) The commission may prescribe by rule the minimum  
2 information to be shown in the books, accounts, records, and  
3 documents of licensees for purposes of enabling the office to  
4 determine the licensee's compliance with ss. 516.001-516.36.  
5 In addition, the commission may prescribe by rule the  
6 requirements for destruction of books, accounts, records, and  
7 documents retained by the licensee after completion of the  
8 time period specified in subsection (1). Notwithstanding the  
9 2-year retention period specified in subsection (1), if the  
10 office identifies a statute of limitations in another civil or  
11 criminal state or federal law or rule that is reasonably  
12 related by subject matter to the administration of this  
13 chapter, the commission may identify that statute of  
14 limitations by rule and may prohibit the destruction of  
15 records required to be maintained by this chapter for a period  
16 of time established by rule that is reasonably related to such  
17 statute of limitations. The commission shall prescribe by rule  
18 those documents or records that are to be preserved that are  
19 related to the identified statute of limitations.

20           Section 23. Subsection (9) of section 517.051, Florida  
21 Statutes, is amended to read:

22           517.051 Exempt securities.--The exemptions provided  
23 herein from the registration requirements of s. 517.07 are  
24 self-executing and do not require any filing with the office  
25 prior to claiming such exemption. Any person who claims  
26 entitlement to any of these exemptions bears the burden of  
27 proving such entitlement in any proceeding brought under this  
28 chapter. The registration provisions of s. 517.07 do not apply  
29 to any of the following securities:

30           (9) A security issued by a corporation organized and  
31 operated exclusively for religious, educational, benevolent,

1 fraternal, charitable, or reformatory purposes and not for  
2 pecuniary profit, no part of the net earnings of which  
3 corporation inures to the benefit of any private stockholder  
4 or individual, or any security of a fund that is excluded from  
5 the definition of an investment company under s. 3(c)(10)(B)  
6 of the Investment Company Act of 1940; provided that no person  
7 shall directly or indirectly offer or sell securities under  
8 this subsection except by an offering circular containing full  
9 and fair disclosure, as prescribed by the rules of the  
10 commission, of all material information, including, but not  
11 limited to, a description of the securities offered and terms  
12 of the offering, a description of the nature of the issuer's  
13 business, a statement of the purpose of the offering and the  
14 intended application by the issuer of the proceeds thereof,  
15 and financial statements of the issuer prepared in conformance  
16 with United States generally accepted accounting principles.  
17 Section 6(c) of the Philanthropy Protection Act of 1995, Pub.  
18 L. No. 104-62, shall not preempt any provision of this  
19 chapter.

20 Section 24. Subsection (18) of section 517.061,  
21 Florida Statutes, is amended to read:

22 517.061 Exempt transactions.--The exemption for each  
23 transaction listed below is self-executing and does not  
24 require any filing with the office prior to claiming such  
25 exemption. Any person who claims entitlement to any of the  
26 exemptions bears the burden of proving such entitlement in any  
27 proceeding brought under this chapter. The registration  
28 provisions of s. 517.07 do not apply to any of the following  
29 transactions; however, such transactions are subject to the  
30 provisions of ss. 517.301, 517.311, and 517.312:

31

1           (18) The offer or sale of any security effected by or  
2 through a person in compliance with ~~registered pursuant to s.~~  
3 517.12(17).

4           Section 25. Paragraph (g) of subsection (3) of section  
5 517.081, Florida Statutes, is amended to read:

6           517.081 Registration procedure.--

7           (3) The office may require the applicant to submit to  
8 the office the following information concerning the issuer and  
9 such other relevant information as the office may in its  
10 judgment deem necessary to enable it to ascertain whether such  
11 securities shall be registered pursuant to the provisions of  
12 this section:

13           (g)1. A specimen copy of the security and a copy of  
14 any circular, prospectus, advertisement, or other description  
15 of such securities.

16           2. The commission shall adopt a form for a simplified  
17 offering circular to be used solely by corporations to  
18 register, under this section, securities of the corporation  
19 that are sold in offerings in which the aggregate offering  
20 price in any consecutive 12-month period does not exceed the  
21 amount provided in s. 3(b) of the Securities Act of 1933. The  
22 following issuers shall not be eligible to submit a simplified  
23 offering circular adopted pursuant to this subparagraph:

24           a. An issuer seeking to register securities for resale  
25 by persons other than the issuer.

26           b. An issuer who is subject to any of the  
27 disqualifications described in 17 C.F.R. s. 230.262, adopted  
28 pursuant to the Securities Act of 1933, or who has been or is  
29 engaged or is about to engage in an activity that would be  
30 grounds for denial, revocation, or suspension under s.  
31 517.111. For purposes of this subparagraph, an issuer includes

1 an issuer's director, officer, shareholder who owns at least  
2 10 percent of the shares of the issuer, promoter, or selling  
3 agent of the securities to be offered or any officer,  
4 director, or partner of such selling agent.

5 c. An issuer who is a development-stage company that  
6 either has no specific business plan or purpose or has  
7 indicated that its business plan is to merge with an  
8 unidentified company or companies.

9 d. An issuer of offerings in which the specific  
10 business or properties cannot be described.

11 e. Any issuer the office determines is ineligible if  
12 the form would not provide full and fair disclosure of  
13 material information for the type of offering to be registered  
14 by the issuer.

15 f. Any corporation which has failed to provide the  
16 office the reports required for a previous offering registered  
17 pursuant to this subparagraph.

18  
19 As a condition precedent to qualifying for use of the  
20 simplified offering circular, a corporation shall agree to  
21 provide the office with an annual financial report containing  
22 a balance sheet as of the end of the issuer's fiscal year and  
23 a statement of income for such year, prepared in accordance  
24 with United States generally accepted accounting principles  
25 and accompanied by an independent accountant's report. If the  
26 issuer has more than 100 security holders at the end of a  
27 fiscal year, the financial statements must be audited. Annual  
28 financial reports must be filed with the office within 90 days  
29 after the close of the issuer's fiscal year for each of the  
30 first 5 years following the effective date of the  
31 registration.

1           Section 26. Subsections (7), (10), (11), (15), and  
2 (17) of section 517.12, Florida Statutes, are amended to read:

3           517.12 Registration of dealers, associated persons,  
4 investment advisers, and branch offices.--

5           (7) The application shall also contain such  
6 information as the commission or office may require about the  
7 applicant; any partner, officer, or director of the applicant  
8 or any person having a similar status or performing similar  
9 functions; any person directly or indirectly controlling the  
10 applicant; or any employee of a dealer or of an investment  
11 adviser rendering investment advisory services. Each  
12 applicant shall file a complete set of fingerprints. A  
13 fingerprint card submitted to the office shall be taken by an  
14 authorized law enforcement officer if such fingerprint card is  
15 submitted to the office in paper form. In addition to the fees  
16 prescribed in s. 215.405, the commission may prescribe by rule  
17 an additional fee, not to exceed \$30, for processing the  
18 fingerprints. The commission may prescribe by rule procedures  
19 for submitting fingerprints and fees by electronic means to  
20 the office or to a third party approved by the office. In  
21 order to implement the submission and processing of  
22 fingerprints as specified by rule under this section, the  
23 office may contract with another state agency that provides  
24 fingerprint services.Such fingerprints shall be submitted to  
25 the Department of Law Enforcement or the Federal Bureau of  
26 Investigation for state and federal processing. The  
27 commission may waive, by rule, the requirement that applicants  
28 must file a set of fingerprints or the requirement that such  
29 fingerprints must be processed by the Department of Law  
30 Enforcement or the Federal Bureau of Investigation. The

31



1 commission or office may require information about any such  
2 applicant or person concerning such matters as:

3 (a) His or her full name, and any other names by which  
4 he or she may have been known, and his or her age, photograph,  
5 qualifications, and educational and business history.

6 (b) Any injunction or administrative order by a state  
7 or federal agency, national securities exchange, or national  
8 securities association involving a security or any aspect of  
9 the securities business and any injunction or administrative  
10 order by a state or federal agency regulating banking,  
11 insurance, finance, or small loan companies, real estate,  
12 mortgage brokers, or other related or similar industries,  
13 which injunctions or administrative orders relate to such  
14 person.

15 (c) His or her conviction of, or plea of nolo  
16 contendere to, a criminal offense or his or her commission of  
17 any acts which would be grounds for refusal of an application  
18 under s. 517.161.

19 (d) The names and addresses of other persons of whom  
20 the office may inquire as to his or her character, reputation,  
21 and financial responsibility.

22 (10) An applicant for registration shall pay an  
23 assessment fee of \$200, in the case of a dealer or investment  
24 adviser, or \$40, in the case of an associated person. The  
25 assessment fee of an associated person shall be reduced to  
26 \$30, but only after the office determines, by final order,  
27 that sufficient funds have been allocated to the Securities  
28 Guaranty Fund pursuant to s. 517.1203 to satisfy all valid  
29 claims filed in accordance with s. 517.1203(2) and after all  
30 amounts payable under any service contract entered into by the  
31 office pursuant to s. 517.1204, and all notes, bonds,

1 certificates of indebtedness, other obligations, or evidences  
2 of indebtedness secured by such notes, bonds, certificates of  
3 indebtedness, or other obligations, have been paid or  
4 provision has been made for the payment of such amounts,  
5 notes, bonds, certificates of indebtedness, other obligations,  
6 or evidences of indebtedness. An associated person may not  
7 ~~having current fingerprint cards filed with the National~~  
8 ~~Association of Securities Dealers or a national securities~~  
9 ~~exchange registered with the Securities and Exchange~~  
10 ~~Commission shall~~ be assessed an additional fee to cover the  
11 cost for said fingerprint cards to be processed by the office.  
12 Such fee shall be determined by rule of the commission. Each  
13 dealer and each investment adviser shall pay an assessment fee  
14 of \$100 for each office in this state, except its designated  
15 principal office. Such fees become the revenue of the state,  
16 except for those assessments provided for under s. 517.131(1)  
17 until such time as the Securities Guaranty Fund satisfies the  
18 statutory limits, and are not returnable in the event that  
19 registration is withdrawn or not granted.

20 (11) If the office finds that the applicant is of good  
21 repute and character and has complied with the provisions of  
22 this chapter and the rules made pursuant hereto, it shall  
23 register the applicant. The registration of each dealer,  
24 investment adviser, and associated person will expire on  
25 December 31, of the year it became effective unless the  
26 registrant has renewed its registration on or before that  
27 date. ~~and~~ The registration of each branch office will expire  
28 on March 31 or, once the National Association of Securities  
29 Dealers develops the capacity to process branch office  
30 registration through the Central Registration Depository,  
31 December 31 of the year in which it became effective unless

1 the registrant has renewed its registration on or before that  
2 date. The commission may establish by rule the beginning of  
3 the year in which branch renewals shall be processed through  
4 the Central Registration Depository of the National  
5 Association of Securities Dealers. The commission may  
6 establish by rule procedures for renewing branch registrations  
7 through the Central Registration Depository.Registration may  
8 be renewed by furnishing such information as the commission  
9 may require, together with payment of the fee required in  
10 subsection (10) for dealers, investment advisers, associated  
11 persons, or branch offices and the payment of any amount  
12 lawfully due and owing to the office pursuant to any order of  
13 the office or pursuant to any agreement with the office. Any  
14 dealer, investment adviser, or associated person registrant  
15 who has not renewed a registration by the time the current  
16 registration expires may request reinstatement of such  
17 registration by filing with the office, on or before January  
18 31 of the year following the year of expiration, such  
19 information as may be required by the commission, together  
20 with payment of the fee required in subsection (10) for  
21 dealers, investment advisers, or associated persons and a late  
22 fee equal to the amount of such fee. Any reinstatement of  
23 registration granted by the office during the month of January  
24 shall be deemed effective retroactive to January 1 of that  
25 year.

26 (15) In lieu of filing with the office the  
27 applications specified in subsection (6), the fees required by  
28 subsection (10), and the termination notices required by  
29 subsection (12), the commission may by rule establish  
30 procedures for the deposit of such fees and documents with the  
31 Central Registration Depository or the Investment Advisor

1 Registration Depository of the National Association of  
2 Securities Dealers, Inc., as developed under contract with the  
3 North American Securities Administrators Association, Inc. ;  
4 provided, however, that such procedures shall provide the  
5 office with the information and data as required by this  
6 section.

7 (17)(a) If the dealer has made a notice filing in  
8 accordance with this section, a dealer that is located in  
9 Canada and does not have an office or other physical presence  
10 in this state is exempt from the registration requirements of  
11 s. 512.12, and may effect transactions in securities with or  
12 for, or induce or attempt to induce the purchase or sale of  
13 any security by:

14 1. A person from Canada who is present in this state  
15 and with whom the Canadian dealer had a bona fide  
16 dealer-client relationship before the person entered the  
17 United States; or

18 2. A person from Canada who is present in this state  
19 and whose transactions are in a self-directed tax advantaged  
20 retirement plan in Canada of which the person is the holder or  
21 contributor.

22 (b) A notice filing under this section shall consist  
23 of documents that the commission by rule requires to be filed,  
24 together with a consent to service of process and a filing fee  
25 of \$200. The commission may establish by rule procedures for  
26 the deposit of fees and the filing of documents to be made by  
27 electronic means, if such procedures provide the office with  
28 the information and data required by this section.

29 (c) A Canadian dealer may make a notice filing under  
30 this section if such dealer provides to the office:

31

1           1. A notice filing in the form that the commission may  
2 by rule require;

3           2. A consent to service of process;

4           3. Evidence that the Canadian dealer is registered as  
5 a dealer in the jurisdiction in which its main office is  
6 located and files evidence of such registration with the  
7 office; and

8           4. Evidence that the Canadian dealer is a member of a  
9 self-regulatory organization or stock exchange in Canada.

10           (d) The office may issue a permit to evidence the  
11 effectiveness of a notice filing for a Canadian dealer.

12           (e) A notice filing is effective upon receipt. A  
13 notice filing expires on December 31 of the year in which the  
14 filing becomes effective unless the Canadian dealer has  
15 renewed the filing on or before that date. A Canadian dealer  
16 may annually renew a notice filing by furnishing to the office  
17 such information as the office may require together with a  
18 renewal fee of \$200 and the payment of any amount due and  
19 owing the office pursuant to any agreement with the office.  
20 Any Canadian dealer who has not renewed a notice filing by the  
21 time a current notice filing expires may request reinstatement  
22 of such notice filing by filing with the office, on or before  
23 January 31 of the year following the year the notice filing  
24 expires, such information as the commission may require, by  
25 rule, together with the payment of \$200 and a late fee equal  
26 to \$200. Any reinstatement of a notice filing granted by the  
27 office during the month of January shall be deemed effective  
28 retroactively to January 1 of that year.

29           (f) An associated person who represents a Canadian  
30 dealer who has made a notice filing under this section is  
31 exempt from the registration requirements of s. 517.12, and

1 may effect transactions in securities in this state as  
2 permitted for a dealer under subsection (a) if such person is  
3 registered in the jurisdiction from which he or she is  
4 effecting transactions into this state.

5 (g) A Canadian dealer who has made a notice of filing  
6 under this section shall:

7 1. Maintain its provincial or territorial registration  
8 and its membership in a self-regulatory organization or stock  
9 exchange in good standing.

10 2. Provide the office upon request with its books and  
11 records relating to its business in this state as a dealer.

12 3. Provide the office upon request notice of each  
13 civil, criminal, or administrative action initiated against  
14 the dealer.

15 4. Disclose to its clients in this state that the  
16 dealer and its associated persons are not subject to the full  
17 regulatory requirements under this chapter.

18 5. Correct any inaccurate information within 30 days  
19 if the information contained in the notice of filing becomes  
20 inaccurate for any reason.

21 (h) An associated person representing a Canadian  
22 dealer who has made a notice of filing under this section  
23 shall:

24 1. Maintain provincial or territorial registration in  
25 good standing.

26 2. Provide the office upon request with notice of each  
27 civil, criminal, or administrative action initiated against  
28 such person.

29 (i) A notice filing may be terminated by filing notice  
30 of such termination with the office. Unless another date is  
31

1 specified by the Canadian dealer, such notice shall be  
2 effective upon its receipt by the office.

3 (j) All fees collected under this section become the  
4 revenue of the state, except for those assessments provided  
5 for under s. 517.131(1), until such time as the Securities  
6 Guaranty Fund satisfies the statutory limits, and, these fees  
7 are not returnable in the event that a notice filing is  
8 withdrawn.~~A dealer that is located in Canada and has no~~  
9 ~~office or other physical presence in this state may, provided~~  
10 ~~the dealer is registered in accordance with this section,~~  
11 ~~effect transactions in securities with or for, or induce or~~  
12 ~~attempt to induce the purchase or sale of any security by:~~

13 ~~1. A person from Canada who temporarily resides in~~  
14 ~~this state and with whom the Canadian dealer had a bona fide~~  
15 ~~dealer-client relationship before the person entered the~~  
16 ~~United States; or~~

17 ~~2. A person from Canada who is a resident of this~~  
18 ~~state, and whose transactions are in a self-directed tax~~  
19 ~~advantage retirement plan in Canada of which the person is the~~  
20 ~~holder or contributor.~~

21 ~~(b) An associated person who represents a Canadian~~  
22 ~~dealer registered under this section may, provided the agent~~  
23 ~~is registered in accordance with this section, effect~~  
24 ~~transactions in securities in this state as permitted for a~~  
25 ~~dealer, under subsection (a).~~

26 ~~(c) A Canadian dealer may register under this section~~  
27 ~~provided that such dealer:~~

28 ~~1. Files an application in the form required by the~~  
29 ~~jurisdiction in which the dealer has a head office.~~

30 ~~2. Files a consent to service of process.~~

31

1           ~~3. Is registered as a dealer in good standing in the~~  
2 ~~jurisdiction from which it is effecting transactions into this~~  
3 ~~state and files evidence of such registration with the office.~~

4           ~~4. Is a member of a self-regulatory organization or~~  
5 ~~stock exchange in Canada.~~

6           ~~(d) An associated person who represents a Canadian~~  
7 ~~dealer registered under this section in effecting transactions~~  
8 ~~in securities in this state may register under this section~~  
9 ~~provided that such person:~~

10           ~~1. Files an application in the form required by the~~  
11 ~~jurisdiction in which the dealer has its head office.~~

12           ~~2. Is registered in good standing in the jurisdiction~~  
13 ~~from which he or she is effecting transactions into this state~~  
14 ~~and files evidence of such registration with the office.~~

15           ~~(e) If the office finds that the applicant is of good~~  
16 ~~repute and character and has complied with the provisions of~~  
17 ~~this chapter, the office shall register the applicant.~~

18           ~~(f) A Canadian dealer registered under this section~~  
19 ~~shall:~~

20           ~~1. Maintain its provincial or territorial registration~~  
21 ~~and its membership in a self-regulatory organization or stock~~  
22 ~~exchange in good standing.~~

23           ~~2. Provide the office upon request with its books and~~  
24 ~~records relating to its business in this state as a dealer.~~

25           ~~3. Provide the office notice of each civil, criminal,~~  
26 ~~or administrative action initiated against the dealer.~~

27           ~~4. Disclose to its clients in this state that the~~  
28 ~~dealer and its agents are not subject to the full regulatory~~  
29 ~~requirements under this chapter.~~

30           ~~5. Correct any inaccurate information within 30 days,~~  
31 ~~if the information contained in the application form becomes~~



1 ~~inaccurate for any reason before or after the dealer becomes~~  
2 ~~registered.~~

3 ~~(g) An associated person of a Canadian dealer~~  
4 ~~registered under this section shall:~~

5 ~~1. Maintain provincial or territorial registration in~~  
6 ~~good standing.~~

7 ~~2. Provide the office with notice of each civil,~~  
8 ~~criminal, or administrative action initiated against such~~  
9 ~~person.~~

10 ~~3. Through the dealer, correct any inaccurate~~  
11 ~~information within 30 days, if the information contained in~~  
12 ~~the application form becomes inaccurate for any reason before~~  
13 ~~or after the associated person becomes registered.~~

14 ~~(h) Renewal applications for Canadian dealers and~~  
15 ~~associated persons under this section must be filed before~~  
16 ~~December 31 each year. Every applicant for registration or~~  
17 ~~renewal registration under this section shall pay the fee for~~  
18 ~~dealers and associated persons under this chapter.~~

19 Section 27. Paragraphs (b) and (e) of subsection (3)  
20 of section 517.131, Florida Statutes, are amended, and  
21 subsection (5) is added to that section, to read:

22 517.131 Securities Guaranty Fund.--

23 (3) Any person is eligible to seek recovery from the  
24 Securities Guaranty Fund if:

25 (b) Such person has made all reasonable searches and  
26 inquiries to ascertain whether the judgment debtor possesses  
27 real or personal property or other assets subject to being  
28 sold or applied in satisfaction of the judgment, and by her or  
29 his search the person has discovered no property or assets; or  
30 she or he has discovered property and assets and has taken all  
31 necessary action and proceedings for the application thereof

1 to the judgment, but the amount thereby realized was  
2 insufficient to satisfy the judgment. To verify compliance  
3 with such condition, the office may require such person to  
4 have a writ of execution be issued upon such judgment, ~~and~~ may  
5 further require a showing that no personal or real property of  
6 the judgment debtor liable to be levied upon in complete  
7 satisfaction of the judgment can be found, or may require an  
8 affidavit from the claimant setting forth the reasonable  
9 searches and inquiries undertaken and the result.

10 (e) The office waives compliance with the requirements  
11 of paragraph (a) or paragraph (b). The office may waive such  
12 compliance if the dealer, investment adviser, or associated  
13 person which is the subject of the claim filed with the office  
14 is the subject of any proceeding in which a receiver has been  
15 appointed by a court of competent jurisdiction. If the office  
16 waives such compliance, the office may, upon petition by the  
17 claimant, the debtor, or the court-appointed trustee,  
18 examiner, or receiver, distribute funds from the Securities  
19 Guaranty Fund up to the amount allowed under s. 517.141. Any  
20 waiver granted pursuant to this section shall be considered a  
21 judgment for purposes of complying with the requirements of  
22 this section and of s. 517.141.

23 (5) The commission may by rule specify the procedures  
24 for complying with the requirements of subsections (2), (3),  
25 and (4), including rules for the form of submission and  
26 guidelines for the sufficiency and content of submissions of  
27 notices and claims.

28 Section 28. Subsections (2) and (5) of section  
29 517.141, Florida Statutes, are amended, and subsection (11) is  
30 added to that section, to read:

31 517.141 Payment from the fund.--

1           (2) Regardless of the number of claims or claimants  
2 involved, payments for claims shall be limited in the  
3 aggregate to \$100,000 against any one dealer, investment  
4 adviser, or associated person. If the total claims exceed the  
5 aggregate limit of \$100,000, the office shall prorate the  
6 payment based upon the ratio that the person's claim bears to  
7 the total claims filed.

8           (5) If the final judgment that ~~which~~ gave rise to the  
9 claim is overturned in any appeal or in any collateral  
10 proceeding, the claimant shall reimburse the fund all amounts  
11 paid to the claimant on the claim. If the claimant satisfies  
12 the judgment referred to in s. 517.131(3)(a), the claimant  
13 shall reimburse the fund all amounts paid to the claimant on  
14 the claim.Such reimbursement shall be paid to the office  
15 within 60 days after the final resolution of the appellate or  
16 collateral proceedings, with the 60-day period commencing on  
17 the date the final order or decision is entered in such  
18 proceedings.

19           (11) The commission may by rule specify the procedures  
20 for complying with this section, including rules for the form  
21 of submission and guidelines for the sufficiency and content  
22 of submissions of notices and claims.

23           Section 29. Subsection (1) of section 517.161, Florida  
24 Statutes, is amended to read:

25           517.161 Revocation, denial, or suspension of  
26 registration of dealer, investment adviser, associated person,  
27 or branch office.--

28           (1) Registration under s. 517.12 may be denied or any  
29 registration granted may be revoked, restricted, or suspended  
30 by the office if the office determines that such applicant or  
31 registrant:

- 1           (a) Has violated any provision of this chapter or any  
2 rule or order made under this chapter;
- 3           (b) Has made a material false statement in the  
4 application for registration;
- 5           (c) Has been guilty of a fraudulent act in connection  
6 with rendering investment advice or in connection with any  
7 sale of securities, has been or is engaged or is about to  
8 engage in making fictitious or pretended sales or purchases of  
9 any such securities or in any practice involving the rendering  
10 of investment advice or the sale of securities which is  
11 fraudulent or in violation of the law;
- 12           (d) Has made a misrepresentation or false statement  
13 to, or concealed any essential or material fact from, any  
14 person in the rendering of investment advice or the sale of a  
15 security to such person;
- 16           (e) Has failed to account to persons interested for  
17 all money and property received;
- 18           (f) Has not delivered, after a reasonable time, to  
19 persons entitled thereto securities held or agreed to be  
20 delivered by the dealer, broker, or investment adviser, as and  
21 when paid for, and due to be delivered;
- 22           (g) Is rendering investment advice or selling or  
23 offering for sale securities through any associated person not  
24 registered in compliance with the provisions of this chapter;
- 25           (h) Has demonstrated unworthiness to transact the  
26 business of dealer, investment adviser, or associated person;
- 27           (i) Has exercised management or policy control over or  
28 owned 10 percent or more of the securities of any dealer or  
29 investment adviser that has been declared bankrupt, or had a  
30 trustee appointed under the Securities Investor Protection  
31

1 Act; or is, in the case of a dealer or investment adviser,  
2 insolvent;  
3 (j) Has been convicted of, or has entered a plea of  
4 guilty or nolo contendere to, a crime against the laws of this  
5 state or any other state or of the United States or of any  
6 other country or government which relates to registration as a  
7 dealer, investment adviser, issuer of securities, associated  
8 person, or branch office; which relates to the application for  
9 such registration; or which involves moral turpitude or  
10 fraudulent or dishonest dealing;  
11 (k) Has had a final judgment entered against her or  
12 him in a civil action upon grounds of fraud, embezzlement,  
13 misrepresentation, or deceit;  
14 (l) Is of bad business repute; ~~or~~  
15 (m) Has been the subject of any decision, finding,  
16 injunction, suspension, prohibition, revocation, denial,  
17 judgment, or administrative order by any court of competent  
18 jurisdiction, administrative law judge, or by any state or  
19 federal agency, national securities, commodities, or option  
20 exchange, or national securities, commodities, or option  
21 association, involving a violation of any federal or state  
22 securities or commodities law or any rule or regulation  
23 promulgated thereunder, or any rule or regulation of any  
24 national securities, commodities, or options exchange or  
25 national securities, commodities, or options association, or  
26 has been the subject of any injunction or adverse  
27 administrative order by a state or federal agency regulating  
28 banking, insurance, finance or small loan companies, real  
29 estate, mortgage brokers, or other related or similar  
30 industries. For purposes of this subsection, the office may  
31 not deny registration to any applicant who has been

1 continuously registered with the office for 5 years from the  
2 entry of such decision, finding, injunction, suspension,  
3 prohibition, revocation, denial, judgment, or administrative  
4 order provided such decision, finding, injunction, suspension,  
5 prohibition, revocation, denial, judgment, or administrative  
6 order has been timely reported to the office pursuant to the  
7 commission's rules; ~~or-~~

8 (n) Made payment to the office for a license or permit  
9 with a check or electronic transmission of funds that fails to  
10 clear the applicant's or registrant's financial institution.

11 Section 30. Subsection (2) of section 520.03, Florida  
12 Statutes, is amended to read:

13 520.03 Licenses.--

14 (2) An application for a license under this part must  
15 be submitted to the office in such form as the commission may  
16 prescribe by rule. If the office determines that an  
17 application should be granted, it shall issue the license for  
18 a period not to exceed 2 years. A nonrefundable application  
19 fee of \$175 shall accompany an initial application for the  
20 principal place of business and each application for a branch  
21 location of a retail installment seller who is required to be  
22 licensed under this chapter. An application shall be deemed  
23 received for purposes of s. 120.60 upon receipt of a completed  
24 application form as prescribed by the commission by rule, a  
25 nonrefundable application fee of \$175, and any other fee  
26 prescribed by law or rule.

27 Section 31. Subsection (2) of section 520.32, Florida  
28 Statutes, is amended to read:

29 520.32 Licenses.--

30 (2) An application for a license under this part must  
31 be submitted to the office in such form as the commission may

1 prescribe by rule. If the office determines that an  
2 application should be granted, it shall issue the license for  
3 a period not to exceed 2 years. A nonrefundable application  
4 fee of \$175 shall accompany an initial application for the  
5 principal place of business and each application for a branch  
6 location of a retail installment seller. An application shall  
7 be deemed received for purposes of s. 120.60 upon receipt of a  
8 completed application form as prescribed by the commission by  
9 rule, a nonrefundable application fee of \$175, and any other  
10 fee prescribed by law or rule.

11 Section 32. Subsection (2) of section 520.52, Florida  
12 Statutes, is amended to read:

13 520.52 Licensees.--

14 (2) An application for a license under this part must  
15 be submitted to the office in such form as the commission may  
16 prescribe by rule. If the office determines that an  
17 application should be granted, it shall issue the license for  
18 a period not to exceed 2 years. A nonrefundable application  
19 fee of \$175 shall accompany an initial application for the  
20 principal place of business and each branch location of a  
21 sales finance company. An application shall be deemed received  
22 for purposes of s. 120.60 upon receipt of a completed  
23 application form as prescribed by the commission by rule, a  
24 nonrefundable application fee of \$175, and any other fee  
25 prescribed by law or rule.

26 Section 33. Subsection (2) of section 520.63, Florida  
27 Statutes, is amended to read:

28 520.63 Licensees.--

29 (2) An application for a license under this part must  
30 be submitted to the office in such form as the commission may  
31 prescribe by rule. If the office determines that an

1 application should be granted, it shall issue the license for  
2 a period not to exceed 2 years. A nonrefundable application  
3 fee of \$175 shall accompany an initial application for the  
4 principal place of business and each application for a branch  
5 location of a home improvement finance seller. An application  
6 shall be deemed received for purposes of s. 120.60 upon  
7 receipt of a completed application form as prescribed by the  
8 commission by rule, a nonrefundable application fee of \$175,  
9 and any other fee prescribed by law or rule.

10 Section 34. Subsection (5) of section 520.994, Florida  
11 Statutes, is amended to read:

12 520.994 Powers of office.--

13 (5) The office shall administer and enforce this  
14 chapter. The commission has authority to adopt rules pursuant  
15 to ss. 120.536(1) and 120.54 to implement the provisions of  
16 this chapter. The commission may adopt rules to require ~~allow~~  
17 electronic submission of any form, document, or fee required  
18 by this chapter, provided such rules reasonably accommodate  
19 technological or financial hardship. The commission may  
20 prescribe by rule requirements and procedures for obtaining a  
21 technological or financial hardship exemption.

22 Section 35. Paragraph (j) is added to subsection (1)  
23 of section 520.995, Florida Statutes, to read:

24 520.995 Grounds for disciplinary action.--

25 (1) The following acts are violations of this chapter  
26 and constitute grounds for the disciplinary actions specified  
27 in subsection (2):

28 (j) Payment to the office for a license or permit with  
29 a check or electronic transmission of funds that fails to  
30 clear the applicant's or licensee's financial institution.

31



1           Section 36. Subsection (4) of section 520.997, Florida  
2 Statutes, is amended to read:

3           520.997 Books, accounts, and records.--

4           (4) The commission may prescribe by rule the minimum  
5 information to be shown in the books, accounts, documents, and  
6 records of licensees so that such records will enable the  
7 office to determine compliance with the provisions of this  
8 chapter. In addition, the commission may prescribe by rule the  
9 requirements for destruction of books, accounts, records, and  
10 documents retained by the licensee after completion of the  
11 time period specified in subsection (3). Notwithstanding the  
12 2-year retention period specified in subsection (3), if the  
13 office identifies a statute of limitations in another civil or  
14 criminal state or federal law or rule that is reasonably  
15 related by subject matter to the administration of this  
16 chapter, the commission may identify that statute of  
17 limitations by rule and may prohibit the destruction of  
18 records required to be maintained by this chapter for a period  
19 of time established by rule that is reasonably related to such  
20 statute of limitations. The commission shall prescribe by rule  
21 those documents or records that are to be preserved that are  
22 related to the identified statute of limitations.

23           Section 37. Subsection (5) of section 537.009, Florida  
24 Statutes, is amended to read:

25           537.009 Recordkeeping; reporting; safekeeping of  
26 property.--

27           (5) The commission may prescribe by rule the books,  
28 accounts, documents, and records, and the minimum information  
29 to be shown in the books, accounts, documents, and records, of  
30 licensees so that such records will enable the office to  
31 determine compliance with the provisions of this act. In

1 addition, the commission may prescribe by rule the  
2 requirements for destruction of books, accounts, records, and  
3 documents retained by the licensee after completion of the  
4 time period specified in subsection (3). Notwithstanding the  
5 2-year retention period specified in subsection (3), if the  
6 office identifies a statute of limitations in another civil or  
7 criminal state or federal law or rule that is reasonably  
8 related by subject matter to the administration of this  
9 chapter, the commission may identify that statute of  
10 limitations by rule and may prohibit the destruction of  
11 records required to be maintained by this chapter for a period  
12 of time established by rule that is reasonably related to such  
13 statute of limitations. The commission shall prescribe by rule  
14 those documents or records that are to be preserved that are  
15 related to the identified statute of limitations.

16 Section 38. Subsection (3) is added to section  
17 560.105, Florida Statutes, to read:

18 560.105 Supervisory powers; rulemaking.--

19 (3) The commission may adopt rules which require  
20 electronic submission of any forms, documents, or fees  
21 required by this act, provided such rules reasonably  
22 accommodate technological or financial hardship. The  
23 commission may prescribe by rule requirements and procedures  
24 for obtaining a technological or financial hardship exemption.

25 Section 39. Paragraph (y) is added to subsection (1)  
26 of section 560.114, Florida Statutes, to read:

27 560.114 Disciplinary actions.--

28 (1) The following actions by a money transmitter or  
29 money transmitter-affiliated party are violations of the code  
30 and constitute grounds for the issuance of a cease and desist  
31 order, the issuance of a removal order, the denial of a

1 registration application or the suspension or revocation of  
2 any registration previously issued pursuant to the code, or  
3 the taking of any other action within the authority of the  
4 office pursuant to the code:

5 (y) Payment to the office for a license or permit with  
6 a check or electronic transmission of funds that fails to  
7 clear the applicant's or licensee's financial institution.

8 Section 40. Paragraph (b) of subsection (2) of section  
9 560.118, Florida Statutes, is amended to read:

10 560.118 Examinations, reports, and internal audits;  
11 penalty.--

12 (2)

13 (b) The commission may, by rule, require each money  
14 transmitter or authorized vendor to submit quarterly reports  
15 to the office. The commission may adopt rules which require  
16 electronic submission of any forms, documents, or fees  
17 required by this act, provided such rules reasonably  
18 accommodate technological or financial hardship. The  
19 commission may prescribe by rule requirements and procedures  
20 for obtaining a technological or financial hardship exemption.

21 The commission may require that each report contain a  
22 declaration by an officer, or any other responsible person  
23 authorized to make such declaration, that the report is true  
24 and correct to the best of her or his knowledge and belief.  
25 Such report must include such information as the commission by  
26 rule requires for that type of money transmitter.

27 Section 41. Subsection (2) of section 560.121, Florida  
28 Statutes, is amended to read:

29 560.121 Records; limited restrictions upon public  
30 access.--

31

1           (2) The commission may prescribe by rule the minimum  
2 information to be shown in the books, accounts, records, and  
3 documents of licensees for purposes of enabling the office to  
4 determine the licensee's compliance with ss. 560.101-560.408.  
5 In addition, the commission may prescribe by rule the  
6 requirements for destruction of books, accounts, records, and  
7 documents retained by the licensee after completion of the  
8 time period specified in this subsection. Notwithstanding the  
9 3-year retention period specified in this subsection, if the  
10 office identifies a statute of limitations in another civil or  
11 criminal state or federal law or rule that is reasonably  
12 related by subject matter to the administration of this  
13 chapter, the commission may identify that statute of  
14 limitations by rule and may prohibit the destruction of  
15 records required to be maintained by this chapter for a period  
16 of time established by rule that is reasonably related to such  
17 statute of limitations. The commission shall prescribe by rule  
18 those documents or records that are to be preserved that are  
19 related to the identified statute of limitations. Examination  
20 reports, investigatory records, applications, and related  
21 information compiled by the office, or photographic copies  
22 thereof, shall be retained by the office for a period of at  
23 least 3 ~~10~~ years after the date the examination or  
24 investigation is closed or ceases to be active or the  
25 registration ceases to be active.

26           Section 42. Section 560.205, Florida Statutes, is  
27 amended to read:

28           560.205 Qualifications of applicant for registration;  
29 contents.--

30           (1) To qualify for registration under this part, an  
31 applicant must demonstrate to the office such character and

1 general fitness as to command the confidence of the public and  
2 warrant the belief that the registered business will be  
3 operated lawfully and fairly. The office may investigate each  
4 applicant to ascertain whether the qualifications and  
5 requirements prescribed by this part have been met. The  
6 office's investigation may include a criminal background  
7 investigation of all controlling shareholders, principals,  
8 officers, directors, members, and responsible persons of a  
9 funds transmitter and a payment instrument seller and all  
10 persons designated by a funds transmitter or payment  
11 instrument seller as an authorized vendor. Each controlling  
12 shareholder, principal, officer, director, member, and  
13 responsible person of a funds transmitter or payment  
14 instrument seller, unless the applicant is a publicly traded  
15 corporation as defined by the commission by rule, a subsidiary  
16 thereof, or a subsidiary of a bank or bank holding company  
17 organized and regulated under the laws of any state or the  
18 United States, shall file a complete set of fingerprints.  
19 Fingerprint cards submitted to the office shall be taken by an  
20 authorized law enforcement officer if such fingerprint card is  
21 submitted to the office in paper form. In addition to the fees  
22 prescribed in s. 215.405, the commission may prescribe by rule  
23 an additional fee, not to exceed \$30, for processing the  
24 fingerprints. The commission may prescribe by rule procedures  
25 for submitting fingerprints and fees by electronic means to  
26 the office or to a third party approved by the office. In  
27 order to implement the submission and processing of  
28 fingerprints as specified by rule pursuant to this section,  
29 the office may contract with any other state agency that  
30 provides fingerprinting services.Such fingerprints must be  
31 submitted to the Department of Law Enforcement or the Federal

1 Bureau of Investigation for state and federal processing. The  
2 commission may waive by rule the requirement that applicants  
3 file a set of fingerprints or the requirement that such  
4 fingerprints be processed by the Department of Law Enforcement  
5 or the Federal Bureau of Investigation.

6 (2) Each application for registration must be  
7 submitted under oath to the office on such forms as the  
8 commission prescribes by rule and must be accompanied by a  
9 nonrefundable application fee. The commission may establish by  
10 rule procedures for depositing fees and filing documents by  
11 electronic means. Such fee may not exceed \$500 for each  
12 payment instrument seller or funds transmitter and \$50 for  
13 each authorized vendor or location operating within this  
14 state. The application ~~forms~~ shall contain ~~set forth~~ such  
15 information as the commission ~~reasonably~~ requires by rule,  
16 including, but not limited to:

17 (a) The name and address of the applicant, including  
18 any fictitious or trade names used by the applicant in the  
19 conduct of its business.

20 (b) The history of the applicant's material  
21 litigation, criminal convictions, pleas of nolo contendere,  
22 and cases of adjudication withheld.

23 (c) A description of the activities conducted by the  
24 applicant, the applicant's history of operations, and the  
25 business activities in which the applicant seeks to engage in  
26 this state.

27 ~~(d) A list identifying the applicant's proposed~~  
28 ~~authorized vendors in this state, including the location or~~  
29 ~~locations in this state at which the applicant and its~~  
30 ~~authorized vendors propose to conduct registered activities.~~

31

1           (d)~~(e)~~ A sample authorized vendor contract, if  
2 applicable.

3           (e)~~(f)~~ A sample form of payment instrument, if  
4 applicable.

5           (f)~~(g)~~ The name and address of the clearing financial  
6 institution or financial institutions through which the  
7 applicant's payment instruments will be drawn or through which  
8 such payment instruments will be payable.

9           (g)~~(h)~~ Documents revealing that the net worth and  
10 bonding requirements specified in s. 560.209 have been or will  
11 be fulfilled.

12           (3) Each application for registration by an applicant  
13 that is a corporation shall contain ~~also set forth~~ such  
14 information as the commission ~~reasonably~~ requires by rule,  
15 including, but not limited to:

16           (a) The date of the applicant's incorporation and  
17 state of incorporation.

18           (b) A certificate of good standing from the state or  
19 country in which the applicant was incorporated.

20           (c) A description of the corporate structure of the  
21 applicant, including the identity of any parent or subsidiary  
22 of the applicant, and the disclosure of whether any parent or  
23 subsidiary is publicly traded on any stock exchange.

24           (d) The name, business and residence addresses, and  
25 employment history for the past 5 years for each executive  
26 officer, each director, each controlling shareholder, and the  
27 responsible person who will be in charge of all the  
28 applicant's business activities in this state.

29           (e) The history of material litigation and criminal  
30 convictions, pleas of nolo contendere, and cases of  
31 adjudication withheld for each executive officer, each

1 director, each controlling shareholder, and the responsible  
2 person who will be in charge of the applicant's registered  
3 activities.

4 (f) Copies of the applicant's audited financial  
5 statements for the current year and, if available, for the  
6 immediately preceding 2-year period. In cases where the  
7 applicant is a wholly owned subsidiary of another corporation,  
8 the parent's consolidated audited financial statements may be  
9 submitted to satisfy this requirement. An applicant who is not  
10 required to file audited financial statements may satisfy this  
11 requirement by filing unaudited financial statements verified  
12 under penalty of perjury, as provided by the commission by  
13 rule.

14 (g) An applicant who is not required to file audited  
15 financial statements may file copies of the applicant's  
16 unconsolidated, unaudited financial statements for the current  
17 year and, if available, for the immediately preceding 2-year  
18 period.

19 (h) If the applicant is a publicly traded company,  
20 copies of all filings made by the applicant with the United  
21 States Securities and Exchange Commission, or with a similar  
22 regulator in a country other than the United States, within  
23 the year preceding the date of filing of the application.

24 (4) Each application for registration submitted to the  
25 office by an applicant that is not a corporation shall contain  
26 ~~also set forth~~ such information as the commission ~~reasonably~~  
27 requires by rule, including, but not limited to:

28 (a) Evidence that the applicant is registered to do  
29 business in this state.

30 (b) The name, business and residence addresses,  
31 personal financial statement and employment history for the



1 past 5 years for each individual having a controlling  
2 ownership interest in the applicant, and each responsible  
3 person who will be in charge of the applicant's registered  
4 activities.

5 (c) The history of material litigation and criminal  
6 convictions, pleas of nolo contendere, and cases of  
7 adjudication withheld for each individual having a controlling  
8 ownership interest in the applicant and each responsible  
9 person who will be in charge of the applicant's registered  
10 activities.

11 (d) Copies of the applicant's audited financial  
12 statements for the current year, and, if available, for the  
13 preceding 2 years. An applicant who is not required to file  
14 audited financial statements may satisfy this requirement by  
15 filing unaudited financial statements verified under penalty  
16 of perjury, as provided by the commission by rule.

17 (5) Each applicant shall designate and maintain an  
18 agent in this state for service of process.

19 (6) Changes in registration occasioned by changes in  
20 personnel of a partnership or in the principals, members,  
21 copartners, officers, directors, controlling shareholders, or  
22 responsible persons of a money transmitter or by changes of  
23 any material fact or method of doing business shall be  
24 reported by written amendment in such form and at such time as  
25 the commission shall specify by rule.

26 Section 43. Subsection (1) of section 560.207, Florida  
27 Statutes, is amended to read:

28 560.207 Renewal of registration; registration fee.--

29 (1) Registration may be renewed for a 24-month period  
30 or the remainder of any such period without proration  
31 following the date of its expiration, upon the filing with the

1 office of an application and other statements and documents as  
2 may reasonably be required of registrants by the commission.  
3 The commission may establish by rule procedures for depositing  
4 fees and filing documents by electronic means. However, the  
5 registrant must remain qualified for such registration under  
6 the provisions of this part.

7 Section 44. Subsection (1) of section 560.210, Florida  
8 Statutes, is amended to read:

9 560.210 Permissible investments.--

10 (1) A registrant shall at all times possess  
11 permissible investments with an aggregate market value  
12 calculated in accordance with United States generally accepted  
13 accounting principles of not less than the aggregate face  
14 amount of all outstanding funds transmissions ~~transmitted~~ and  
15 ~~outstanding~~ payment instruments issued or sold by the  
16 registrant or an authorized vendor in the United States.

17 Section 45. Subsection (2) of section 560.211, Florida  
18 Statutes, is amended to read:

19 560.211 Records.--

20 (2) The records required to be maintained by the code  
21 may be maintained by the registrant at any location, provided  
22 that the registrant notifies the office in writing of the  
23 location of the records in its application or otherwise by  
24 amendment as prescribed by the commission by rule. The  
25 registrant shall make such records available to the office for  
26 examination and investigation in this state, as permitted by  
27 the code, within 7 days after receipt of a written request.

28 Section 46. Section 560.305, Florida Statutes, is  
29 amended to read:

30 560.305 Application.--Each application for  
31 registration shall be in writing and under oath to the office,

1 in such form as the commission prescribes. The commission may  
2 establish by rule procedures for depositing fees and filing  
3 documents by electronic means.The application shall contain  
4 such information as the commission requires by rule,  
5 including, but not limited to ~~include the following:~~

6 (1) The legal name and residence and business  
7 addresses of the applicant if the applicant is a natural  
8 person, or, if the applicant is a partnership, association, or  
9 corporation, the name of every partner, officer, or director  
10 thereof.

11 (2) The location of the principal office of the  
12 applicant.

13 (3) The complete address of any other locations at  
14 which the applicant proposes to engage in such activities  
15 since the provisions of registration apply to each and every  
16 operating location of a registrant.

17 (4) Such other information as the commission or office  
18 reasonably requires with respect to the applicant or any money  
19 transmitter-affiliated party of the applicant; however, the  
20 commission or office may not require more information than is  
21 specified in part II.

22 Section 47. Subsections (1) and (4) of section  
23 560.306, Florida Statutes, are amended, and subsection (6) is  
24 added to that section, to read:

25 560.306 Standards.--

26 (1) In order to qualify for registration under this  
27 part, an applicant must demonstrate to the office that he or  
28 she has such character and general fitness as will command the  
29 confidence of the public and warrant the belief that the  
30 registered business will be operated lawfully and fairly. The  
31 office may investigate each applicant to ascertain whether the

1 | qualifications and requirements prescribed by this part have  
2 | been met. The office's investigation may include a criminal  
3 | background investigation of all controlling shareholders,  
4 | principals, officers, directors, members, and responsible  
5 | persons of a check casher and a foreign currency exchanger and  
6 | all persons designated by a foreign currency exchanger or  
7 | check casher as an authorized vendor. Each controlling  
8 | shareholder, principal, officer, director, member, and  
9 | responsible person of a check casher or foreign currency  
10 | exchanger, unless the applicant is a publicly traded  
11 | corporation as defined by the commission by rule, a subsidiary  
12 | thereof, or a subsidiary of a bank or bank holding company  
13 | organized and regulated under the laws of any state or the  
14 | United States, shall file a complete set of fingerprints.  
15 | Fingerprint cards submitted to the office shall be taken by an  
16 | authorized law enforcement officer if such fingerprint card is  
17 | submitted to the office in paper form. In addition to the fees  
18 | prescribed in s. 215.405, the commission may prescribe by rule  
19 | an additional fee, not to exceed \$30, for processing the  
20 | fingerprints. The commission may prescribe by rule procedures  
21 | for submitting fingerprints and fees by electronic means to  
22 | the office or to a third party approved by the office. In  
23 | order to implement the submission and processing of  
24 | fingerprints as specified by rule pursuant to this section,  
25 | the office may contract with any other state agency that  
26 | provides fingerprinting services.Such fingerprints must be  
27 | submitted to the department of Law Enforcement or the Federal  
28 | Bureau of Investigation for state and federal processing. The  
29 | commission may waive by rule the requirement that applicants  
30 | file a set of fingerprints or the requirement that such  
31 |

1 fingerprints be processed by the Department of Law Enforcement  
2 or the Federal Bureau of Investigation.

3 (4) Each registration application and renewal  
4 application must specify the location at which the applicant  
5 proposes to establish its principal place of business and any  
6 other location, including authorized vendors operating in this  
7 state. The registrant shall notify the office of any changes  
8 to any such locations. ~~Any registrant may satisfy this~~  
9 ~~requirement by providing the office with a list of such~~  
10 ~~locations, including all authorized vendors operating in this~~  
11 ~~state, not less than annually.~~A registrant may not transact  
12 business as a check casher or a foreign currency exchanger  
13 except pursuant to the name under which it is registered.

14 (6) Changes in registration occasioned by changes in  
15 personnel of a partnership or in the principals, members,  
16 copartners, officers, directors, controlling shareholders, or  
17 responsible persons of a money transmitter or by changes of  
18 any material fact or method of doing business shall be  
19 reported by written amendment in such form and at such time as  
20 the commission shall specify by rule.

21 Section 48. Subsection (2) of section 560.308, Florida  
22 Statutes, is amended to read:

23 560.308 Registration terms; renewal; renewal fees.--

24 (2) The office shall renew registration upon receipt  
25 of a completed renewal form and payment of a nonrefundable  
26 renewal fee not to exceed \$500. The completed renewal form and  
27 payment of the renewal fee shall occur on or after June 1 of  
28 the year in which the existing registration expires. The  
29 commission may establish by rule procedures for depositing  
30 fees and filing documents by electronic means.

31

1           Section 49. Subsection (2) of section 560.310, Florida  
2 Statutes, is amended to read:

3           560.310 Records of check cashers and foreign currency  
4 exchangers.--

5           (2) The records required to be maintained by the code  
6 may be maintained by the registrant at any location, provided  
7 that the registrant notifies the office, in writing, of the  
8 location of the records in its application or otherwise by  
9 amendment as prescribed by the commission by rule. The  
10 registrant shall make such records available to the office for  
11 examination and investigation in this state, as permitted by  
12 the code, within 7 days after receipt of a written request.

13           Section 50. Section 626.565, Florida Statutes, is  
14 created to read:

15           626.565 Disposition of records.--

16           (1) An agent or other licensee of the department or  
17 office shall be responsible for the prudent disposition of  
18 records containing personal financial or health information  
19 regarding a consumer, policyholder, applicant, or insured  
20 after any applicable retention requirement has been met.  
21 Disposition shall be by a method that protects the  
22 confidentiality of any of the personal financial or health  
23 information. Each appointing entity shall comply with this  
24 requirement by the licensee in any appointment or  
25 representation agreement between the appointing entity and the  
26 licensee.

27           (2) The department or commission may adopt rules  
28 governing the disposition of records of personal financial or  
29 health information of a consumer, policyholder, applicant, or  
30 insured by agents and other licensees. The rules shall be  
31

1 designed to protect the confidential and sensitive nature of  
2 the information and avoid identity theft.

3           Section 51. This act shall take effect October 1,  
4 2004.

5  
6                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
7                   COMMITTEE SUBSTITUTE FOR  
8                   CS/CS/SB 1624

9 The committee substitute clarifies the limits on certain  
10 optional additional fees authorized by the bill, and clarifies  
11 that the Office of Financial Regulation may contract with  
12 another state agency for purposes of providing fingerprinting  
13 services.  
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