

By the Committees on Criminal Justice; Governmental Oversight and Productivity; Banking and Insurance; and Senator Sebesta

591-2014-05

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

1 authorizing the commission to prescribe fees  
2 and procedures for processing fingerprints;  
3 authorizing the office to contract for  
4 fingerprinting services; specifying that  
5 certain licenses are not transferable or  
6 assignable; amending s. 494.0033, F.S.;  
7 clarifying requirements for mortgage broker  
8 licensure; authorizing the commission to waive  
9 certain examination requirements under  
10 specified circumstances; authorizing the  
11 commission to prescribe additional testing  
12 fees; revising fingerprinting requirements;  
13 authorizing the commission to prescribe fees  
14 and procedures for processing fingerprints;  
15 authorizing the office to contract for certain  
16 fingerprinting services; specifying criteria  
17 for receipt of applications; deleting  
18 provisions relating to cancellation and  
19 reinstatement of licenses; amending s.  
20 494.0034, F.S.; clarifying the commission's  
21 authorization to prescribe license renewal  
22 forms; amending s. 494.0036, F.S.; clarifying  
23 provisions relating to issuance of licenses to  
24 mortgage brokerage business branch offices;  
25 specifying criteria for receipt of certain  
26 applications; amending s. 494.0041, F.S.;  
27 specifying an additional ground for  
28 disciplinary action; amending s. 494.006, F.S.;  
29 clarifying the application of an exemption from  
30 mortgage lender licensure requirements to  
31 certain entities; amending s. 494.0061, F.S.;

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

1           amending s. 494.0064, F.S.; clarifying a  
2           reference to professional continuing education  
3           for certain licensees; amending s. 494.0065,  
4           F.S.; specifying criteria for receipt of  
5           applications; specifying education and testing  
6           requirements for certain principal  
7           representatives and for certain applications or  
8           transfer applications; authorizing the  
9           commission to waive specified examination  
10          requirements under certain circumstances;  
11          authorizing the commission to prescribe  
12          additional testing fees; increasing a license  
13          transfer fee; revising fingerprinting  
14          requirements; authorizing the commission to  
15          prescribe fees and procedures for processing  
16          fingerprints; authorizing the office to  
17          contract for certain fingerprinting services;  
18          requiring mortgage lenders to designate a  
19          principal representative; providing criteria  
20          and requirements; requiring notice of a change  
21          in principal representatives; amending s.  
22          494.0066, F.S.; clarifying licensure  
23          requirements for branch offices; amending s.  
24          494.0067, F.S.; clarifying reference to  
25          professional continuing education requirements;  
26          amending s. 494.0072, F.S.; providing an  
27          additional ground for disciplinary action;  
28          amending s. 494.00721, F.S.; correcting  
29          cross-references; amending s. 501.137, F.S.;  
30          imposing certain costs and fees on a mortgage  
31          lender that fails to pay a property owner's tax

1 or insurance premiums from an escrow account;  
2 amending s. 516.03, F.S.; specifying criteria  
3 for receipt of certain applications; providing  
4 that specified fees are nonrefundable;  
5 authorizing the commission to require  
6 electronic submission of forms, documents, or  
7 fees; providing for accommodating a  
8 technological or financial hardship;  
9 authorizing the commission to make rules  
10 relating to obtaining such an accommodation;  
11 amending s. 516.031, F.S.; increasing a  
12 reimbursement charge for certain investigation  
13 costs; amending s. 516.05, F.S.; deleting  
14 provisions relating to fees for licenses that  
15 have been denied; amending s. 516.07, F.S.;  
16 providing an additional ground for disciplinary  
17 action; amending s. 516.12, F.S.; authorizing  
18 the commission to prescribe minimum information  
19 that must be shown in a licensee's books,  
20 accounts, records, and documents; authorizing  
21 the commission to prescribe requirements for  
22 destroying books, accounts, records, and  
23 documents; authorizing the commission to  
24 recognize alternative statutes of limitation  
25 for such destruction; providing for procedures;  
26 amending s. 517.061, F.S.; revising provisions  
27 related to exempt transactions; amending ss.  
28 517.051 and 517.081, F.S.; revising standards  
29 for accounting principles to be used in  
30 preparing certain financial statements;  
31 amending s. 517.12, F.S.; revising provisions

1 for taking and submitting fingerprints of  
2 dealers, associated persons, and similarly  
3 situated persons; revising provisions relating  
4 to expiration and renewal of registration of  
5 such persons; providing an exemption from  
6 registration requirements for a Canadian dealer  
7 and an associated person who represents a  
8 Canadian dealer, under certain conditions;  
9 providing for notice filing by a Canadian  
10 dealer under certain conditions; authorizing  
11 the Office of Financial Regulation of the  
12 Financial Services Commission to issue a permit  
13 to evidence the effectiveness of a notice  
14 filing for a Canadian dealer; providing for the  
15 renewal of a notice filing by a Canadian  
16 dealer; providing for reinstatement of a notice  
17 filing; providing obligations for a Canadian  
18 dealer who has given notice of filing;  
19 providing obligations for an associated person  
20 representing a Canadian dealer who has given  
21 notice of filing; providing for the termination  
22 of a notice of filing; providing for the  
23 collection of fees; amending s. 517.131, F.S.;  
24 revising conditions under which recovery can be  
25 made from the Securities Guaranty Fund;  
26 amending s. 517.141, F.S.; prescribing  
27 circumstances under which a claimant must  
28 reimburse the fund; providing for rulemaking;  
29 amending s. 517.161, F.S.; providing an  
30 additional ground for revocation, restriction,  
31 or suspension of a registration; amending ss.

1 520.03, 520.32, 520.52, and 520.63, F.S. ;  
2 specifying criteria for receipt of certain  
3 applications; providing that certain fees are  
4 nonrefundable; amending s. 520.994, F.S. ;  
5 authorizing the commission to require  
6 electronic submission of forms, documents, or  
7 fees; providing for accommodating a  
8 technological or financial hardship; providing  
9 for rulemaking; amending s. 520.995, F.S. ;  
10 providing an additional ground for disciplinary  
11 action; amending ss. 520.997 and 537.009, F.S. ;  
12 authorizing the commission to prescribe certain  
13 minimum information that must be shown in a  
14 licensee's books, accounts, records, and  
15 documents; authorizing the commission to  
16 prescribe requirements for destroying books,  
17 accounts, records, and documents; authorizing  
18 the commission to recognize alternative  
19 statutes of limitation for such destruction;  
20 providing for procedures; amending ss. 560.105  
21 and 560.118, F.S. ; authorizing the commission  
22 to require electronic submission of forms,  
23 documents, or fees; providing for accommodating  
24 a technological or financial hardship; amending  
25 s. 560.114, F.S. ; providing an additional  
26 ground for disciplinary action; amending s.  
27 560.121, F.S. ; authorizing the commission to  
28 prescribe certain minimum information that must  
29 be shown in a licensee's books, accounts,  
30 records, and documents; authorizing the  
31 commission to prescribe requirements for

1           destroying books, accounts, records, and  
2           documents; authorizing the commission to  
3           recognize alternative statutes of limitation  
4           for such destruction; providing for procedures;  
5           decreasing the required time period for the  
6           office to retain certain reports, records,  
7           applications, and related information; amending  
8           s. 560.126, F.S.; requiring notice of changes  
9           in information contained in a registration  
10          application; amending s. 560.205, F.S.;  
11          revising fingerprinting requirements;  
12          authorizing the commission to prescribe fees  
13          and procedures for processing fingerprints;  
14          authorizing the office to contract for certain  
15          fingerprinting services; authorizing the  
16          commission to establish procedures for  
17          depositing fees and filing documents  
18          electronically; deleting a requirement that an  
19          applicant provide a list of certain vendors;  
20          requiring the reporting of certain changes of  
21          registration by written amendment; amending s.  
22          560.207, F.S.; authorizing the commission to  
23          establish procedures for depositing fees and  
24          filing documents electronically; revising  
25          procedures for renewing a registration;  
26          providing that specified fees are  
27          nonrefundable; providing conditions to the  
28          reinstatement of a registration; amending s.  
29          560.210, F.S.; revising permissible investment  
30          requirements for certain registrants; amending  
31          ss. 560.211 and 560.310, F.S.; requiring notice



1 to the office of the location of certain  
2 amended records; amending ss. 560.305 and  
3 560.308, F.S.; revising procedures for renewing  
4 a registration; providing that specified fees  
5 are nonrefundable; providing conditions to the  
6 reinstatement of a registration; authorizing  
7 the commission to establish procedures for  
8 depositing fees and filing documents  
9 electronically; amending s. 560.306, F.S.;  
10 revising 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 the  
15 reporting of certain changes of registration by  
16 written amendment; specifying in general that  
17 accounting principles are those generally  
18 accepted in the United States; specifying  
19 commission authority by rules; amending s.  
20 560.403, F.S.; revising requirements for giving  
21 notice of intent in connection with the renewal  
22 of registration; providing that specified fees  
23 are nonrefundable; providing conditions to the  
24 reinstatement of a notice of intent; amending  
25 s. 655.935, F.S.; authorizing the search of a  
26 safe-deposit box co-leased by a decedent;  
27 providing limitations; amending s. 655.936,  
28 F.S.; providing for the delivery of a  
29 safe-deposit box to a court-appointed personal  
30 representative; amending s. 655.937, F.S.;  
31 revising provisions for access to safe-deposit

1 boxes; amending s. 733.6065, F.S.; revising  
2 provisions related to the initial opening of a  
3 safe-deposit box leased or co-leased by a  
4 decedent; amending s. 817.801, F.S.; defining  
5 the term "creditor contribution"; amending s.  
6 817.802, F.S.; revising the amount of money  
7 that a person who engages in debt management or  
8 credit counseling services can charge a debtor  
9 residing in this state for such services;  
10 amending s. 817.804, F.S.; requiring a person  
11 engaged in debt management or credit counseling  
12 services to obtain an annual audit that  
13 includes all accounts of such person in which  
14 funds of debtors are deposited and from which  
15 payments are made to the creditors; amending s.  
16 817.805, F.S.; requiring a person engaged in  
17 debt management or credit counseling services  
18 to disburse to the creditors all funds from a  
19 debtor, less fees and any creditor  
20 contributions; providing appropriations;  
21 providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Subsection (2) of section 494.0011, Florida  
26 Statutes, is amended, and subsection (6) is added to that  
27 section, to read:

28 494.0011 Powers and duties of the commission and  
29 office.--

30 (2) The commission may ~~has authority to~~ adopt rules  
31 pursuant to ss. 120.536(1) and 120.54 to implement ss.

1 494.001-494.0077. The commission may adopt rules that require  
2 ~~to allow~~ electronic submission of any forms, documents, or  
3 fees required by this act if such rules reasonably accommodate  
4 technological or financial hardship. The commission may  
5 prescribe by rule requirements and procedures for obtaining an  
6 exemption due to a technological or financial hardship. The  
7 commission may also adopt rules to accept certification of  
8 compliance with requirements of this act in lieu of requiring  
9 submission of documents.

10 (6) The granting or denial of a license must be in  
11 accordance with s. 120.60.

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

14 494.0016 Books, accounts, and records; maintenance;  
15 examinations by the office.--

16 (4) The commission may prescribe by rule the minimum  
17 information to be shown in the books, accounts, records, and  
18 documents of licensees so that such records will enable the  
19 office to determine the licensee's compliance with ss.  
20 494.001-494.0077. In addition, the commission may prescribe by  
21 rule the requirements for destruction of books, accounts,  
22 records, and documents retained by the licensee after  
23 completion of the time period indicated in subsection (3).  
24 Notwithstanding the 3-year retention period provided in  
25 subsection (3), if the office identifies a statute of  
26 limitations in a federal law or rule or another law or rule of  
27 this state which statute of limitations is reasonably related  
28 by subject matter to the administration of this chapter, the  
29 commission may identify that statute of limitations by rule  
30 and may prohibit the destruction of records required to be  
31 maintained by this chapter for a period of time, established

1 by rule, which is reasonably related to such statute of  
2 limitations. The commission shall prescribe by rule those  
3 documents or records that are to be preserved under the  
4 identified statute of limitations.

5 Section 3. Subsections (1) and (2) of section  
6 494.0029, Florida Statutes, are amended to read:

7 494.0029 Mortgage business schools.--

8 (1)(a) Each person, school, or institution, except  
9 accredited colleges, universities, community colleges, and  
10 career centers in this state, which offers or conducts  
11 mortgage business training as a condition precedent to  
12 licensure as a mortgage broker, mortgage ~~or~~ lender, or a  
13 correspondent mortgage lender shall obtain a permit from the  
14 office and abide by the regulations imposed upon such person,  
15 school, or institution by this chapter and rules adopted  
16 pursuant to this chapter. The commission shall, by rule,  
17 recertify the permits annually with initial and renewal permit  
18 fees that do not exceed \$500 plus the cost of accreditation.

19 (b) An application is considered received for purposes  
20 of s. 120.60 upon receipt of a completed application form as  
21 prescribed by commission rule, a nonrefundable application fee  
22 of \$500, and any other fee prescribed by law.

23 (c) A permit issued under this section is not  
24 transferable or assignable.

25 (2) All such schools shall maintain curriculum and  
26 training materials necessary to determine the school's  
27 compliance with this chapter and rules adopted under ~~pursuant~~  
28 ~~to~~ this chapter. Any school that offers or conducts mortgage  
29 business training shall at all times maintain an operation of  
30 training, materials, and curriculum which is open to review by  
31 the office to determine compliance and competency as a

1 mortgage business school. All such documents as prescribed by  
2 commission rule must be submitted with the initial application  
3 or recertification.

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

6 494.00295 Professional continuing education.--

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

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

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

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

1           494.003 Exemptions.--

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

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

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

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

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

25           Section 6. Section 494.0031, Florida Statutes, is  
26 amended to read:

27           494.0031 Licensure as a mortgage brokerage business.--

28           (1) Each person who acts as a mortgage brokerage  
29 business must be licensed under this section unless otherwise  
30 exempt from licensure.

31

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

6           (a) Has submitted a completed application form and a  
7 nonrefundable application fee of \$425.~~;~~ ~~and~~

8           (b) Has a qualified principal broker pursuant to s.  
9 494.0035.

10  
11 An application is considered received for purposes of s.  
12 120.60 upon receipt of a completed application form as  
13 prescribed by the commission by rule, a nonrefundable  
14 application fee of \$425, and any other fee prescribed by law.

15           ~~(3)(2)~~ The commission may require by rule that each  
16 officer, director, and ultimate equitable owner of a  
17 10-percent or greater interest in the mortgage brokerage  
18 business submit a complete set of fingerprints. A fingerprint  
19 card submitted to the office must be taken by an authorized  
20 law enforcement agency if the fingerprint card is submitted to  
21 the office in paper form officer. 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. In order to implement the submission and  
27 processing of fingerprints as specified by rule under this  
28 section, the office may contract with another state agency  
29 that provides fingerprinting services. The office shall submit  
30 the fingerprints to the Department of Law Enforcement for  
31 state processing, and the Department of Law Enforcement shall

1 forward them to the Federal Bureau of Investigation for  
2 national processing. The cost of the fingerprint processing  
3 may be borne by the office, the employer, or the person who is  
4 subject to the background check. The Department of Law  
5 Enforcement shall bill the office for the fingerprints  
6 submitted each month. The office shall screen the results of  
7 the background check to determine whether the applicant meets  
8 licensure requirements.

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

22       ~~(5)(4)~~ A mortgage brokerage business or branch office  
23 license may be canceled if it was issued through mistake or  
24 inadvertence of the office. A notice of cancellation must be  
25 issued by the office within 90 days after the issuance of the  
26 license. A notice of cancellation ~~is shall be~~ effective upon  
27 receipt. The notice of cancellation ~~must shall~~ provide the  
28 applicant with notification of the right to request a hearing  
29 within 21 days after the applicant's receipt of the notice of  
30 cancellation. A license ~~must shall~~ be reinstated if the  
31 applicant can demonstrate that the requirements for obtaining



1 the license under ~~pursuant to~~ this chapter have been  
2 satisfied.

3 ~~(6)(5) A license issued under this part is not~~  
4 ~~transferable or assignable. If an initial mortgage brokerage~~  
5 ~~business or branch office license has been issued but the~~  
6 ~~check upon which the license is based is returned due to~~  
7 ~~insufficient funds, the license shall be deemed canceled. A~~  
8 ~~license deemed canceled pursuant to this subsection shall be~~  
9 ~~reinstated if the office receives a certified check for the~~  
10 ~~appropriate amount within 30 days after the date the check was~~  
11 ~~returned due to insufficient funds.~~

12 Section 7. Subsections (1), (2), and (7) of section  
13 494.0033, Florida Statutes, are amended to read:

14 494.0033 Mortgage broker's license.--

15 (1) Each natural person who acts as a mortgage broker  
16 for a mortgage brokerage business or acts as an associate for  
17 a mortgage lender or correspondent mortgage lender must be  
18 licensed under ~~pursuant to~~ this section. To act as a mortgage  
19 broker, an individual must be an associate of a mortgage  
20 brokerage business, mortgage lender, or correspondent mortgage  
21 lender. A mortgage broker is prohibited from being an  
22 associate of more than one mortgage brokerage business,  
23 mortgage lender, or correspondent mortgage lender.

24 (2) Each initial application for a mortgage broker's  
25 license must be in the form prescribed by rule of the  
26 commission. The commission may require each applicant to  
27 provide any information reasonably necessary to make a  
28 determination of the applicant's eligibility for licensure.  
29 The office shall issue an initial license to any natural  
30 person who:

31 (a) Is at least 18 years of age.†

1           (b) Has passed a written test adopted and administered  
2 by the office, or has passed an electronic test adopted and  
3 administered by the office or a third party approved by the  
4 office, which is designed to determine competency in primary  
5 and subordinate mortgage financing transactions as well as to  
6 test knowledge of ss. 494.001-494.0077 and the rules adopted  
7 pursuant thereto. The commission may prescribe by rule an  
8 additional fee not to exceed \$100 for the electronic version  
9 of the mortgage broker test. The commission may waive by rule  
10 the examination requirement for any individual who has passed  
11 a comparable test offered by a national group of state  
12 mortgage regulators or a federal governmental agency which  
13 test covers primary and subordinate mortgage financing  
14 transactions.†

15           (c) Has submitted a completed application and a  
16 nonrefundable application fee of \$200. An application is  
17 considered received for purposes of s. 120.60 upon receipt of  
18 a completed application form as prescribed by the commission  
19 by rule, a nonrefundable application fee of \$200, and any  
20 other fee prescribed by law. ~~The commission may set by rule an~~  
21 ~~additional fee for a retake of the examination; and~~

22           (d) Has filed a complete set of fingerprints, ~~taken by~~  
23 ~~an authorized law enforcement officer,~~ for submission by the  
24 office to the Department of Law Enforcement or the Federal  
25 Bureau of Investigation for processing. A fingerprint card  
26 submitted to the office must be taken by an authorized law  
27 enforcement agency if the fingerprint card is submitted to the  
28 office in paper form. In addition to the fees prescribed in s.  
29 215.405, the commission may prescribe by rule additional fees,  
30 not to exceed \$30, for processing the fingerprints. The  
31 commission may prescribe by rule procedures for submitting

1 fingerprints and fees by electronic means to the office. In  
2 order to implement the submission and processing of  
3 fingerprints as specified by rule under this section, the  
4 office may contract with another state agency that provides  
5 fingerprinting services. The office shall submit the  
6 fingerprints to the Department of Law Enforcement for state  
7 processing, and the Department of Law Enforcement shall  
8 forward them to the Federal Bureau of Investigation for  
9 national processing. The cost of the fingerprint processing  
10 may be borne by the office, the employer, or the person who is  
11 subject to the background check. The Department of Law  
12 Enforcement shall bill the office for the fingerprints  
13 submitted each month. The office shall screen the results of  
14 the background check to determine whether the applicant meets  
15 licensure requirements.

16 ~~(7) If an initial mortgage broker license has been~~  
17 ~~issued but the check upon which the license is based is~~  
18 ~~returned due to insufficient funds, the license shall be~~  
19 ~~deemed canceled. A license deemed canceled pursuant to this~~  
20 ~~subsection shall be reinstated if the office receives a~~  
21 ~~certified check for the appropriate amount within 30 days~~  
22 ~~after the date the check was returned due to insufficient~~  
23 ~~funds.~~

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

26 494.0034 Renewal of mortgage broker's license.--

27 (2) The commission shall adopt rules establishing a  
28 procedure for the biennial renewal of mortgage broker's  
29 licenses. The commission may prescribe the form of the renewal  
30 ~~application~~ and may require an update of information since the  
31 licensee's last renewal.

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

3           494.0036 Mortgage brokerage business branch offices.--

4           (2) The office shall issue a mortgage brokerage  
5 business branch office license to a mortgage brokerage  
6 business licensee after the office determines that the  
7 licensee has submitted ~~upon receipt of~~ a completed branch  
8 office application in a form as prescribed by commission rule  
9 and payment of an initial nonrefundable branch office license  
10 fee of \$225. Branch office licenses must be renewed in  
11 conjunction with the renewal of the mortgage brokerage  
12 business license. The branch office license shall be issued in  
13 the name of the mortgage brokerage business that maintains the  
14 branch office. An application is considered received for  
15 purposes of s. 120.60 upon receipt of a completed application  
16 form as prescribed by the commission by rule, a nonrefundable  
17 application fee of \$225, and any other fee prescribed by law.

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

20           494.0041 Administrative penalties and fines; license  
21 violations.--

22           (2) Each of the following acts constitutes a ground  
23 for which the disciplinary actions specified in subsection (1)  
24 may be taken:

25           (s) Payment to the office for a license or permit with  
26 a check or electronic transmission of funds which is  
27 dishonored by the applicant's or licensee's financial  
28 institutions.

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

1           494.006 Exemptions.--

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

5           (a) A state or federal chartered bank, a ~~bank holding~~  
6 ~~company,~~ trust company, a savings and loan association, a  
7 savings bank or credit union, a bank holding company regulated  
8 under the laws of any state or the United States, or an  
9 insurance company if the insurance company is duly licensed in  
10 this state.

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

19           (2)(a) A natural person employed by a mortgage lender  
20 or correspondent mortgage lender licensed under ss.  
21 494.001-494.0077 is exempt from the licensure requirements of  
22 ss. 494.001-494.0077 when acting within the scope of  
23 employment with the licensee.

24           Section 12. Section 494.0061, Florida Statutes, is  
25 amended to read:

26           494.0061 Mortgage lender's license requirements.--

27           (1) Each person who acts as a mortgage lender must be  
28 licensed under this section unless otherwise exempt from  
29 licensure.

30           ~~(2)(1)~~ The commission or office may require each  
31 applicant for a mortgage lender license to provide any

1 information reasonably necessary to make a determination of  
2 the applicant's eligibility for licensure. The office shall  
3 issue an initial mortgage lender license to any person that  
4 submits:

5 (a) A completed application form.†

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

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

12 (d) A surety bond in the amount of \$10,000, payable to  
13 the state and conditioned upon compliance with ss.  
14 494.001-494.0077, which inures to the office and which must be  
15 continuously maintained thereafter in full force.†

16 (e) Documentation that the applicant is duly  
17 incorporated, registered, or otherwise formed as a general  
18 partnership, limited partnership, limited liability company,  
19 or other lawful entity under the laws of this state or another  
20 state of the United States.† ~~and~~

21 (f) ~~For applications submitted after October 1, 2001,~~  
22 Proof that the applicant's principal representative has  
23 completed 24 hours of classroom instruction in primary and  
24 subordinate financing transactions and in the provisions of  
25 this chapter and rules adopted under this chapter. This  
26 requirement shall be satisfied if the principal representative  
27 has continuously served in the capacity of a principal  
28 representative for a licensed entity under this chapter for at  
29 least 1 year and has not had a lapse in designation as a  
30 principal representative of more than 2 years prior to the  
31 date of the submission of the application or amendment in the

1 case of a change in the principal representative, or this  
2 requirement shall be satisfied if the principal representative  
3 currently has an active mortgage broker license in this state.

4  
5 An application is considered received for purposes of s.  
6 120.60 upon receipt of a completed application form as  
7 prescribed by the commission by rule, a nonrefundable  
8 application fee of \$575, and any other fee prescribed by law.

9 ~~(3)(2)~~ Notwithstanding ~~the provisions of~~ subsection  
10 ~~(2)(1)~~, it is a ground for denial of licensure if the  
11 applicant, any principal officer, ~~or~~ director, partner, or  
12 joint venturer of the applicant, or any natural person owning  
13 a 10-percent or greater interest in the applicant, or any  
14 natural person who is the ultimate equitable owner of a  
15 10-percent or greater interest in the applicant has committed  
16 any violation specified in s. 494.0072, or has pending against  
17 her or him any criminal prosecution or administrative  
18 enforcement action, in any jurisdiction, which involves fraud,  
19 dishonest dealing, or any act of moral turpitude.

20 ~~(4)(3)~~ Each initial application for a mortgage  
21 lender's license must be in a form prescribed by the  
22 commission. ~~The commission or office may require each~~  
23 ~~applicant to provide any information reasonably necessary to~~  
24 ~~make a determination of the applicant's eligibility for~~  
25 ~~licensure.~~ The commission or office may require that each  
26 officer, director, and ultimate equitable owner of a  
27 10-percent or greater interest in the applicant submit a  
28 complete set of fingerprints. A fingerprint card submitted to  
29 the office must be taken by an authorized law enforcement  
30 agency if the fingerprint card is submitted to the office in  
31 paper form ~~officer.~~ In addition to the fees prescribed in s.

1 215.405, the commission may prescribe by rule an additional  
2 fee, not to exceed \$30, for processing the fingerprints. The  
3 commission may prescribe by rule procedures for submitting  
4 fingerprints and fees by electronic means to the office. In  
5 order to implement the submission and processing of  
6 fingerprints as specified by rule under this section, the  
7 office may contract with another state agency that provides  
8 fingerprinting services. The office shall submit the  
9 fingerprints to the Department of Law Enforcement for state  
10 processing, and the Department of Law Enforcement shall  
11 forward them to the Federal Bureau of Investigation for  
12 national processing. The cost of the fingerprint processing  
13 may be borne by the office, the employer, or the person who is  
14 subject to the background check. The Department of Law  
15 Enforcement shall bill the office for the fingerprints  
16 submitted each month. The office shall screen the results of  
17 the background check to determine whether the applicant meets  
18 licensure requirements.

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

25 ~~(6)(5)~~ A license issued in accordance with ss.  
26 494.006-494.0077 is not transferable or assignable.

27 ~~(7)(6)~~ A mortgage lender or branch office license may  
28 be canceled if it was issued through mistake or inadvertence  
29 of the office. A notice of cancellation must be issued by the  
30 office within 90 days after the issuance of the license. A  
31 notice of cancellation shall be effective upon receipt. The



1 notice of cancellation shall provide the applicant with  
2 notification of the right to request a hearing within 21 days  
3 after the applicant's receipt of the notice of cancellation. A  
4 license shall be reinstated if the applicant can demonstrate  
5 that the requirements for obtaining the license under ~~pursuant~~  
6 ~~to~~ this chapter have been satisfied.

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

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

23 (9) ~~After October 1, 2001,~~ An applicant's principal  
24 representative must pass a written test prescribed by the  
25 commission and administered by the office, or must pass an  
26 electronic test prescribed by the commission and administered  
27 by the office or a third party approved by the office, which  
28 covers primary and subordinate mortgage financing transactions  
29 and the provisions of this chapter and rules adopted under  
30 this chapter. The commission may set by rule a fee not to  
31 exceed \$100 for the electronic version of the mortgage broker

1 test. The commission may waive by rule the examination  
2 requirement for any individual who has passed a comparable  
3 test offered by a national group of state mortgage regulators  
4 or a federal governmental agency which test covers primary and  
5 subordinate mortgage financing transactions. This requirement  
6 shall be satisfied if the principal representative has  
7 continuously served in the capacity of a principal  
8 representative for a licensed entity under this chapter for at  
9 least 1 year and has not had a lapse in designation as a  
10 principal representative of more than 2 years prior to the  
11 date of the submission of the application or amendment in the  
12 case of a change in the principal representative, or this  
13 requirement shall be satisfied if the principal representative  
14 currently has an active mortgage broker license in this state.

15 (10) A lender shall notify the office of any change in  
16 the designation of its principal representative within 30  
17 days. A new principal representative shall satisfy the name  
18 and address of any new principal representative and shall  
19 document that the person has completed the educational and  
20 testing requirements of this section within 90 days after  
21 being designated as upon the designation of a new principal  
22 representative. This requirement shall be satisfied if the  
23 principal representative has continuously served in the  
24 capacity of a principal representative for a licensed entity  
25 under this chapter for at least 1 year and has not had a lapse  
26 in designation as a principal representative of more than 2  
27 years prior to the date of the submission of the application  
28 or amendment in the case of a change in the principal  
29 representative, or this requirement shall be satisfied if the  
30 principal representative currently has an active mortgage  
31 broker license in this state.

1           Section 13. Section 494.0062, Florida Statutes, is  
2 amended to read:

3           494.0062 Correspondent mortgage lender's license  
4 requirements.--

5           (1) Each person who acts as a correspondent mortgage  
6 lender must be licensed under this section unless otherwise  
7 exempt from licensure.

8           (2)(1) The office may require each applicant to  
9 provide any information reasonably necessary to determine the  
10 applicant's eligibility for licensure. The office shall issue  
11 an initial correspondent mortgage lender license to any person  
12 who submits:

13           (a) A completed application form;

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

15           (c) Audited financial statements ~~that, which~~ document  
16 that the ~~applicant application~~ applicant has a bona fide and verifiable  
17 net worth, pursuant to United States generally accepted  
18 accounting principles, of \$25,000 or more, which must be  
19 continuously maintained as a condition of licensure;

20           (d) A surety bond in the amount of \$10,000, payable to  
21 the State of Florida and conditioned upon compliance with ss.  
22 494.001-494.0077, which inures to the office and which must be  
23 continuously maintained, thereafter, in full force;

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

29           ~~(f) For applications filed after October 1, 2001,~~  
30 Proof that the applicant's principal representative has  
31 completed 24 hours of classroom instruction in primary and

1 subordinate financing transactions and in the provisions of  
2 this chapter and rules enacted under this chapter. This  
3 requirement shall be satisfied if the principal representative  
4 has continuously served in the capacity of a principal  
5 representative for a licensed entity under this chapter for at  
6 least 1 year and has not had a lapse in designation as a  
7 principal representative of more than 2 years prior to the  
8 date of the submission of the application or amendment in the  
9 case of a change in the principal representative, or this  
10 requirement shall be satisfied if the principal representative  
11 currently has an active mortgage broker license in this state.

12  
13 An application is considered received for purposes of s.  
14 120.60 upon receipt of a completed application form as  
15 prescribed by the commission by rule, a nonrefundable  
16 application fee of \$500, and any other fee prescribed by law.

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

26 ~~(4)(3)~~ Each initial application for a correspondent  
27 mortgage 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 by rule that

1 each officer, director, and ultimate equitable owner of a  
2 10-percent or greater interest submit a complete set of  
3 fingerprints. A fingerprint card submitted to the office must  
4 be taken by an authorized law enforcement agency if the  
5 fingerprint card is submitted to the office in paper form  
6 ~~officer.~~ In addition to the fees prescribed in s. 215.405, the  
7 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. In order to  
11 implement the submission and processing of fingerprints as  
12 specified by rule under this section, the office may contract  
13 with another state agency that provides fingerprinting  
14 services. The office shall submit the fingerprints to the  
15 Department of Law Enforcement for state processing, and the  
16 Department of Law Enforcement shall forward them to the  
17 Federal Bureau of Investigation for national processing. The  
18 cost of the fingerprint processing may be borne by the office,  
19 the employer, or the person who is subject to the background  
20 check. The Department of Law Enforcement shall bill the office  
21 for the fingerprints submitted each month. The office shall  
22 screen the results of the background check to determine  
23 whether the applicant meets licensure requirements.

24 ~~(5)(4)~~ Each license is valid for the remainder of the  
25 biennium in which the license is issued.

26 ~~(6)(5)~~ A person licensed as a correspondent mortgage  
27 lender may make mortgage loans, but may not service a mortgage  
28 loan for more than 4 months after the date the mortgage loan  
29 was made or acquired by the correspondent mortgage lender.

30 ~~(7)(6)~~ A licensee under ss. 494.006-494.0077, or an  
31 agent or employee thereof, is deemed to have consented to the

1 venue of courts of competent jurisdiction in this state  
2 regarding any matter within the authority of ss.  
3 494.001-494.0077 regardless of where an act or violation was  
4 committed.

5 (8)~~(7)~~ A correspondent mortgage lender is subject to  
6 the same requirements and restrictions as a licensed mortgage  
7 lender unless otherwise provided in this section.

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

10 (10)~~(9)~~ A correspondent mortgage lender or branch  
11 office license may be canceled if it was issued through  
12 mistake or inadvertence of the office. A notice of  
13 cancellation must be issued by the office within 90 days after  
14 the issuance of the license. A notice of cancellation shall be  
15 effective upon receipt. The notice of cancellation shall  
16 provide the applicant with notification of the right to  
17 request a hearing within 21 days after the applicant's receipt  
18 of the notice of cancellation. A license shall be reinstated  
19 if the applicant can demonstrate that the requirements for  
20 obtaining the license pursuant to this chapter have been  
21 satisfied.

22 ~~(10) If an initial correspondent mortgage lender or~~  
23 ~~branch office license has been issued but the check upon which~~  
24 ~~the license is based is returned due to insufficient funds,~~  
25 ~~the license shall be deemed canceled. A license deemed~~  
26 ~~canceled pursuant to this subsection shall be reinstated if~~  
27 ~~the office receives a certified check for the appropriate~~  
28 ~~amount within 30 days after the date the check was returned~~  
29 ~~due to insufficient funds.~~

30 (11) Each correspondent lender shall designate a  
31 principal representative who exercises control over the

1 business and shall maintain a form prescribed by the  
2 commission designating the principal representative. If the  
3 form is not accurately maintained, the business is considered  
4 to be operated by each officer, director, or equitable owner  
5 of a 10-percent or greater interest in the business.

6 (12) ~~After October 1, 2001,~~ An applicant's principal  
7 representative must pass a written test prescribed by the  
8 commission and administered by the office or a third party  
9 approved by the office which test covers primary and  
10 subordinate mortgage financing transactions and the provisions  
11 of this chapter and rules adopted under this chapter. The  
12 commission may waive by rule the examination requirement for  
13 any individual who has passed a comparable test offered by a  
14 national group of state mortgage regulators or a federal  
15 governmental agency which test covers primary and subordinate  
16 mortgage financing transactions. The commission may set by  
17 rule a fee not to exceed \$100 for taking the examination. This  
18 requirement shall be satisfied if the principal representative  
19 has continuously served in the capacity of a principal  
20 representative for a licensed entity under this chapter for at  
21 least 1 year and has not had a lapse in designation as a  
22 principal representative of more than 2 years prior to the  
23 date of the submission of the application or amendment in the  
24 case of a change in the principal representative, or this  
25 requirement shall be satisfied if the principal representative  
26 currently has an active mortgage broker license in this state.

27 (13) A correspondent lender shall notify the office of  
28 any change in the designation of its principal representative  
29 within 30 days. A new principal representative shall satisfy  
30 ~~the name and address of any new principal representative and~~  
31 ~~shall document that such person has completed the educational~~

1 and testing requirements of this section within 90 days after  
2 being designated as ~~upon the lender's designation of a new~~  
3 principal representative. This requirement shall be satisfied  
4 if the principal representative has continuously served in the  
5 capacity of a principal representative for a licensed entity  
6 under this chapter for at least 1 year and has not had a lapse  
7 in designation as a principal representative of more than 2  
8 years prior to the date of the submission of the application  
9 or amendment in the case of a change in the principal  
10 representative, or this requirement shall be satisfied if the  
11 principal representative currently has an active mortgage  
12 broker license in this state.

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~~7~~ loan originators~~7~~  
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 is considered  
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.

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 on or after  
20 October 1, 2005:

21 1. An applicant must provide proof that the  
22 applicant's principal representative has completed 24 hours of  
23 instruction in primary and subordinate financing transactions  
24 and in the provisions of this chapter and rules adopted under  
25 this chapter. This requirement shall be satisfied if the  
26 principal representative has continuously served in the  
27 capacity of a principal representative for a licensed entity  
28 under this chapter for at least 1 year and has not had a lapse  
29 in designation as a principal representative of more than 2  
30 years prior to the date of the submission of the application  
31 or amendment in the case of a change in the principal

1 representative, or this requirement shall be satisfied if the  
2 principal representative currently has an active mortgage  
3 broker license in this state.

4       2. An applicant's principal representative must pass a  
5 written test prescribed by the commission and administered by  
6 the office, or must pass an electronic test prescribed by the  
7 commission and administered by the office or a third party  
8 approved by the office which test covers primary and  
9 subordinate mortgage financing transactions and the provisions  
10 of this chapter and rules adopted under this chapter. The  
11 commission may set by rule a fee not to exceed \$100 for the  
12 electronic version of the mortgage broker test. The commission  
13 may waive by rule the examination requirement for any  
14 individual who has passed a comparable test offered by a  
15 national group of state mortgage regulators or a federal  
16 governmental agency which test covers primary and subordinate  
17 mortgage financing transactions. This requirement shall be  
18 satisfied if the principal representative has continuously  
19 served in the capacity of a principal representative for a  
20 licensed entity under this chapter for at least 1 year and has  
21 not had a lapse in designation as a principal representative  
22 of more than 2 years prior to the date of the submission of  
23 the application or amendment in the case of a change in the  
24 principal representative, or this requirement shall be  
25 satisfied if the principal representative currently has an  
26 active mortgage broker license in this state.

27       (5) The commission or office may require each  
28 applicant for any transfer to provide any information  
29 reasonably necessary to make a determination of the  
30 applicant's eligibility for licensure. The office shall issue  
31 the transfer of licensure to any person who submits the

1 following documentation at least 90 days prior to the  
2 anticipated transfer:

3 (a) A completed application form.

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

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

11 (d) Documentation that the applicant is incorporated,  
12 registered, or otherwise formed as a general partnership,  
13 limited partnership, limited liability company, or other  
14 lawful entity under the laws of this state or another state of  
15 the United States.

16  
17 An application is considered received for purposes of s.  
18 120.60 upon receipt of a completed application form as  
19 prescribed by the commission by rule, a nonrefundable  
20 application fee of \$575, and any other fee prescribed by law.

21 The commission or office may require by rule that each  
22 officer, director, and ultimate equitable owner of a  
23 10-percent or greater interest in the applicant submit a  
24 complete set of fingerprints. A fingerprint card submitted to  
25 the office must be taken by an authorized law enforcement  
26 agency if the fingerprint card is submitted to the office in  
27 paper form ~~officer~~. In addition to the fees prescribed in s.  
28 215.405, the commission may prescribe by rule an additional  
29 fee, not to exceed \$30, for processing the fingerprints. The  
30 commission may prescribe by rule procedures for submitting  
31 fingerprints and fees by electronic means to the office. In

1 order to implement the submission and processing of  
2 fingerprints as specified by rule under this section, the  
3 office may contract with another state agency that provides  
4 fingerprinting services. The office shall submit the  
5 fingerprints to the Department of Law Enforcement for state  
6 processing, and the Department of Law Enforcement shall  
7 forward them to the Federal Bureau of Investigation for  
8 national processing. The cost of the fingerprint processing  
9 may be borne by the office, the employer, or the person who is  
10 subject to the background check. The Department of Law  
11 Enforcement shall bill the office for the fingerprints  
12 submitted each month. The office shall screen the results of  
13 the background check to determine whether the applicant meets  
14 licensure requirements.

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

25           (7) A license issued in accordance with this section  
26 is not transferable or assignable except as provided in  
27 subsection (4).

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

31

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

9           (10) A lender shall notify the office of any change in  
10 the designation of its principal representative within 30  
11 days. A new principal agent shall satisfy the educational and  
12 testing requirements of this section within 90 days after  
13 being designated as new principal representative. This  
14 requirement shall be satisfied if the principal representative  
15 has continuously served in the capacity of a principal  
16 representative for a licensed entity under this chapter for at  
17 least 1 year and has not had a lapse in designation as a  
18 principal representative of more than 2 years prior to the  
19 date of the submission of the application or amendment in the  
20 case of a change in the principal representative, or this  
21 requirement shall be satisfied if the principal representative  
22 currently has an active mortgage broker license in this state.

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

25           494.0066 Branch offices.--

26           (2) The office shall issue a branch office license to  
27 a licensee licensed under s. 494.0065(1) or a transfer  
28 licensee after the office determines that the licensee has  
29 submitted ~~upon receipt of~~ a completed branch office  
30 application form as prescribed by rule by the commission and  
31 an initial nonrefundable branch office license fee of \$325.

1 The branch office application must include the name and  
2 license number of the licensee under ss. 494.006-494.0077, the  
3 name of the licensee's employee in charge of the branch  
4 office, and the address of the branch office. The branch  
5 office license shall be issued in the name of the licensee  
6 under ss. 494.006-494.0077 and must be renewed in conjunction  
7 with the license renewal.

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

10 494.0067 Requirements of licensees under ss.  
11 494.006-494.0077.--

12 (10)(a) Each licensee shall require the principal  
13 representative and all loan originators ~~or associates~~ who  
14 perform services for the licensee to complete 14 hours of  
15 professional continuing education during each biennial license  
16 period. The education shall cover primary and subordinate  
17 mortgage financing transactions and the provisions of this  
18 chapter and the rules adopted under this chapter.

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

21 494.0072 Administrative penalties and fines; license  
22 violations.--

23 (2) Each of the following acts constitutes a ground  
24 for which the disciplinary actions specified in subsection (1)  
25 may be taken:

26 (s) Payment to the office for a license or permit with  
27 a check or electronic transmission of funds which is  
28 dishonored by the applicant's or licensee's financial  
29 institution.

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

1           494.00721 Net worth.--  
2           (2) If a mortgage lender or correspondent mortgage  
3 lender fails to satisfy the net worth requirements, the  
4 mortgage lender or correspondent mortgage lender shall  
5 immediately cease taking any new mortgage loan applications.  
6 Thereafter, the mortgage lender or correspondent mortgage  
7 lender shall have up to 60 days within which to satisfy the  
8 net worth requirements. If the licensee makes the office  
9 aware, prior to an examination, that the licensee no longer  
10 meets the net worth requirements, the mortgage lender or  
11 correspondent mortgage lender shall have 120 days within which  
12 to satisfy the net worth requirements. A mortgage lender or  
13 correspondent mortgage lender shall not resume acting as a  
14 mortgage lender or correspondent mortgage lender without  
15 written authorization from the office, which authorization  
16 shall be granted if the mortgage lender or correspondent  
17 mortgage lender provides the office with documentation which  
18 satisfies the requirements of s. 494.0061(2)(~~1~~)(c), s.  
19 494.0062(2)(~~1~~)(c), or s. 494.0065(2), whichever is applicable.  
20           Section 20. Subsection (3) of section 501.137, Florida  
21 Statutes, is amended to read:  
22           501.137 Mortgage lenders; tax and insurance payments  
23 from escrow accounts; duties.--  
24           (3)(a) If the lender, as a result of neglect, fails to  
25 pay any tax or insurance premium when the tax or premium is  
26 due and there are sufficient escrow funds on deposit to pay  
27 the tax or premium, and if the property owner suffers a loss  
28 as a result of this failure, then the lender is liable for the  
29 loss; except, however, that with respect to any loss which  
30 would otherwise have been insured, the extent of the liability  
31



1 shall not exceed the coverage limits of any insurance policy  
2 which has lapsed.

3 (b) If the lender violates paragraph (a) and the  
4 premium payment is not more than 90 days overdue, the insurer  
5 shall reinstate the insurance policy, retroactive to the date  
6 of cancellation, and the lender shall reimburse the property  
7 owner for any penalty or fees imposed by the insurer and paid  
8 by the property owner for purposes of reinstating the policy.

9 (c) If the lender violates paragraph (a) and the  
10 premium payment is more than 90 days overdue or if the insurer  
11 refuses to reinstate the insurance policy, the lender shall  
12 pay the difference between the cost of the previous insurance  
13 policy and a new, comparable insurance policy for a period of  
14 2 years. If the lender refuses, the lender shall be liable for  
15 the reasonable attorney's fees and costs of the property owner  
16 against a lender for a violation of this section.

17 Section 21. Section 516.03, Florida Statutes, is  
18 amended to read:

19 516.03 Application for license; fees; etc.--

20 (1) APPLICATION.--Application for a license to make  
21 loans under this chapter shall be in the form prescribed by  
22 rule of the commission, and shall contain the name, residence  
23 and business addresses of the applicant and, if the applicant  
24 is a copartnership or association, of every member thereof  
25 and, if a corporation, of each officer and director thereof,  
26 also the county and municipality with the street and number or  
27 approximate location where the business is to be conducted,  
28 and such further relevant information as the commission or  
29 office may require. At the time of making such application the  
30 applicant shall pay to the office a nonrefundable biennial  
31 license fee of \$625. Applications, except for applications to

1 renew or reactivate a license, must also be accompanied by a  
2 nonrefundable ~~an~~ investigation fee of \$200. An application is  
3 considered received for purposes of s. 120.60 upon receipt of  
4 a completed application form as prescribed by the commission  
5 by rule, a nonrefundable application fee of \$625, and any  
6 other fee prescribed by law. The commission may adopt rules to  
7 require ~~allow~~ electronic submission of any form, document, or  
8 fee required by this act if such rules reasonably accommodate  
9 technological or financial hardship. The commission may  
10 prescribe by rule requirements and procedures for obtaining an  
11 exemption due to a technological or financial hardship.

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

23 Section 22. Paragraph (a) of subsection (3) of section  
24 516.031, Florida Statutes, is amended to read:

25 516.031 Finance charge; maximum rates.--

26 (3) OTHER CHARGES.--

27 (a) In addition to the interest, delinquency, and  
28 insurance charges herein provided for, no further or other  
29 charges or amount whatsoever for any examination, service,  
30 commission, or other thing or otherwise shall be directly or  
31

- 1 indirectly charged, contracted for, or received as a condition  
2 to the grant of a loan, except:
- 3 1. An amount not to exceed ~~\$25~~\$10 to reimburse a  
4 portion of the costs for investigating the character and  
5 credit of the person applying for the loan;
  - 6 2. An annual fee of \$25 on the anniversary date of  
7 each line-of-credit account;
  - 8 3. Charges paid for brokerage fee on a loan or line of  
9 credit of more than \$10,000, title insurance, and the  
10 appraisal of real property offered as security when paid to a  
11 third party and supported by an actual expenditure;
  - 12 4. Intangible personal property tax on the loan note  
13 or obligation when secured by a lien on real property;
  - 14 5. The documentary excise tax and lawful fees, if any,  
15 actually and necessarily paid out by the licensee to any  
16 public officer for filing, recording, or releasing in any  
17 public office any instrument securing the loan, which fees may  
18 be collected when the loan is made or at any time thereafter;
  - 19 6. The premium payable for any insurance in lieu of  
20 perfecting any security interest otherwise required by the  
21 licensee in connection with the loan, if the premium does not  
22 exceed the fees which would otherwise be payable, which  
23 premium may be collected when the loan is made or at any time  
24 thereafter;
  - 25 7. Actual and reasonable attorney's fees and court  
26 costs as determined by the court in which suit is filed;
  - 27 8. Actual and commercially reasonable expenses of  
28 repossession, storing, repairing and placing in condition for  
29 sale, and selling of any property pledged as security; or
  - 30 9. A delinquency charge not to exceed \$10 for each  
31 payment in default for a period of not less than 10 days, if

1 | the charge is agreed upon, in writing, between the parties  
2 | before imposing the charge.

3 |  
4 | Any charges, including interest, in excess of the combined  
5 | total of all charges authorized and permitted by this chapter  
6 | constitute a violation of chapter 687 governing interest and  
7 | usury, and the penalties of that chapter apply. In the event  
8 | of a bona fide error, the licensee shall refund or credit the  
9 | borrower with the amount of the overcharge immediately but  
10 | within 20 days from the discovery of such error.

11 |         Section 23. Subsection (1) of section 516.05, Florida  
12 | Statutes, is amended to read:

13 |             516.05 License.--

14 |             (1) Upon the filing of an application for a license  
15 | and payment of all applicable fees, the office shall, unless  
16 | the application is to renew or reactivate an existing license,  
17 | make an investigation of the facts concerning the applicant's  
18 | proposed activities. If the office determines that a license  
19 | should be granted, it shall issue the license for a period not  
20 | to exceed 2 years. Biennial licensure periods and procedures  
21 | for renewal of licenses shall be established by the rule of  
22 | the commission. If the office determines that grounds exist  
23 | under this chapter for denial of an application other than an  
24 | application to renew a license, it shall deny such  
25 | application, ~~return to the applicant the sum paid as a license~~  
26 | ~~fee, and retain the investigation fee.~~

27 |         Section 24. Paragraph (p) is added to subsection (1)  
28 | of section 516.07, Florida Statutes, to read:

29 |             516.07 Grounds for denial of license or for  
30 | disciplinary action.--

31 |

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

5           (p) Payment to the office for a license or permit with  
6 a check or electronic transmission of funds which is  
7 dishonored by the applicant's or licensee's financial  
8 institution.

9           Section 25. Subsection (3) is added to section 516.12,  
10 Florida Statutes, to read:

11           516.12 Records to be kept by licensee.--

12           (3) The commission may prescribe by rule the minimum  
13 information to be shown in the books, accounts, records, and  
14 documents of licensees for purposes of enabling the office to  
15 determine the licensee's compliance with ss. 516.001-516.36.  
16 In addition, the commission may prescribe by rule the  
17 requirements for destruction of books, accounts, records, and  
18 documents retained by the licensee after completion of the  
19 time period specified in subsection (1). Notwithstanding the  
20 2-year retention period specified in subsection (1), if the  
21 office identifies a statute of limitations in another civil or  
22 criminal state or federal law or rule which statute of  
23 limitations is reasonably related by subject matter to the  
24 administration of this chapter, the commission may identify  
25 that statute of limitations by rule and may prohibit the  
26 destruction of records required to be maintained by this  
27 chapter for a period of time, established by rule, which is  
28 reasonably related to such statute of limitations. The  
29 commission shall prescribe by rule those documents or records  
30 that are to be preserved under the identified statute of  
31 limitations.

1           Section 26. Subsection (9) of section 517.051, Florida  
2 Statutes, is amended to read:

3           517.051 Exempt securities.--The exemptions provided  
4 herein from the registration requirements of s. 517.07 are  
5 self-executing and do not require any filing with the office  
6 prior to claiming such exemption. Any person who claims  
7 entitlement to any of these exemptions bears the burden of  
8 proving such entitlement in any proceeding brought under this  
9 chapter. The registration provisions of s. 517.07 do not apply  
10 to any of the following securities:

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

1           Section 27. Subsection (18) of section 517.061,  
2 Florida Statutes, is amended to read:

3           517.061 Exempt transactions.--The exemption for each  
4 transaction listed below is self-executing and does not  
5 require any filing with the office prior to claiming such  
6 exemption. Any person who claims entitlement to any of the  
7 exemptions bears the burden of proving such entitlement in any  
8 proceeding brought under this chapter. The registration  
9 provisions of s. 517.07 do not apply to any of the following  
10 transactions; however, such transactions are subject to the  
11 provisions of ss. 517.301, 517.311, and 517.312:

12           (18) The offer or sale of any security effected by or  
13 through a person in compliance with ~~registered pursuant to~~ s.  
14 517.12(17).

15           Section 28. Paragraph (g) of subsection (3) of section  
16 517.081, Florida Statutes, is amended to read:

17           517.081 Registration procedure.--

18           (3) The office may require the applicant to submit to  
19 the office the following information concerning the issuer and  
20 such other relevant information as the office may in its  
21 judgment deem necessary to enable it to ascertain whether such  
22 securities shall be registered pursuant to the provisions of  
23 this section:

24           (g)1. A specimen copy of the security and a copy of  
25 any circular, prospectus, advertisement, or other description  
26 of such securities.

27           2. The commission shall adopt a form for a simplified  
28 offering circular to be used solely by corporations to  
29 register, under this section, securities of the corporation  
30 that are sold in offerings in which the aggregate offering  
31 price in any consecutive 12-month period does not exceed the

1 amount provided in s. 3(b) of the Securities Act of 1933. The  
2 following issuers shall not be eligible to submit a simplified  
3 offering circular adopted pursuant to this subparagraph:

4 a. An issuer seeking to register securities for resale  
5 by persons other than the issuer.

6 b. An issuer who is subject to any of the  
7 disqualifications described in 17 C.F.R. s. 230.262, adopted  
8 pursuant to the Securities Act of 1933, or who has been or is  
9 engaged or is about to engage in an activity that would be  
10 grounds for denial, revocation, or suspension under s.  
11 517.111. For purposes of this subparagraph, an issuer includes  
12 an issuer's director, officer, shareholder who owns at least  
13 10 percent of the shares of the issuer, promoter, or selling  
14 agent of the securities to be offered or any officer,  
15 director, or partner of such selling agent.

16 c. An issuer who is a development-stage company that  
17 either has no specific business plan or purpose or has  
18 indicated that its business plan is to merge with an  
19 unidentified company or companies.

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

22 e. Any issuer the office determines is ineligible if  
23 the form would not provide full and fair disclosure of  
24 material information for the type of offering to be registered  
25 by the issuer.

26 f. Any corporation which has failed to provide the  
27 office the reports required for a previous offering registered  
28 pursuant to this subparagraph.

29

30 As a condition precedent to qualifying for use of the  
31 simplified offering circular, a corporation shall agree to



1 provide the office with an annual financial report containing  
2 a balance sheet as of the end of the issuer's fiscal year and  
3 a statement of income for such year, prepared in accordance  
4 with United States generally accepted accounting principles  
5 and accompanied by an independent accountant's report. If the  
6 issuer has more than 100 security holders at the end of a  
7 fiscal year, the financial statements must be audited. Annual  
8 financial reports must be filed with the office within 90 days  
9 after the close of the issuer's fiscal year for each of the  
10 first 5 years following the effective date of the  
11 registration.

12 Section 29. Subsections (7), (10), (11), (15), and  
13 (17) of section 517.12, Florida Statutes, are amended to read:

14 517.12 Registration of dealers, associated persons,  
15 investment advisers, and branch offices.--

16 (7) The application shall also contain such  
17 information as the commission or office may require about the  
18 applicant; any partner, officer, or director of the applicant  
19 or any person having a similar status or performing similar  
20 functions; any person directly or indirectly controlling the  
21 applicant; or any employee of a dealer or of an investment  
22 adviser rendering investment advisory services. Each  
23 applicant shall file a complete set of fingerprints. A  
24 fingerprint card submitted to the office must be taken by an  
25 authorized law enforcement agency if the fingerprint card is  
26 submitted to the office in paper form ~~officer~~. In addition to  
27 the fees prescribed in s. 215.405, the commission may  
28 prescribe by rule an additional fee, not to exceed \$30, for  
29 processing the fingerprints. The commission may prescribe by  
30 rule procedures for submitting fingerprints and fees by  
31 electronic means to the office. In order to implement the

1 submission and processing of fingerprints as specified by rule  
2 under this section, the office may contract with another state  
3 agency that provides fingerprint services. The office shall  
4 submit the fingerprints to the Department of Law Enforcement  
5 for state processing, and the Department of Law Enforcement  
6 shall forward them to the Federal Bureau of Investigation for  
7 national processing. The cost of the fingerprint processing  
8 may be borne by the office, the employer, or the person who is  
9 subject to the background check. The Department of Law  
10 Enforcement shall bill the office for the fingerprints  
11 submitted each month. The office shall screen the results of  
12 the background check to determine whether the applicant meets  
13 licensure requirements. Such fingerprints shall be submitted  
14 to the Department of Law Enforcement or the Federal Bureau of  
15 Investigation for state and federal processing. The  
16 commission may waive, by rule, the requirement that applicants  
17 must file a set of fingerprints or the requirement that such  
18 fingerprints must be processed by the Department of Law  
19 Enforcement or the Federal Bureau of Investigation. The  
20 commission or office may require information about any such  
21 applicant or person concerning such matters as:

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

25 (b) Any injunction or administrative order by a state  
26 or federal agency, national securities exchange, or national  
27 securities association involving a security or any aspect of  
28 the securities business and any injunction or administrative  
29 order by a state or federal agency regulating banking,  
30 insurance, finance, or small loan companies, real estate,  
31 mortgage brokers, or other related or similar industries,

1 | which injunctions or administrative orders relate to such  
2 | person.

3 |           (c) His or her conviction of, or plea of nolo  
4 | contendere to, a criminal offense or his or her commission of  
5 | any acts which would be grounds for refusal of an application  
6 | under s. 517.161.

7 |           (d) The names and addresses of other persons of whom  
8 | the office may inquire as to his or her character, reputation,  
9 | and financial responsibility.

10 |           (10) An applicant for registration shall pay an  
11 | assessment fee of \$200, in the case of a dealer or investment  
12 | adviser, or \$40, in the case of an associated person. The  
13 | assessment fee of an associated person shall be reduced to  
14 | \$30, but only after the office determines, by final order,  
15 | that sufficient funds have been allocated to the Securities  
16 | Guaranty Fund pursuant to s. 517.1203 to satisfy all valid  
17 | claims filed in accordance with s. 517.1203(2) and after all  
18 | amounts payable under any service contract entered into by the  
19 | office pursuant to s. 517.1204, and all notes, bonds,  
20 | certificates of indebtedness, other obligations, or evidences  
21 | of indebtedness secured by such notes, bonds, certificates of  
22 | indebtedness, or other obligations, have been paid or  
23 | provision has been made for the payment of such amounts,  
24 | notes, bonds, certificates of indebtedness, other obligations,  
25 | or evidences of indebtedness. An associated person may not  
26 | ~~having current fingerprint cards filed with the National~~  
27 | ~~Association of Securities Dealers or a national securities~~  
28 | ~~exchange registered with the Securities and Exchange~~  
29 | ~~Commission shall~~ be assessed an additional fee to cover the  
30 | cost for said fingerprint cards to be processed by the office.  
31 | Such fee shall be determined by rule of the commission. Each

1 dealer and each investment adviser shall pay an assessment fee  
2 of \$100 for each office in this state, except its designated  
3 principal office. Such fees become the revenue of the state,  
4 except for those assessments provided for under s. 517.131(1)  
5 until such time as the Securities Guaranty Fund satisfies the  
6 statutory limits, and are not returnable in the event that  
7 registration is withdrawn or not granted.

8 (11) If the office finds that the applicant is of good  
9 repute and character and has complied with the provisions of  
10 this chapter and the rules made pursuant hereto, it shall  
11 register the applicant. The registration of each dealer,  
12 investment adviser, and associated person ~~expires will expire~~  
13 on December 31 of the year it became effective unless the  
14 registrant has renewed its registration on or before that  
15 date. ~~and~~ The registration of each branch office ~~expires will~~  
16 ~~expire~~ on March 31 or, once the National Association of  
17 Securities Dealers develops the capacity to process branch  
18 office registration through the Central Registration  
19 Depository, December 31 of the year in which it became  
20 effective unless the registrant has renewed its registration  
21 on or before that date. The commission may establish by rule  
22 the initial year in which branch renewals shall be processed  
23 through the Central Registration Depository of the National  
24 Association of Securities Dealers. The commission may  
25 establish by rule procedures for renewing branch registrations  
26 through the Central Registration Depository. Registration may  
27 be renewed by furnishing such information as the commission  
28 may require, together with payment of the fee required in  
29 subsection (10) for dealers, investment advisers, associated  
30 persons, or branch offices and the payment of any amount  
31 lawfully due and owing to the office pursuant to any order of

1 | the office or pursuant to any agreement with the office. Any  
2 | dealer, investment adviser, or associated person registrant  
3 | who has not renewed a registration by the time the current  
4 | registration expires may request reinstatement of such  
5 | registration by filing with the office, on or before January  
6 | 31 of the year following the year of expiration, such  
7 | information as may be required by the commission, together  
8 | with payment of the fee required in subsection (10) for  
9 | dealers, investment advisers, or associated persons and a late  
10 | fee equal to the amount of such fee. Any reinstatement of  
11 | registration granted by the office during the month of January  
12 | shall be deemed effective retroactive to January 1 of that  
13 | year.

14 |       (15) In lieu of filing with the office the  
15 | applications specified in subsection (6), the fees required by  
16 | subsection (10), and the termination notices required by  
17 | subsection (12), the commission may by rule establish  
18 | procedures for the deposit of such fees and documents with the  
19 | Central Registration Depository or the Investment Advisor  
20 | Registration Depository of the National Association of  
21 | Securities Dealers, Inc., as developed under contract with the  
22 | North American Securities Administrators Association, Inc. ;  
23 | provided, however, that such procedures shall provide the  
24 | office with the information and data as required by this  
25 | section.

26 |       (17)(a) A dealer that is located in Canada, does not  
27 | have an office or other physical presence in this state, and  
28 | has made a notice filing in accordance with this subsection is  
29 | exempt from the registration requirements of this section and  
30 | may effect transactions in securities with or for, or induce  
31 | or attempt to induce the purchase or sale of any security by:

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

5           2. A person from Canada who is present in this state  
6 and whose transactions are in a self-directed tax-advantaged  
7 retirement plan in Canada of which the person is the holder or  
8 contributor.

9           (b) A notice filing under this subsection must consist  
10 of documents that the commission by rule requires to be filed,  
11 together with a consent to service of process and a filing fee  
12 of \$200. The commission may establish by rule procedures for  
13 the deposit of fees and the filing of documents to be made by  
14 electronic means, if such procedures provide the office with  
15 the information and data required by this section.

16           (c) A Canadian dealer may make a notice filing under  
17 this subsection if such dealer provides to the office:

18           1. A notice filing in the form that the commission by  
19 rule requires;

20           2. A consent to service of process;

21           3. Evidence that the Canadian dealer is registered as  
22 a dealer in the jurisdiction in which its main office is  
23 located; and

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

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

28           (e) A notice filing is effective upon receipt. A  
29 notice filing expires on December 31 of the year in which the  
30 filing becomes effective unless the Canadian dealer has  
31 renewed the filing on or before that date. A Canadian dealer

1 may annually renew a notice filing by furnishing to the office  
2 such information as the office requires together with a  
3 renewal fee of \$200 and the payment of any amount due and  
4 owing the office pursuant to any agreement with the office.  
5 Any Canadian dealer who has not renewed a notice filing by the  
6 time a current notice filing expires may request reinstatement  
7 of such notice filing by filing with the office, on or before  
8 January 31 of the year following the year the notice filing  
9 expires, such information as the commission requires, by rule,  
10 together with the payment of \$200 and a late fee of \$200. Any  
11 reinstatement of a notice filing granted by the office during  
12 the month of January is effective retroactively to January 1  
13 of that year.

14 (f) An associated person who represents a Canadian  
15 dealer who has made a notice filing under this subsection is  
16 exempt from the registration requirements of this section and  
17 may effect transactions in securities in this state as  
18 permitted for a dealer under paragraph (a) if such person is  
19 registered in the jurisdiction from which he or she is  
20 effecting transactions into this state.

21 (g) A Canadian dealer who has made a notice of filing  
22 under this subsection shall:

23 1. Maintain its provincial or territorial registration  
24 and its membership in a self-regulatory organization or stock  
25 exchange in good standing.

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

28 3. Provide the office upon request notice of each  
29 civil, criminal, or administrative action initiated against  
30 the dealer.

31

1           4. Disclose to its clients in this state that the  
2 dealer and its associated persons are not subject to the full  
3 regulatory requirements under this chapter.

4           5. Correct any inaccurate information within 30 days  
5 after the information contained in the notice of filing  
6 becomes inaccurate for any reason.

7           (h) An associated person representing a Canadian  
8 dealer who has made a notice of filing under this subsection  
9 shall:

10           1. Maintain provincial or territorial registration in  
11 good standing.

12           2. Provide the office upon request with notice of each  
13 civil, criminal, or administrative action initiated against  
14 such person.

15           (i) A notice filing may be terminated by filing notice  
16 of such termination with the office. Unless another date is  
17 specified by the Canadian dealer, such notice is effective  
18 upon its receipt by the office.

19           (j) All fees collected under this subsection become  
20 the revenue of the state, except for those assessments  
21 provided for under s. 517.131(1), until the Securities  
22 Guaranty Fund has satisfied the statutory limits, and these  
23 fees are not returnable if a notice filing is withdrawn. A  
24 dealer that is located in Canada and has no office or other  
25 physical presence in this state may, provided the dealer is  
26 registered in accordance with this section, effect  
27 transactions in securities with or for, or induce or attempt  
28 to induce the purchase or sale of any security by:

29           1. A person from Canada who temporarily resides in  
30 this state and with whom the Canadian dealer had a bona fide  
31



1 ~~dealer client relationship before the person entered the~~  
2 ~~United States; or~~  
3       2. ~~A person from Canada who is a resident of this~~  
4 ~~state, and whose transactions are in a self directed tax~~  
5 ~~advantage retirement plan in Canada of which the person is the~~  
6 ~~holder or contributor.~~  
7       (b) ~~An associated person who represents a Canadian~~  
8 ~~dealer registered under this section may, provided the agent~~  
9 ~~is registered in accordance with this section, effect~~  
10 ~~transactions in securities in this state as permitted for a~~  
11 ~~dealer, under subsection (a).~~  
12       (c) ~~A Canadian dealer may register under this section~~  
13 ~~provided that such dealer:~~  
14           1. ~~Files an application in the form required by the~~  
15 ~~jurisdiction in which the dealer has a head office.~~  
16           2. ~~Files a consent to service of process.~~  
17           3. ~~Is registered as a dealer in good standing in the~~  
18 ~~jurisdiction from which it is effecting transactions into this~~  
19 ~~state and files evidence of such registration with the office.~~  
20           4. ~~Is a member of a self regulatory organization or~~  
21 ~~stock exchange in Canada.~~  
22       (d) ~~An associated person who represents a Canadian~~  
23 ~~dealer registered under this section in effecting transactions~~  
24 ~~in securities in this state may register under this section~~  
25 ~~provided that such person:~~  
26           1. ~~Files an application in the form required by the~~  
27 ~~jurisdiction in which the dealer has its head office.~~  
28           2. ~~Is registered in good standing in the jurisdiction~~  
29 ~~from which he or she is effecting transactions into this state~~  
30 ~~and files evidence of such registration with the office.~~  
31

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

4           ~~(f) A Canadian dealer registered under this section~~  
5 ~~shall:~~

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

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

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

13           ~~4. Disclose to its clients in this state that the~~  
14 ~~dealer and its agents are not subject to the full regulatory~~  
15 ~~requirements under this chapter.~~

16           ~~5. Correct any inaccurate information within 30 days,~~  
17 ~~if the information contained in the application form becomes~~  
18 ~~inaccurate for any reason before or after the dealer becomes~~  
19 ~~registered.~~

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

22           ~~1. Maintain provincial or territorial registration in~~  
23 ~~good standing.~~

24           ~~2. Provide the office with notice of each civil,~~  
25 ~~criminal, or administrative action initiated against such~~  
26 ~~person.~~

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

31

1           ~~(h) Renewal applications for Canadian dealers and~~  
2 ~~associated persons under this section must be filed before~~  
3 ~~December 31 each year. Every applicant for registration or~~  
4 ~~renewal registration under this section shall pay the fee for~~  
5 ~~dealers and associated persons under this chapter.~~

6           Section 30. Paragraphs (b) and (e) of subsection (3)  
7 of section 517.131, Florida Statutes, are amended, and  
8 subsection (5) is added to that section, to read:

9           517.131 Securities Guaranty Fund.--

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

12          (b) Such person has made all reasonable searches and  
13 inquiries to ascertain whether the judgment debtor possesses  
14 real or personal property or other assets subject to being  
15 sold or applied in satisfaction of the judgment, and by her or  
16 his search the person has discovered no property or assets; or  
17 she or he has discovered property and assets and has taken all  
18 necessary action and proceedings for the application thereof  
19 to the judgment, but the amount thereby realized was  
20 insufficient to satisfy the judgment. To verify compliance  
21 with such condition, the office may require such person to  
22 have a writ of execution be issued upon such judgment, ~~and~~ may  
23 ~~further~~ require a showing that no personal or real property of  
24 the judgment debtor liable to be levied upon in complete  
25 satisfaction of the judgment can be found, or may require an  
26 affidavit from the claimant setting forth the reasonable  
27 searches and inquiries undertaken and the result.

28          (e) The office waives compliance with the requirements  
29 of paragraph (a) or paragraph (b). The office may waive such  
30 compliance if the dealer, investment adviser, or associated  
31 person which is the subject of the claim filed with the office

1 is the subject of any proceeding in which a receiver has been  
2 appointed by a court of competent jurisdiction. If the office  
3 waives such compliance, the office may, upon petition by the  
4 claimant, the debtor, or the court-appointed trustee,  
5 examiner, or receiver, distribute funds from the Securities  
6 Guaranty Fund up to the amount allowed under s. 517.141. Any  
7 waiver granted pursuant to this section shall be considered a  
8 judgment for purposes of complying with the requirements of  
9 this section and of s. 517.141.

10 (5) The commission may by rule specify the procedures  
11 for complying with subsections (2), (3), and (4), including  
12 rules for the form of submission and guidelines for the  
13 sufficiency and content of submissions of notices and claims.

14 Section 31. Subsections (2) and (5) of section  
15 517.141, Florida Statutes, are amended, and subsection (11) is  
16 added to that section, to read:

17 517.141 Payment from the fund.--

18 (2) Regardless of the number of claims or claimants  
19 involved, payments for claims shall be limited in the  
20 aggregate to \$100,000 against any one dealer, investment  
21 adviser, or associated person. If the total claims exceed the  
22 aggregate limit of \$100,000, the office shall prorate the  
23 payment based upon the ratio that the person's claim bears to  
24 the total claims filed.

25 (5) If the final judgment ~~that~~ ~~which~~ gave rise to the  
26 claim is overturned in any appeal or in any collateral  
27 proceeding, the claimant shall reimburse the fund all amounts  
28 paid from the fund to the claimant on the claim. If the  
29 claimant satisfies the judgment referred to in s.  
30 517.131(3)(a), the claimant shall reimburse the fund all  
31 amounts paid from the fund to the claimant on the claim. Such

1 reimbursement shall be paid to the office within 60 days after  
2 the final resolution of the appellate or collateral  
3 proceedings or the satisfaction of judgment, with the 60-day  
4 period commencing on the date the final order or decision is  
5 entered in such proceedings.

6 (11) The commission may by rule specify the procedures  
7 for complying with this section, including rules for the form  
8 of submission and guidelines for the sufficiency and content  
9 of submissions of notices and claims.

10 Section 32. Subsection (1) of section 517.161, Florida  
11 Statutes, is amended to read:

12 517.161 Revocation, denial, or suspension of  
13 registration of dealer, investment adviser, associated person,  
14 or branch office.--

15 (1) Registration under s. 517.12 may be denied or any  
16 registration granted may be revoked, restricted, or suspended  
17 by the office if the office determines that such applicant or  
18 registrant:

19 (a) Has violated any provision of this chapter or any  
20 rule or order made under this chapter;

21 (b) Has made a material false statement in the  
22 application for registration;

23 (c) Has been guilty of a fraudulent act in connection  
24 with rendering investment advice or in connection with any  
25 sale of securities, has been or is engaged or is about to  
26 engage in making fictitious or pretended sales or purchases of  
27 any such securities or in any practice involving the rendering  
28 of investment advice or the sale of securities which is  
29 fraudulent or in violation of the law;

30 (d) Has made a misrepresentation or false statement  
31 to, or concealed any essential or material fact from, any

1 person in the rendering of investment advice or the sale of a  
2 security to such person;

3 (e) Has failed to account to persons interested for  
4 all money and property received;

5 (f) Has not delivered, after a reasonable time, to  
6 persons entitled thereto securities held or agreed to be  
7 delivered by the dealer, broker, or investment adviser, as and  
8 when paid for, and due to be delivered;

9 (g) Is rendering investment advice or selling or  
10 offering for sale securities through any associated person not  
11 registered in compliance with the provisions of this chapter;

12 (h) Has demonstrated unworthiness to transact the  
13 business of dealer, investment adviser, or associated person;

14 (i) Has exercised management or policy control over or  
15 owned 10 percent or more of the securities of any dealer or  
16 investment adviser that has been declared bankrupt, or had a  
17 trustee appointed under the Securities Investor Protection  
18 Act; or is, in the case of a dealer or investment adviser,  
19 insolvent;

20 (j) Has been convicted of, or has entered a plea of  
21 guilty or nolo contendere to, a crime against the laws of this  
22 state or any other state or of the United States or of any  
23 other country or government which relates to registration as a  
24 dealer, investment adviser, issuer of securities, associated  
25 person, or branch office; which relates to the application for  
26 such registration; or which involves moral turpitude or  
27 fraudulent or dishonest dealing;

28 (k) Has had a final judgment entered against her or  
29 him in a civil action upon grounds of fraud, embezzlement,  
30 misrepresentation, or deceit;

31 (l) Is of bad business repute; ~~or~~

1 (m) Has been the subject of any decision, finding,  
2 injunction, suspension, prohibition, revocation, denial,  
3 judgment, or administrative order by any court of competent  
4 jurisdiction, administrative law judge, or by any state or  
5 federal agency, national securities, commodities, or option  
6 exchange, or national securities, commodities, or option  
7 association, involving a violation of any federal or state  
8 securities or commodities law or any rule or regulation  
9 promulgated thereunder, or any rule or regulation of any  
10 national securities, commodities, or options exchange or  
11 national securities, commodities, or options association, or  
12 has been the subject of any injunction or adverse  
13 administrative order by a state or federal agency regulating  
14 banking, insurance, finance or small loan companies, real  
15 estate, mortgage brokers, or other related or similar  
16 industries. For purposes of this subsection, the office may  
17 not deny registration to any applicant who has been  
18 continuously registered with the office for 5 years from the  
19 entry of such decision, finding, injunction, suspension,  
20 prohibition, revocation, denial, judgment, or administrative  
21 order provided such decision, finding, injunction, suspension,  
22 prohibition, revocation, denial, judgment, or administrative  
23 order has been timely reported to the office pursuant to the  
24 commission's rules; ~~or-~~

25 (n) Made payment to the office for a license or permit  
26 with a check or electronic transmission of funds which is  
27 dishonored by the applicant's or registrant's financial  
28 institution.

29 Section 33. Subsections (2) and (3) of section 520.03,  
30 Florida Statutes, are amended to read:

31 520.03 Licenses.--

1           (2) An application for a license under this part must  
2 be submitted to the office in such form as the commission may  
3 prescribe by rule. If the office determines that an  
4 application should be granted, it shall issue the license for  
5 a period not to exceed 2 years. A nonrefundable application  
6 fee of \$175 shall accompany an initial application for the  
7 principal place of business and each application for a branch  
8 location of a retail installment seller who is required to be  
9 licensed under this chapter. An application is considered  
10 received for purposes of s. 120.60 upon receipt of a completed  
11 application form as prescribed by the commission by rule, a  
12 nonrefundable application fee of \$175, and any other fee  
13 prescribed by law.

14           (3) The nonrefundable renewal fee for a motor vehicle  
15 retail installment seller license shall be \$175. The  
16 commission shall establish by rule biennial licensure periods  
17 and procedures for renewal of licenses. A license that is not  
18 renewed by the end of the biennium established by the  
19 commission shall revert from active to inactive status. An  
20 inactive license may be reactivated within 6 months after  
21 becoming inactive upon filing a completed reactivation form,  
22 payment of the nonrefundable renewal fee, and payment of a  
23 nonrefundable reactivation fee equal to the renewal fee. A  
24 license that is not reactivated within 6 months after becoming  
25 inactive automatically expires.

26           Section 34. Subsections (2) and (3) of section 520.32,  
27 Florida Statutes, are amended to read:

28           520.32 Licenses.--

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 retail installment seller. An application is  
6 considered received for purposes of s. 120.60 upon receipt of  
7 a completed application form as prescribed by the commission  
8 by rule, a nonrefundable application fee of \$175, and any  
9 other fee prescribed by law.

10 (3) The nonrefundable renewal fee for a retail seller  
11 license shall be \$175. Biennial licensure periods and  
12 procedures for renewal of licenses may also be established by  
13 the commission by rule. A license that is not renewed at the  
14 end of the biennium established by the commission shall revert  
15 from active to inactive status. An inactive license may be  
16 reactivated within 6 months after becoming inactive upon  
17 filing a completed reactivation form, payment of the  
18 nonrefundable renewal fee, and payment of a reactivation fee  
19 equal to the nonrefundable renewal fee. A license that is not  
20 reactivated within 6 months after becoming inactive  
21 automatically expires.

22 Section 35. Subsections (2) and (3) of section 520.52,  
23 Florida Statutes, are amended to read:

24 520.52 Licensees.--

25 (2) An application for a license under this part must  
26 be submitted to the office in such form as the commission may  
27 prescribe by rule. If the office determines that an  
28 application should be granted, it shall issue the license for  
29 a period not to exceed 2 years. A nonrefundable application  
30 fee of \$175 shall accompany an initial application for the  
31 principal place of business and each branch location of a

1 sales finance company. An application is considered received  
2 for purposes of s. 120.60 upon receipt of a completed  
3 application form as prescribed by the commission by rule, a  
4 nonrefundable application fee of \$175, and any other fee  
5 prescribed by law.

6 (3) The nonrefundable renewal fee for a sales finance  
7 company license shall be \$175. Biennial licensure periods and  
8 procedures for renewal of licenses may also be established by  
9 the commission by rule. A license that is not renewed at the  
10 end of the biennium established by the commission shall revert  
11 from active to inactive status. An inactive license may be  
12 reactivated within 6 months after becoming inactive upon  
13 filing a completed reactivation form, payment of the  
14 nonrefundable renewal fee, and payment of a reactivation fee  
15 equal to the nonrefundable renewal fee. A license that is not  
16 reactivated within 6 months after becoming inactive  
17 automatically expires.

18 Section 36. Subsections (2) and (3) of section 520.63,  
19 Florida Statutes, are amended to read:

20 520.63 Licensees.--

21 (2) An application for a license under this part must  
22 be submitted to the office in such form as the commission may  
23 prescribe by rule. If the office determines that an  
24 application should be granted, it shall issue the license for  
25 a period not to exceed 2 years. A nonrefundable application  
26 fee of \$175 shall accompany an initial application for the  
27 principal place of business and each application for a branch  
28 location of a home improvement finance seller. An application  
29 is considered received for purposes of s. 120.60 upon receipt  
30 of a completed application form as prescribed by the  
31

1 commission by rule, a nonrefundable application fee of \$175,  
2 and any other fee prescribed by law.

3 (3) The nonrefundable renewal fee for a home  
4 improvement finance license shall be \$175. Biennial licensure  
5 periods and procedures for renewal of licenses may also be  
6 established by the commission by rule. A license that is not  
7 renewed at the end of the biennium established by the  
8 commission shall automatically revert from active to inactive  
9 status. An inactive license may be reactivated within 6 months  
10 after becoming inactive upon filing a completed reactivation  
11 form, payment of the nonrefundable renewal fee, and payment of  
12 a nonrefundable reactivation fee equal to the renewal fee. A  
13 license that is not reactivated within 6 months after becoming  
14 inactive automatically expires.

15 Section 37. Subsection (5) of section 520.994, Florida  
16 Statutes, is amended to read:

17 520.994 Powers of office.--

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

27 Section 38. Paragraph (k) is added to subsection (1)  
28 of section 520.995, Florida Statutes, to read:

29 520.995 Grounds for disciplinary action.--  
30  
31

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

4           (k) Payment to the office for a license or permit with  
5 a check or electronic transmission of funds which is  
6 dishonored by the applicant's or licensee's financial  
7 institution.

8           Section 39. Subsection (4) of section 520.997, Florida  
9 Statutes, is amended to read:

10           520.997 Books, accounts, and records.--

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

1           Section 40. Subsection (5) of section 537.009, Florida  
2 Statutes, is amended to read:

3           537.009 Recordkeeping; reporting; safekeeping of  
4 property.--

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

26           Section 41. Subsection (3) is added to section  
27 560.105, Florida Statutes, to read:

28           560.105 Supervisory powers; rulemaking.--

29           (3) The commission may adopt rules that require  
30 electronic submission of any forms, documents, or fees  
31 required by this act if such rules reasonably accommodate

1 technological or financial hardship. The commission may  
2 prescribe by rule requirements and procedures for obtaining an  
3 exemption due to a technological or financial hardship.

4 Section 42. Paragraph (y) is added to subsection (1)  
5 of section 560.114, Florida Statutes, to read:

6 560.114 Disciplinary actions.--

7 (1) The following actions by a money transmitter or  
8 money transmitter-affiliated party are violations of the code  
9 and constitute grounds for the issuance of a cease and desist  
10 order, the issuance of a removal order, the denial of a  
11 registration application or the suspension or revocation of  
12 any registration previously issued pursuant to the code, or  
13 the taking of any other action within the authority of the  
14 office pursuant to the code:

15 (y) Payment to the office for a license or permit with  
16 a check or electronic transmission of funds which is  
17 dishonored by the applicant's or licensee's financial  
18 institution.

19 Section 43. Paragraph (b) of subsection (2) of section  
20 560.118, Florida Statutes, is amended to read:

21 560.118 Examinations, reports, and internal audits;  
22 penalty.--

23 (2)

24 (b) The commission may, by rule, require each money  
25 transmitter or authorized vendor to submit quarterly reports  
26 to the office. The commission may adopt rules that require  
27 electronic submission of any forms, documents, or fees  
28 required by this act if such rules reasonably accommodate  
29 technological or financial hardship. The commission may  
30 prescribe by rule requirements and procedures for obtaining an  
31 exemption due to a technological or financial hardship. The

1 commission may require that each report contain a declaration  
2 by an officer, or any other responsible person authorized to  
3 make such declaration, that the report is true and correct to  
4 the best of her or his knowledge and belief. Such report must  
5 include such information as the commission by rule requires  
6 for that type of money transmitter.

7 Section 44. Subsection (2) of section 560.121, Florida  
8 Statutes, is amended to read:

9 560.121 Records; limited restrictions upon public  
10 access.--

11 (2) The commission may prescribe by rule the minimum  
12 information that must be shown in the books, accounts,  
13 records, and documents of licensees for purposes of enabling  
14 the office to determine the licensee's compliance with ss.  
15 560.101-560.408. In addition, the commission may prescribe by  
16 rule the requirements for destruction of books, accounts,  
17 records, and documents retained by the licensee after  
18 completion of the time period specified in this subsection.  
19 Notwithstanding the 3-year retention period specified in this  
20 subsection, if the office identifies a statute of limitations  
21 in another civil or criminal state or federal law or rule  
22 which statute of limitations is reasonably related by subject  
23 matter to the administration of this chapter, the commission  
24 may identify that statute of limitations by rule and may  
25 prohibit the destruction of records required to be maintained  
26 by this chapter for a period of time, established by rule,  
27 which is reasonably related to such statute of limitations.  
28 The commission shall prescribe by rule those documents or  
29 records that are to be preserved under the identified statute  
30 of limitations. Examination reports, investigatory records,  
31 applications, and related information compiled by the office,

1 or photographic copies thereof, shall be retained by the  
2 office for a period of at least 3 years following the date  
3 that the examination or investigation ceases to be active.  
4 Application records, and related information compiled by the  
5 office, or photographic copies thereof, shall be retained by  
6 the office for a period of at least 2 years following the date  
7 that the registration ceases to be active.

8 Section 45. Section 560.126, Florida Statutes, is  
9 amended to read:

10 560.126 Significant events; notice required.--

11 (1) Unless exempted by the office, every money  
12 transmitter must provide the office with a written notice  
13 within 30 ~~15~~ days after the occurrence or knowledge of,  
14 whichever period of time is greater, any of the following  
15 events:

16 ~~(a)(1)~~ The filing of a petition under the United  
17 States Bankruptcy Code for bankruptcy or reorganization by the  
18 money transmitter.

19 ~~(b)(2)~~ The commencement of any registration suspension  
20 or revocation proceeding, either administrative or judicial,  
21 or the denial of any original registration request or a  
22 registration renewal, by any state, the District of Columbia,  
23 any United States territory, or any foreign country, in which  
24 the money transmitter operates or plans to operate or has  
25 registered to operate.

26 ~~(c)(3)~~ A felony indictment relating to the money  
27 transmission business involving the money transmitter or a  
28 money transmitter-affiliated party of the money transmitter.

29 ~~(d)(4)~~ The felony conviction, guilty plea, or plea of  
30 nolo contendere, if the court adjudicates the nolo contendere  
31



1 | pleader guilty, or the adjudication of guilt of a money  
2 | transmitter or money transmitter-affiliated party.

3 |       ~~(e)(5)~~ The interruption of any corporate surety bond  
4 | required by the code.

5 |       ~~(f)(6)~~ Any suspected criminal act, as defined by the  
6 | commission by rule, perpetrated in this state against a money  
7 | transmitter or authorized vendor.

8 |  
9 | However, ~~a person does not incur liability no liability shall~~  
10 | ~~be incurred by any person~~ as a result of making a good-faith  
11 | ~~good faith~~ effort to fulfill this disclosure requirement.

12 |       (2) If the information contained in any registration  
13 | application or any amendment thereto has changed, the  
14 | registrant shall, within 30 days after the change occurs, file  
15 | an amendment correcting the information on forms prescribed by  
16 | the commission.

17 |       Section 46. Section 560.205, Florida Statutes, is  
18 | amended to read:

19 |       560.205 Qualifications of applicant for registration;  
20 | contents.--

21 |       (1) To qualify for registration under this part, an  
22 | applicant must demonstrate to the office such character and  
23 | general fitness as to command the confidence of the public and  
24 | warrant the belief that the registered business will be  
25 | operated lawfully and fairly. The office may investigate each  
26 | applicant to ascertain whether the qualifications and  
27 | requirements prescribed by this part have been met. The  
28 | office's investigation may include a criminal background  
29 | investigation of all controlling shareholders, principals,  
30 | officers, directors, members, and responsible persons of a  
31 | funds transmitter and a payment instrument seller and all

1 | persons designated by a funds transmitter or payment  
2 | instrument seller as an authorized vendor. Each controlling  
3 | shareholder, principal, officer, director, member, and  
4 | responsible person of a funds transmitter or payment  
5 | instrument seller, unless the applicant is a publicly traded  
6 | corporation as defined by the commission by rule, a subsidiary  
7 | thereof, or a subsidiary of a bank or bank holding company  
8 | organized and regulated under the laws of any state or the  
9 | United States, shall file a complete set of fingerprints. A  
10 | fingerprint card submitted to the office must be taken by an  
11 | authorized law enforcement agency if the fingerprint card is  
12 | submitted to the office in paper form ~~officer~~. In addition to  
13 | the fees prescribed in s. 215.405, the commission may  
14 | prescribe by rule an additional fee, not to exceed \$30, for  
15 | processing the fingerprints. The commission may prescribe by  
16 | rule procedures for submitting fingerprints and fees by  
17 | electronic means to the office. In order to implement the  
18 | submission and processing of fingerprints as specified by rule  
19 | under this section, the office may contract with another state  
20 | agency that provides fingerprinting services. The office shall  
21 | submit the fingerprints to the Department of Law Enforcement  
22 | for state processing, and the Department of Law Enforcement  
23 | shall forward them to the Federal Bureau of Investigation for  
24 | national processing. The cost of the fingerprint processing  
25 | may be borne by the office, the employer, or the person who is  
26 | subject to the background check. The Department of Law  
27 | Enforcement shall bill the office for the fingerprints  
28 | submitted each month. The office shall screen the results of  
29 | the background check to determine whether the applicant meets  
30 | licensure requirements. Such fingerprints must be submitted to  
31 | the Department of Law Enforcement or the Federal Bureau of

1 Investigation for state and federal processing. The commission  
2 may waive by rule the requirement that applicants file a set  
3 of fingerprints or the requirement that such fingerprints be  
4 processed by the Department of Law Enforcement or the Federal  
5 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 must contain ~~forms shall 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 (6) Changes in registration occasioned by changes in  
18 personnel of a partnership or in the principals, members,  
19 partners, officers, directors, controlling shareholders, or  
20 responsible persons of a money transmitter or by changes of  
21 any material fact or method of doing business shall be  
22 reported by written amendment in such form and at such time as  
23 the commission specifies by rule.

24 Section 47. Section 560.207, Florida Statutes, is  
25 amended to read:

26 560.207 Renewal of registration; registration fee.--

27 (1) Registration may be renewed for a 24-month period  
28 or the remainder of any such period without proration  
29 following the date of its expiration by furnishing such  
30 information as the commission requires by rule, together with  
31 the payment of the fees required under subsections (2), (3),

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

8       (2) Each application for renewal of All registration  
9 ~~must renewal applications shall~~ be accompanied by a  
10 nonrefundable renewal fee not to exceed \$1,000. A registration  
11 expires on April 30 of the year in which the existing  
12 registration expires, unless the registrant has renewed its  
13 registration on or before that date. All renewal applications  
14 ~~must be filed on or after January 1 of the year in which the~~  
15 ~~existing registration expires, but before the expiration date~~  
16 ~~of April 30. If the renewal application is filed prior to the~~  
17 ~~expiration date of an existing registration, no late fee shall~~  
18 ~~be paid in connection with such renewal application. If the~~  
19 ~~renewal application is filed within 60 calendar days after the~~  
20 ~~expiration date of an existing registration, then, in addition~~  
21 ~~to the \$1,000 renewal fee, the renewal application shall be~~  
22 ~~accompanied by a nonrefundable late fee of \$500. If the~~  
23 ~~registrant has not filed a renewal application within 60~~  
24 ~~calendar days after the expiration date of an existing~~  
25 ~~registration, a new application shall be filed with the office~~  
26 ~~pursuant to s. 560.205.~~

27       (3) In addition to the renewal fee required under  
28 subsection (2), each registrant must pay ~~Every~~ registration  
29 ~~renewal application shall also include~~ a 2-year nonrefundable  
30 registration renewal fee of \$50 for each authorized vendor or  
31 location operating within this state or, at the option of the

1 registrant, a total 2-year nonrefundable renewal fee of  
2 \$20,000 may be paid to renew the registration of all such  
3 locations currently registered at the time of renewal.

4 (4) A registration may be reinstated only if the  
5 renewal fee and a nonrefundable late fee of \$500 are filed  
6 within 60 calendar days after the expiration of the existing  
7 registration. The office must grant a reinstatement of  
8 registration for which application is filed during the 60  
9 calendar days, and the reinstatement is effective upon receipt  
10 of the required fees and any information that the commission  
11 requires by rule. If the registrant has not filed application  
12 for reinstatement of the registration within the 60 calendar  
13 days after the expiration of an existing registration, the  
14 registration expires, and a new application must be filed with  
15 the office pursuant to s. 560.205.

16 Section 48. Subsection (1) of section 560.210, Florida  
17 Statutes, is amended to read:

18 560.210 Permissible investments.--

19 (1) A registrant shall at all times possess  
20 permissible investments with an aggregate market value  
21 calculated in accordance with United States generally accepted  
22 accounting principles of not less than the aggregate face  
23 amount of all outstanding funds transmissions ~~transmitted~~ and  
24 ~~outstanding~~ payment instruments issued or sold by the  
25 registrant or an authorized vendor in the United States.

26 Section 49. Subsection (2) of section 560.211, Florida  
27 Statutes, is amended to read:

28 560.211 Records.--

29 (2) The records required to be maintained by the code  
30 may be maintained by the registrant at any location, provided  
31 that the registrant notifies the office in writing of the



1 location of the records in its application or otherwise by  
2 amendment as prescribed by the commission by rule. The  
3 registrant shall make such records available to the office for  
4 examination and investigation in this state, as permitted by  
5 the code, within 7 days after receipt of a written request.

6 Section 50. Section 560.305, Florida Statutes, is  
7 amended to read:

8 560.305 Application.--Each application for  
9 registration must ~~shall~~ be in writing and under oath to the  
10 office, in such form as the commission prescribes. The  
11 commission may establish by rule procedures for depositing  
12 fees and filing documents by electronic means. The application  
13 must contain such information as the commission requires by  
14 rule, including, but not limited to ~~shall include the~~  
15 ~~following~~:

16 (1) The legal name and residence and business  
17 addresses of the applicant if the applicant is a natural  
18 person, or, if the applicant is a partnership, association, or  
19 corporation, the name of every partner, officer, or director  
20 thereof.

21 (2) The location of the principal office of the  
22 applicant.

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

27 (4) Such other information as the commission or office  
28 reasonably requires with respect to the applicant or any money  
29 transmitter-affiliated party of the applicant; however, the  
30 commission or office may not require more information than is  
31 specified in part II.

1           Section 51. Subsections (1) and (4) of section  
2 560.306, Florida Statutes, are amended, and subsection (6) is  
3 added to that section, to read:

4           560.306 Standards.--

5           (1) In order to qualify for registration under this  
6 part, an applicant must demonstrate to the office that he or  
7 she has such character and general fitness as will command the  
8 confidence of the public and warrant the belief that the  
9 registered business will be operated lawfully and fairly. The  
10 office may investigate each applicant to ascertain whether the  
11 qualifications and requirements prescribed by this part have  
12 been met. The office's investigation may include a criminal  
13 background investigation of all controlling shareholders,  
14 principals, officers, directors, members, and responsible  
15 persons of a check casher and a foreign currency exchanger and  
16 all persons designated by a foreign currency exchanger or  
17 check casher as an authorized vendor. Each controlling  
18 shareholder, principal, officer, director, member, and  
19 responsible person of a check casher or foreign currency  
20 exchanger, unless the applicant is a publicly traded  
21 corporation as defined by the commission by rule if the  
22 fingerprint card is submitted to the office in paper form as  
23 defined by the commission by rule, a subsidiary thereof, or a  
24 subsidiary of a bank or bank holding company organized and  
25 regulated under the laws of any state or the United States,  
26 shall file a complete set of fingerprints. A fingerprint card  
27 submitted to the office must be taken by an authorized law  
28 enforcement agency if the fingerprint card is submitted to the  
29 office in paper form officer. In addition to the fees  
30 prescribed in s. 215.405, the commission may prescribe by rule  
31 an additional fee, not to exceed \$30, for processing the

1 fingerprints. The commission may prescribe by rule procedures  
2 for submitting fingerprints and fees by electronic means to  
3 the office. In order to implement the submission and  
4 processing of fingerprints as specified by rule under this  
5 section, the office may contract with another state agency  
6 that provides fingerprinting services. The office shall submit  
7 the fingerprints to the Department of Law Enforcement for  
8 state processing, and the Department of Law Enforcement shall  
9 forward them to the Federal Bureau of Investigation for  
10 national processing. The cost of the fingerprint processing  
11 may be borne by the office, the employer, or the person who is  
12 subject to the background check. The Department of Law  
13 Enforcement shall bill the office for the fingerprints  
14 submitted each month. The office shall screen the results of  
15 the background check to determine whether the applicant meets  
16 licensure requirements. Such fingerprints must be submitted to  
17 the Department of Law Enforcement or the Federal Bureau of  
18 Investigation for state and federal processing. The commission  
19 may waive by rule the requirement that applicants file a set  
20 of fingerprints or the requirement that such fingerprints be  
21 processed by the Department of Law Enforcement or the Federal  
22 Bureau of Investigation.

23 (4) Each registration application and renewal  
24 application must specify the location at which the applicant  
25 proposes to establish its principal place of business and any  
26 other location, including authorized vendors operating in this  
27 state. The registrant shall notify the office of any changes  
28 to any such locations. ~~Any registrant may satisfy this~~  
29 ~~requirement by providing the office with a list of such~~  
30 ~~locations, including all authorized vendors operating in this~~  
31 ~~state, not less than annually.~~ A registrant may not transact

1 business as a check casher or a foreign currency exchanger  
2 except pursuant to the name under which it is registered.

3 (6) Changes in registration occasioned by changes in  
4 personnel of a partnership or in the principals, members,  
5 partners, officers, directors, controlling shareholders, or  
6 responsible persons of a money transmitter or by changes of  
7 any material fact or method of doing business shall be  
8 reported by written amendment in such form and at such time as  
9 the commission specifies by rule.

10 Section 52. Section 560.308, Florida Statutes, is  
11 amended to read:

12 560.308 Registration terms; renewal; renewal fees.--

13 (1) Registration may be renewed for a 24-month period  
14 or the remainder of any such period without proration  
15 following the date of its expiration, by furnishing such  
16 information as the commission requires by rule, together with  
17 the payment of the fees required under subsections (2), (3),  
18 and (4). The commission may establish by rule procedures for  
19 depositing fees and filing documents by electronic means.  
20 ~~Registration pursuant to this part shall remain effective~~  
21 ~~through the remainder of the second calendar year following~~  
22 ~~its date of issuance unless during such calendar year the~~  
23 ~~registration is surrendered, suspended, or revoked.~~

24 (2) Each application for renewal of registration must  
25 be accompanied by ~~The office shall renew registration upon~~  
26 ~~receipt of a completed renewal form and payment of a~~  
27 ~~nonrefundable renewal fee not to exceed \$500. The registration~~  
28 expires on December 31 of the year in which the existing  
29 registration expires, unless the registrant has renewed its  
30 registration on or before that date. The completed renewal  
31

1 ~~form and payment of the renewal fee shall occur on or after~~  
2 ~~June 1 of the year in which the existing registration expires.~~

3 (3) In addition to the renewal fee required by  
4 subsection (2), each registrant must pay a 2-year  
5 nonrefundable registration renewal fee of \$50 for each  
6 authorized vendor or location operating within this state or,  
7 at the option of the registrant, a total 2-year nonrefundable  
8 renewal fee of \$20,000 may be paid to renew the registration  
9 of all such locations currently registered at the time of  
10 renewal.

11 (4) ~~Registration that is not renewed on or before the~~  
12 ~~expiration date of the registration period automatically~~  
13 ~~expires.~~ A renewal ~~application and fee,~~ and a nonrefundable  
14 late fee of \$250, must be filed within 60 calendar days after  
15 the expiration of an existing registration in order for the  
16 registration to be reinstated. The office must grant a  
17 reinstatement of registration for which application is filed  
18 during the 60 calendar days, and the reinstatement is  
19 effective upon receipt of the required fees and any  
20 information that the commission requires by rule. If the  
21 registrant has not filed ~~an a renewal~~ application for  
22 reinstatement within 60 calendar days after the expiration  
23 date of an existing registration, the registration expires and  
24 a new application must be filed with the office pursuant to s.  
25 560.307.

26 Section 53. Subsection (2) of section 560.310, Florida  
27 Statutes, is amended to read:

28 560.310 Records of check cashers and foreign currency  
29 exchangers.--

30 (2) The records required to be maintained by the code  
31 may be maintained by the registrant at any location, provided

1 that the registrant notifies the office, in writing, of the  
2 location of the records in its application or otherwise by  
3 amendment as prescribed by the commission by rule. The  
4 registrant shall make such records available to the office for  
5 examination and investigation in this state, as permitted by  
6 the code, within 7 days after receipt of a written request.

7 Section 54. Subsections (2) and (4) of section  
8 560.403, Florida Statutes, are amended to read:

9 560.403 Requirements of registration; declaration of  
10 intent.--

11 (2) A registrant under this part shall renew his or  
12 her intent to engage in the business of deferred presentment  
13 transactions or to act as a deferred presentment provider upon  
14 renewing his or her registration under part II or part III and  
15 shall do so by indicating his or her intent ~~on the renewal~~  
16 ~~form and~~ by submitting a nonrefundable deferred presentment  
17 provider renewal fee of \$1,000, in addition to any fees  
18 required for renewal of registration under part II or part  
19 III.

20 (4) The notice of intent of a registrant under this  
21 part who fails to timely renew his or her intent to engage in  
22 the business of deferred presentment transactions or to act as  
23 a deferred presentment provider on or before the expiration  
24 date of the registration period automatically expires. A  
25 renewal ~~declaration of intent and fee,~~ and a nonrefundable  
26 late fee of \$500~~,~~ must be filed within 60 calendar days after  
27 the expiration of an existing registration in order for the  
28 declaration of intent to be reinstated. The office must grant  
29 a reinstatement of a notice of intent for which application is  
30 filed during the 60 calendar days, and the reinstatement is  
31 effective upon receipt of the required fees and any

1 information that the commission requires by rule. If the  
2 registrant has not filed a reinstatement of a renewal  
3 declaration of intent within 60 calendar days after the  
4 expiration date of an existing registration, the notice of  
5 intent expires and a new declaration of intent must be filed  
6 with the office.

7 Section 55. Section 655.935, Florida Statutes, is  
8 amended to read:

9 655.935 Search procedure on death of lessee.--If  
10 satisfactory proof of the death of the lessee is presented, a  
11 lessor shall permit the person named in a court order for the  
12 purpose, or if no order has been served upon the lessor, the  
13 spouse, a parent, an adult descendant, or a person named as a  
14 personal representative in a copy of a purported will produced  
15 by such person, to open and examine the contents of a  
16 safe-deposit box leased or co-leased by a decedent, or any  
17 documents delivered by a decedent for safekeeping, in the  
18 presence of an officer of the lessor; and the lessor, if so  
19 requested by such person, shall deliver:

20 (1) Any writing purporting to be a will of the  
21 decedent, to the court having probate jurisdiction in the  
22 county in which the financial institution is located;

23 (2) Any writing purporting to be a deed to a burial  
24 plot or to give burial instructions, to the person making the  
25 request for a search; and

26 (3) Any document purporting to be an insurance policy  
27 on the life of the decedent, to the beneficiary named therein.

28  
29 No other contents may be removed pursuant to this section and  
30 access granted pursuant to this section shall not be  
31 considered the initial opening of the safe-deposit box

1 pursuant to s. 733.6065 by a personal representative appointed  
2 by a court in this state.

3 Section 56. Section 655.936, Florida Statutes, is  
4 amended to read:

5 655.936 Delivery of safe-deposit box contents or  
6 property held in safekeeping to personal representative.--

7 (1) Subject to the provisions of subsection (3), the  
8 lessor shall immediately deliver to a ~~resident~~ personal  
9 representative appointed by a court in this state, upon  
10 presentation of a certified copy of his or her letters of  
11 authority, all property deposited with it by the decedent for  
12 safekeeping, and shall grant the ~~resident~~ personal  
13 representative access to any safe-deposit box in the  
14 decedent's name and permit him or her to remove from such box  
15 any part or all of the contents thereof.

16 (2) If a ~~foreign~~ personal representative of a deceased  
17 lessee has been appointed by a court of any other state, a  
18 lessor may, at its discretion, after 3 months from the  
19 issuance to such ~~foreign~~ personal representative of his or her  
20 letters of authority, deliver to such ~~foreign~~ personal  
21 representative all properties deposited with it for  
22 safekeeping and the contents of any safe-deposit box in the  
23 name of the decedent if at such time the lessor has not  
24 received written notice of the appointment of a personal  
25 representative in this state, and such delivery is a valid  
26 discharge of the lessor for all property or contents so  
27 delivered. ~~A Such foreign~~ personal representative appointed by  
28 a court of any other state shall furnish the lessor with an  
29 affidavit setting forth facts showing the domicile of the  
30 deceased lessee to be other than this state and stating that  
31 there are no unpaid creditors of the deceased lessee in this



1 state, together with a certified copy of his or her letters of  
2 authority. A lessor making delivery pursuant to this  
3 subsection shall maintain in its files a receipt executed by  
4 such ~~foreign~~ personal representative which itemizes in detail  
5 all property so delivered.

6 (3) Notwithstanding the provisions of subsection (1),  
7 after the death of a lessee of a safe-deposit box, the lessor  
8 shall permit the initial opening of the safe-deposit box and  
9 the removal of the contents of the safe-deposit box in  
10 accordance with s. 733.6065.

11 (4) A lessor is not liable for damages or penalty by  
12 reason of any delivery made pursuant to this section.

13 Section 57. Section 655.937, Florida Statutes, is  
14 amended to read:

15 655.937 Access to safe-deposit boxes leased in two or  
16 more names.--

17 (1) Unless ~~When~~ specifically provided in the lease or  
18 rental agreement to the contrary, when covering a safe-deposit  
19 box is heretofore or hereafter rented or leased in the names  
20 of two or more lessees, ~~that~~ access to the safe-deposit box  
21 will be granted to ~~either lessee, or to either or the~~  
22 ~~survivor, access to the safe deposit box shall be granted to:~~

23 (a) Either or any of such lessees, regardless of  
24 whether or not the other lessee or lessees or any of them are  
25 living or competent. ~~;~~ ~~or~~

26 (b) Subject to s. 655.933, those persons named in s.  
27 655.933.

28 (c) Subject to s. 655.935, those persons named in s.  
29 655.935.

30 (d) ~~(b)~~ Subject to s. 733.6065, the personal  
31 representative of the estate of either or any of such lessees

1 who is deceased, or the guardian of the property of either or  
2 any of such lessees who is incapacitated. ~~and, in either such~~  
3 ~~case, the provisions of s. 655.933 apply, and~~

4 (2) In all cases described in subsection (1), the  
5 signature on the safe-deposit entry or access record (or the  
6 receipt or acquittance, in the case of property or documents  
7 otherwise held for safekeeping) is a valid and sufficient  
8 release and discharge to the lessor for granting access to  
9 such safe-deposit box or for the delivery of such property or  
10 documents otherwise held for safekeeping.

11 ~~(3)(2)~~ A lessor may not be held liable for damages or  
12 penalty by reason of any access granted or delivery made  
13 pursuant to this section.

14 (4) The right of access by a co-lessee is separate  
15 from the rights and responsibilities of other persons who may  
16 be granted access to a safe-deposit box after the death or  
17 incapacity of another co-lessee and such right of access is  
18 not subject to the provisions of s. 655.935 or s. 733.6065 or  
19 other requirements imposed upon personal representatives,  
20 guardians, or other fiduciaries.

21 (5) After the death of a co-lessee, the surviving  
22 co-lessee or any other person who is granted access to the  
23 safe-deposit box pursuant to this section may make a written  
24 inventory of the box which shall be conducted by the person  
25 making the request in the presence of one other person as  
26 specified in this subsection. Each person present shall verify  
27 the contents of the box by signing a copy of the inventory  
28 under penalty of perjury.

29 (a) If the person making the written inventory is the  
30 surviving co-lessee, the other person may be any other person  
31 granted access pursuant to this section, an employee of the

1 institution where the box is located, or an attorney licensed  
2 in this state.

3 (b) If the person making the written inventory is not  
4 a surviving co-lessee, the other person may be a surviving  
5 co-lessee, an employee of the institution where the box is  
6 located, or an attorney licensed in this state.

7 Section 58. Section 733.6065, Florida Statutes, is  
8 amended to read:

9 733.6065 Opening safe-deposit box.--

10 (1) Subject to the provisions of s. 655.936(2), the  
11 initial opening of ~~a the decedent's~~ safe-deposit box leased or  
12 co-leased by the decedent shall be conducted in the presence  
13 of any two of the following persons: an employee of the  
14 institution where the box is located, the personal  
15 representative, or the personal representative's attorney of  
16 record. Each person who is present must verify the contents  
17 of the box by signing a copy of the inventory under penalties  
18 of perjury. The personal representative shall file the  
19 safe-deposit box inventory, together with a copy of the box  
20 entry record from a date which is 6 months prior to the date  
21 of death to the date of inventory, with the court within 10  
22 days after the box is opened. Unless otherwise ordered by the  
23 court, this inventory and the attached box entry record is  
24 subject to inspection only by persons entitled to inspect an  
25 inventory under s. 733.604(1). The personal representative  
26 may remove the contents of the box.

27 (2) The right to open and examine the contents of a  
28 safe-deposit box leased by a decedent, or any documents  
29 delivered by a decedent for safekeeping, and to receive items  
30 as provided for in s. 655.935 are separate from ~~in addition to~~  
31 the rights provided for in subsection (1).

1           Section 59. Subsection (5) is added to section  
2 817.801, Florida Statutes, to read:

3           817.801 Definitions.--As used in this part:

4           (5) "Creditor contribution" means any sum that a  
5 creditor agrees to contribute to a credit counseling agency,  
6 whether directly or by set-off to amounts otherwise payable to  
7 the creditor on behalf of debtors, provided that a creditor  
8 contribution may not reduce any sums to be credited to the  
9 account of a debtor making a payment to the credit counseling  
10 agency for further payment to the creditor.

11           Section 60. Section 817.802, Florida Statutes, is  
12 amended to read:

13           817.802 Unlawful fees and costs.--

14           (1) It is unlawful for any person, while engaging in  
15 debt management services or credit counseling services, to  
16 charge or accept from a debtor residing in this state,  
17 directly or indirectly, a fee or contribution greater than \$50  
18 for the initial setup or initial consultation. Subsequently,  
19 the person may not charge or accept a fee or contribution from  
20 a debtor residing in this state greater than \$120 per year for  
21 additional consultations or, alternatively, if debt management  
22 services as defined in s. 817.801(2)(b) are provided, the  
23 person may charge the greater of 15 7.5 percent of the amount  
24 paid monthly by the debtor to the person or \$25\$35 per month,  
25 not to exceed a total of \$50 per month.

26           (2) ~~No provision of~~ This section does not prohibit  
27 ~~prohibits~~ any person, while engaging in debt management or  
28 credit counseling services, from imposing upon and receiving  
29 from a debtor a reasonable and separate charge or fee for  
30 insufficient funds transactions.

1           Section 61. Paragraph (a) of subsection (1) of section  
2 817.804, Florida Statutes, is amended to read:

3           817.804 Requirements; disclosure and financial  
4 reporting.--

5           (1) Any person engaged in debt management services or  
6 credit counseling services shall:

7           (a) Obtain from a certified public accountant licensed  
8 under s. 473.308 an annual audit that shall include ~~of~~ all  
9 accounts of such person in which the funds of debtors are  
10 deposited and from which payments are made to creditors on  
11 behalf of debtors.

12          Section 62. Section 817.805, Florida Statutes, is  
13 amended to read:

14          817.805 Disbursement of funds.--Any person engaged in  
15 debt management or credit counseling services shall disburse  
16 to the appropriate creditors all funds received from a debtor,  
17 less any fees permitted by s. 817.802 and any creditor  
18 contributions, within 30 days after receipt of such funds.  
19 Further, any person engaged in such services shall maintain a  
20 separate trust account for the receipt of any funds from  
21 debtors ~~each debtor~~ and the disbursement of such funds on  
22 behalf of such debtors ~~debtor~~.

23          Section 63. For the 2005-2006 fiscal year, the  
24 recurring sum of \$717,154 is appropriated from the Regulatory  
25 Trust Fund to the Office of Financial Regulation for the  
26 purpose of implementing section 494.0033(2)(b), Florida  
27 Statutes, for third-party administration of the mortgage  
28 broker test. For the 2005-2006 fiscal year, the recurring sum  
29 of \$758,290 is appropriated from the Regulatory Trust Fund and  
30 the recurring sum of \$12,015 is appropriated from the General  
31 Revenue Fund to the Office of Financial Regulation, in the

1 special appropriation category "fingerprinting of applicants,"  
2 for the purpose of implementing sections 494.0031,  
3 494.0033(2)(d), 494.0061, 494.0062, 494.0065, 517.12, 560.205,  
4 and 560.306, Florida Statutes, for fingerprint processing of  
5 applicants.

6           Section 64. This act shall take effect October 1,  
7 2005.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 CS/CS/SB 304

- 4 - Provides that a licensee may charge an amount not to  
5 exceed \$25 to reimburse a portion of the costs for  
6 investigating the character and credit of a person  
7 applying for a loan.
- 8 - Specifies that a safe deposit box of a deceased lessee  
9 (decedent) includes the box co-leased by the decedent and  
10 that access granted to the safe-deposit box pursuant to  
11 s. 655.935, F.S., is not considered the initial opening  
12 of the box by a personal representative appointed by the  
13 court, as provided in s. 733.6065.
- 14 - Specifies that the personal representative of the  
15 decedent is appointed by a court in this state or a court  
16 of any other state, as applicable, and deletes current  
17 references that, as applicable, a personal representative  
18 is a "resident" or is "foreign."
- 19 - Provides that, unless specifically provided in the lease  
20 or rental agreement to the contrary, when a safe-deposit  
21 box is rented or leased in the names of two or more  
22 lessees, access to the box will be granted to either  
23 lessee and to fiduciaries and personal representatives,  
24 as specified.
- 25 - Distinguishes the right of access by a co-lessee from the  
26 rights and responsibilities of others granted access to  
27 the safe-deposit box after the death or incapacity of  
28 another co-lessee, and provides procedures for a written  
29 inventory of the contents of the box.
- 30 - Provides that the procedures for initial opening of a  
31 decedent's safe deposit box apply to a box leased or  
co-leased by the decedent.
- Defines the term "creditor contribution" as "any sum that  
a creditor agrees to contribute to a credit counseling  
agency, whether directly or by set-off to amounts  
otherwise payable to the creditor on behalf of debtors,  
provided that a creditor contribution may not reduce any  
sums to be credited to the account of a debtor making a  
payment to the credit counseling agency for further  
payment to the creditor."
- Provides that certain limitations on fees and  
contributions apply to fees or contributions charged to a  
debtor residing in this state or accepted from such  
debtor by a person engaged in debt management services or  
credit counseling services.
- Provides that, subsequent to the fee or contribution  
charged or accepted from such debtor for the initial  
setup or initial consultation, the person providing debt  
management services may charge for those services the  
greater of 15 percent of the amount paid monthly by such  
debtor to such person or \$25 per month, not to exceed a

- 1 total of \$50 per month.
- 2 - Requires any person engaged in debt management services  
3 or credit counseling services to obtain from a licensed  
4 CPA an annual audit that shall include all accounts of  
such person in which funds of debtors are deposited and  
from which payments are made to the creditors.
- 5 - Requires a person engaged in debt management or credit  
6 counseling services to disburse to the appropriate  
7 creditors any creditor contributions, as specified, and  
8 to maintain a separate trust account for the receipt of  
any funds from debtors and the disbursement of such funds  
on behalf of debtors.
- 9 - Provides that, for Fiscal year 2005-2006, the recurring  
10 sum of \$717,154 is appropriated from the Office of  
Financial Regulation's Regulatory Trust Fund for third  
11 party administration of the mortgage broker test, and the  
recurring sum of \$758,290 is appropriated from that fund  
12 and the recurring sum of \$12,015 is appropriated from the  
General Revenue Fund to the OFR, in the appropriation  
13 category "fingerprinting of applicants" for implementing  
sections of the CS requiring fingerprint processing of  
14 applicants.  
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