

1 A bill to be entitled
2 An act relating to financial entities and transactions;
3 amending s. 494.001, F.S.; defining the term "control
4 person"; amending s. 494.0011, F.S.; authorizing the
5 Financial Services Commission to require electronic
6 submission of forms, documents, or fees; providing a
7 limitation; authorizing the commission to adopt rules
8 accommodating a technological or financial hardship;
9 requiring that a grant or denial of a license be in
10 accordance with ch. 120, F.S.; amending s. 494.0016, F.S.;
11 authorizing the commission to prescribe requirements for
12 destroying books, accounts, records, and documents;
13 amending s. 494.0029, F.S.; requiring that certain
14 entities who offer or conduct mortgage business training
15 obtain a permit; providing requirements and procedures for
16 obtaining a permit; specifying that permits are not
17 transferable or assignable; providing for expiration and
18 recertification of permits; authorizing permit fees;
19 requiring that curriculum, training, and training
20 materials be available for inspection; requiring
21 electronic notification to the office of persons who have
22 successfully completed certain education requirements;
23 requiring the commission to adopt rules; amending s.
24 494.00295, F.S.; revising professional education
25 provisions to apply to continuing education; providing
26 requirements; waiving such requirements for license
27 renewals for certain persons under certain circumstances;

28 | amending s. 494.003, F.S.; revising the list of entities
29 | exempt from certain mortgage broker licensure
30 | requirements; amending s. 494.0031, F.S.; requiring
31 | licensure of mortgage brokerage businesses; revising
32 | requirements and procedures for issuing licenses;
33 | providing duties and authority of the commission and
34 | office; providing duties of the Department of Law
35 | Enforcement; specifying that certain licenses are not
36 | transferable or assignable; revising the grounds on which
37 | a license may be denied; deleting certain provisions
38 | relating to cancellation and reinstatement of licenses;
39 | amending s. 494.0032, F.S.; requiring renewal of branch
40 | office licenses with renewal of mortgage brokerage
41 | business licenses; amending s. 494.0033, F.S.; revising
42 | mortgage broker licensure requirements and procedures;
43 | authorizing the commission to prescribe additional testing
44 | fees; authorizing the commission to waive certain
45 | examination requirements under specified circumstances;
46 | providing duties and authority of the commission and
47 | office; providing duties of the Department of Law
48 | Enforcement; deleting provisions relating to cancellation
49 | and reinstatement of licenses; amending s. 494.0036, F.S.;
50 | revising mortgage brokerage business branch office
51 | licensure requirements and procedures; deleting a
52 | requirement for displaying licenses; amending s. 494.0039,
53 | F.S.; deleting mortgage brokerage business change of
54 | address reporting and license display requirements;

55 | amending s. 494.004, F.S.; revising mortgage broker
56 | licensee requirements; providing requirements for
57 | acquiring a controlling interest in a licensee; providing
58 | a definition; providing duties and authority of the
59 | commission; authorizing the office to bring an
60 | administrative action under certain circumstances;
61 | amending s. 494.0041, F.S.; specifying additional grounds
62 | for taking disciplinary action; amending s. 494.006, F.S.;
63 | revising the list of entities exempt from mortgage lender
64 | licensure requirements; amending s. 494.0061, F.S.;
65 | requiring the licensure of mortgage lenders; revising
66 | mortgage lender license requirements and procedures;
67 | providing duties and authority of the commission and
68 | office; providing duties of the Department of Law
69 | Enforcement; providing for commission rules; revising
70 | provisions governing grounds for imposing discipline;
71 | deleting certain provisions relating to cancellation and
72 | reinstatement of licenses; authorizing the commission to
73 | prescribe additional testing fees; revising provisions
74 | governing principal representatives; amending s. 494.0062,
75 | F.S.; requiring licensure of correspondent mortgage
76 | lenders; revising correspondent mortgage lender license
77 | requirements and procedures; providing duties and
78 | authority of the commission and office; providing duties
79 | of the Department of Law Enforcement; providing
80 | educational requirements for principal representatives;
81 | revising grounds for disciplinary action; deleting certain

82 provisions relating to cancellation and reinstatement of
83 licenses; authorizing the commission to prescribe
84 additional testing fees; providing for commission rules;
85 amending s. 494.0064, F.S.; revising mortgage lender
86 branch office licensee professional continuing education
87 requirements; amending s. 494.0065, F.S.; revising saving
88 clause requirements and procedures; revising the duties
89 and authority of the office and commission; providing
90 duties of the Department of Law Enforcement; providing for
91 commission rules; providing requirements for education and
92 testing for certain principal representatives and for
93 transfer applications; authorizing the commission to
94 prescribe additional testing fees; revising provisions
95 governing the denial of transfers; providing personal
96 representative designation requirements; amending s.
97 494.0066, F.S.; revising branch office licensure
98 requirements; providing for commission rules; amending s.
99 494.0067, F.S.; deleting a license display requirement;
100 providing information reporting requirements; providing
101 requirements for acquiring a controlling interest in a
102 licensee; providing a definition; providing duties and
103 authority of the commission; authorizing the office to
104 bring an administrative action under certain
105 circumstances; revising professional continuing education
106 requirements; amending s. 494.0072, F.S.; providing
107 additional grounds for taking disciplinary action;
108 amending s. 494.00721, F.S.; conforming cross-references;

109 | amending s. 501.137, F.S.; providing mortgage lender
110 | liability for attorney's fees and costs for certain
111 | violations; amending s. 516.01, F.S.; defining the term
112 | "control person"; amending s. 516.03, F.S.; revising
113 | requirements and procedures for issuing consumer finance
114 | loan licenses; specifying certain fees as nonrefundable;
115 | authorizing the commission to adopt rules; revising
116 | certain fee requirements; providing for technological or
117 | financial hardship exemptions under certain circumstances;
118 | amending s. 516.031, F.S.; increasing a reimbursement
119 | charge for certain investigation costs; amending s.
120 | 516.05, F.S.; revising investigation procedures; deleting
121 | provisions relating to certain fees for licenses that have
122 | been denied; providing licensee information reporting
123 | requirements; providing requirements for acquiring a
124 | controlling interest in a licensee; providing a
125 | definition; providing duties and authority of the
126 | commission and office; providing for commission rules;
127 | authorizing the office to bring an administrative action
128 | under certain circumstances; deleting provisions
129 | authorizing the office to grant temporary licenses;
130 | amending s. 516.07, F.S.; providing an additional ground
131 | for taking disciplinary action; repealing s. 516.08, F.S.,
132 | relating to requirements for posting a license; amending
133 | s. 516.12, F.S.; authorizing the commission to adopt rules
134 | specifying the minimum information to be shown in a
135 | licensee's books, accounts, records, and documents and the

136 requirements for destroying a licensee's books, accounts,
137 records, and documents; amending s. 516.19, F.S.;
138 correcting cross-references; amending s. 517.021, F.S.;
139 redefining the term "branch office"; authorizing the
140 commission to adopt rules; amending s. 517.051, F.S.;
141 revising required accounting principles; amending s.
142 517.061, F.S.; revising a provision governing exempt
143 transactions; amending s. 517.081, F.S.; revising required
144 accounting principles; amending s. 517.12, F.S.; revising
145 requirements and procedures for registration of dealers,
146 associated persons, investment advisers, and branch
147 offices; revising duties and authority of the commission
148 and office; providing for commission rules; providing
149 duties of the Department of Law Enforcement; revising
150 requirements, procedures, and exemptions relating to
151 activities of Canadian dealers and associated persons;
152 providing for certain fees; providing that certain fees
153 are nonrefundable; providing for the collection of fees;
154 amending s. 517.131, F.S.; revising criteria under which
155 recovery can be made from the Securities Guaranty Fund;
156 authorizing the commission to adopt rules; amending s.
157 517.141, F.S.; revising requirements for claimant
158 reimbursements to the fund; authorizing the commission to
159 adopt rules; amending s. 517.161, F.S.; revising a ground
160 for a registration adverse action; providing an additional
161 ground; amending ss. 520.02, 520.31, and 520.61, F.S.;
162 defining the term "control person"; amending ss. 520.03,

163 520.32, 520.52, and 520.63, F.S.; revising requirements
164 and procedures for licensing motor vehicle retail
165 installment sellers, retail installment transaction retail
166 sellers, sales finance companies, and home improvement
167 finance sellers; revising duties and authority of the
168 commission and office; specifying certain fees as
169 nonrefundable; amending s. 520.994, F.S.; revising
170 commission authority to adopt rules to include electronic
171 submissions; providing for accommodating a technological
172 or financial hardship; amending s. 520.995, F.S.;
173 providing an additional ground for taking disciplinary
174 action; revising a provision applying disciplinary actions
175 to certain persons; amending s. 520.997, F.S.; revising
176 commission authority to adopt rules relating to a
177 licensee's books, accounts, records, and documents;
178 creating s. 520.999, F.S.; providing additional
179 requirements of licensees in sales and finance;
180 authorizing the office to bring an administrative action
181 under certain circumstances; authorizing the commission to
182 adopt rules; amending s. 537.009, F.S., relating to the
183 Florida Title Loan Act; revising provisions relating to a
184 licensee's books, accounts, records, and documents;
185 amending s. 559.9232, F.S.; correcting cross-references;
186 amending s. 560.105, F.S., relating to the Money
187 Transmitters' Code; authorizing the commission to adopt
188 rules for electronic submission of money transmitter
189 licensee forms, documents, or fees; providing for

190 exemptions due to technological or financial hardship;
191 amending s. 560.114, F.S.; providing an additional ground
192 for taking disciplinary action; amending s. 560.121, F.S.;
193 authorizing the commission to adopt rules relating to a
194 licensee's books, accounts, records, and documents;
195 amending s. 560.126, F.S.; revising information reporting
196 requirements; providing requirements for acquiring a
197 controlling interest; authorizing the office to bring an
198 administrative action under certain circumstances;
199 authorizing the commission to adopt rules; amending s.
200 560.127, F.S.; revising criteria for determining control
201 over a money transmitter; deleting provisions regulating
202 the acquisition or purchase of a money transmitter;
203 amending s. 560.205, F.S.; revising requirements and
204 procedures for registering money transmitters; revising
205 duties of the commission and office; providing duties of
206 the Department of Law Enforcement; amending s. 560.207,
207 F.S.; revising requirements and procedures for renewing a
208 registration; authorizing the commission to adopt rules;
209 providing that specified fees are nonrefundable; providing
210 conditions for reinstating a registration; providing an
211 additional fee; providing for expiration of registration;
212 amending s. 560.210, F.S.; revising required accounting
213 principles; amending s. 560.211, F.S.; revising certain
214 recordkeeping requirements; amending s. 560.305, F.S.,
215 relating to the Check Cashing and Foreign Currency
216 Exchange Act; revising requirements and procedures for

217 registration; amending s. 560.306, F.S.; revising
218 fingerprinting requirements and procedures; providing
219 duties of the office and Department of Law Enforcement;
220 amending s. 560.308, F.S.; revising requirements for
221 renewal of registration; providing for expiration of
222 registration; providing that specified fees are
223 nonrefundable; providing conditions for reinstatement of a
224 registration; amending s. 560.310, F.S.; revising certain
225 recordkeeping requirements; amending s. 560.403, F.S.;
226 revising requirements for registration renewal notices of
227 intent; providing that specified fees are nonrefundable;
228 providing conditions for reinstatement of a notice of
229 intent; amending s. 655.935, F.S.; authorizing the search
230 of a safe-deposit box co-leased by a decedent; providing
231 construction; amending s. 655.936, F.S.; providing for the
232 delivery of a safe-deposit box to a court-appointed
233 personal representative; amending s. 655.937, F.S.;
234 revising provisions for access to safe-deposit boxes;
235 providing a penalty; amending s. 679.705, F.S.; extending
236 the effective date of a financing statement filed under
237 previous law; amending s. 733.6065, F.S.; revising
238 provisions relating to the initial opening of certain
239 safe-deposit boxes; providing an appropriation; providing
240 effective dates.

241

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

243

244 Section 1. Present subsections (9) through (30) of section
 245 494.001, Florida Statutes, are redesignated as subsections (10)
 246 through (31), respectively, and a new subsection (9) is added to
 247 that section to read:

248 494.001 Definitions.--As used in ss. 494.001-494.0077, the
 249 term:

250 (9) "Control person" means an individual, partnership,
 251 corporation, trust, or other organization that possesses the
 252 power, directly or indirectly, to direct the management or
 253 policies of a company, whether through ownership of securities,
 254 by contract, or otherwise. A person is presumed to control a
 255 company if, with respect to a particular company, that person:

256 (a) Is a director, general partner, or officer exercising
 257 executive responsibility or having similar status or functions;

258 (b) Directly or indirectly may vote 10 percent or more of
 259 a class of voting securities or sell or direct the sale of 10
 260 percent or more of a class of voting securities; or

261 (c) In the case of a partnership, may receive upon
 262 dissolution or has contributed 10 percent or more of the
 263 capital.

264 Section 2. Subsection (2) of section 494.0011, Florida
 265 Statutes, is amended, and subsection (6) is added to that
 266 section, to read:

267 494.0011 Powers and duties of the commission and office.--

268 (2) The commission may ~~has authority to~~ adopt rules
 269 pursuant to ss. 120.536(1) and 120.54 to implement ss. 494.001-
 270 494.0077. The commission may adopt rules requiring ~~to allow~~

271 | electronic submission of any forms, documents, or fees required
 272 | by this act if such rules reasonably accommodate technological
 273 | or financial hardship. The commission may prescribe by rule
 274 | requirements and procedures for obtaining an exemption due to a
 275 | technological or financial hardship. The commission may also
 276 | adopt rules to accept certification of compliance with
 277 | requirements of this act in lieu of requiring submission of
 278 | documents.

279 | (6) The grant or denial of any license under this chapter
 280 | must be in accordance with s. 120.60.

281 | Section 3. Subsection (4) of section 494.0016, Florida
 282 | Statutes, is amended to read:

283 | 494.0016 Books, accounts, and records; maintenance;
 284 | examinations by the office.--

285 | (4) The commission may prescribe by rule the minimum
 286 | information to be shown in the books, accounts, records, and
 287 | documents of licensees so that such records will enable the
 288 | office to determine the licensee's compliance with ss. 494.001-
 289 | 494.0077. In addition, the commission may prescribe by rule
 290 | requirements for the destruction of books, accounts, records,
 291 | and documents retained by the licensee after completion of the
 292 | time period specified in subsection (3).

293 | Section 4. Section 494.0029, Florida Statutes, is amended
 294 | to read:

295 | 494.0029 Mortgage business schools.--

296 | (1) (a) Each person, school, or institution, except
 297 | accredited colleges, universities, community colleges, and

298 career centers in this state, which offers or conducts mortgage
299 business training for the purpose of meeting professional
300 continuing education requirements or as a condition precedent to
301 licensure as a mortgage broker, mortgage ~~or~~ lender, or a
302 correspondent mortgage lender must ~~shall~~ obtain a permit from
303 the office to operate as a mortgage business school before
304 offering or conducting mortgage business training and must abide
305 by the regulations imposed upon such person, school, or
306 institution by this chapter and rules adopted pursuant to this
307 chapter. The commission may require by rule that each applicant
308 for a mortgage business school permit provide any information
309 reasonably necessary to determine the applicant's eligibility.
310 Each person, school, or institution that applies for a permit
311 under this section must do so on forms adopted by the commission
312 by rule ~~The commission shall, by rule, recertify the permits~~
313 ~~annually with initial and renewal permit fees that do not exceed~~
314 ~~\$500 plus the cost of accreditation.~~

315 (b) An application is considered received for purposes of
316 s. 120.60 upon receipt of a completed application form as
317 prescribed by commission rule, a nonrefundable application fee
318 of \$500, the cost of accreditation as defined by commission
319 rule, and any other fee prescribed by law.

320 (c) A permit issued under this section is not transferable
321 or assignable.

322 (d) Each permitted mortgage business school shall report,
323 on a form prescribed by the commission, any change in the
324 information contained in the initial application form or any

325 amendment to such form not later than 30 days after the change
326 is effective.

327 (e) A permit issued under this section expires on
328 September 30th of each year. The office shall recertify a permit
329 annually upon submission of information the commission requires
330 by rule, together with a nonrefundable permit fee of \$500, and
331 the cost of accreditation as defined by commission rule, which
332 shall be for the annual period beginning October 1 of each year.

333 ~~(2) All such schools shall maintain curriculum and~~
334 ~~training materials necessary to determine the school's~~
335 ~~compliance with this chapter and rules adopted pursuant to this~~
336 ~~chapter. Any school that offers or conducts mortgage business~~
337 ~~training shall at all times maintain an operation of training,~~
338 ~~materials, and curriculum which is open to review by the office~~
339 ~~to determine compliance and competency as a mortgage business~~
340 ~~school.~~

341 (2)(3)(a) It is unlawful for any such person, school, or
342 institution to offer or conduct mortgage business courses,
343 regardless of the number of pupils, without first procuring a
344 permit or to guarantee that the pupils will pass any mortgage
345 business examination given on behalf of the office or to
346 represent that the issuance of a permit is any recommendation or
347 endorsement of the person, school, or institution to which it is
348 issued or of any course of instruction given thereunder. Any
349 person who violates this paragraph commits a misdemeanor of the
350 second degree, punishable as provided in s. 775.082 or s.
351 775.083.

352 (b) The location of classes and the frequency of class
353 meetings shall be in the discretion of the school offering the
354 courses, if such courses conform to this chapter and related
355 rules adopted by the commission.

356 (c) A mortgage business school may not use advertising of
357 any nature which is false, inaccurate, misleading, or
358 exaggerated. Publicity and advertising of a mortgage business
359 school, or of its representative, shall be based upon relevant
360 facts and supported by evidence establishing their truth.

361 (d) A representative of a mortgage business school subject
362 to the provisions of this chapter may not promise or guarantee
363 employment or placement of any pupil or prospective pupil, using
364 information, training, or skill purported to be provided or
365 otherwise enhanced by a course or school as inducement to enroll
366 in the school, unless such person offers the pupil or
367 prospective pupil a bona fide contract of employment.

368 (e) A school shall advertise only as a school and under
369 the permitted name of such school as recognized by the office.

370 (f) Reference may not be made in any publication or
371 communication medium as to a pass/fail ratio on mortgage
372 business examinations by any school permitted by the office.

373 (3) Each person, school, or institution that is required
374 to be permitted as a mortgage business school under this section
375 shall maintain and make available for the office's review,
376 inspection, and observation any training, curriculum, and
377 training materials necessary for the office to determine
378 compliance with this chapter and the rules adopted under this

379 chapter. All documents prescribed by commission rule must be
380 submitted with the initial application or recertification.

381 (4) Each person, school, or institution that is required
382 to be permitted as a mortgage business school under this section
383 must provide electronic notification to the office, in a manner
384 prescribed by commission rule, of any pupils who have
385 successfully completed the 24-hour prelicensure classroom
386 instruction for mortgage brokers and principal representatives
387 and any pupils who have completed the 14-hour professional
388 continuing education for mortgage brokers.

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

391 494.00295 Professional continuing education.--

392 (1) Mortgage brokers, and the principal representatives
393 and loan originators of a mortgage lender, correspondent
394 mortgage lender, or mortgage lender pursuant to s. 494.0065,
395 must successfully complete at least 14 hours of professional
396 continuing education covering primary and subordinate mortgage
397 financing transactions and the provisions of this chapter during
398 the 2-year period immediately preceding the renewal deadline for
399 a mortgage broker, mortgage lender, correspondent mortgage
400 lender, or mortgage lender pursuant to s. 494.0065. At the time
401 of license renewal, a licensee must certify to the office that
402 the professional continuing education requirements of this
403 section have been met. Licensees shall maintain records
404 documenting compliance with this subsection for a period of 4
405 years. The requirements for professional continuing education

406 are waived for the license renewal of a mortgage broker for the
407 biennial license period immediately following the period in
408 which the person became licensed as a mortgage broker. The
409 requirements for professional continuing education for a
410 principal representative are waived for the license renewal of a
411 mortgage lender, correspondent mortgage lender, or mortgage
412 lender pursuant to s. 494.0065 for the biennial license period
413 immediately following the period in which the principal
414 representative completed the 24 hours of classroom education and
415 passed a written test in order to qualify to be a principal
416 representative ~~Each mortgage broker, mortgage lender, and~~
417 ~~correspondent mortgage lender must certify to the office at the~~
418 ~~time of renewal that during the 2 years prior to an application~~
419 ~~for license renewal, all mortgage brokers and the principal~~
420 ~~representative, loan originators, and associates of a mortgage~~
421 ~~lender or correspondent mortgage lender have successfully~~
422 ~~completed at least 14 hours of professional education programs~~
423 ~~covering primary and subordinate mortgage financing transactions~~
424 ~~and the provisions of this chapter. Licensees shall maintain~~
425 ~~records documenting compliance with this subsection for a period~~
426 ~~of 4 years.~~

427 (2) Professional continuing education programs must
428 contribute directly to the professional competency of the
429 participants, may only be offered by permitted mortgage business
430 schools or entities specifically exempted from permitting as
431 mortgage business schools, and may include electronically
432 transmitted or distance education courses.

433 (3) The commission shall adopt rules necessary to
434 administer this section, including rules governing qualifying
435 hours for professional continuing education programs and
436 standards for electronically transmitted or distance education
437 courses, including course completion requirements.

438 Section 6. Paragraphs (b) and (c) of subsection (1) and
439 paragraph (e) of subsection (2) of section 494.003, Florida
440 Statutes, are amended to read:

441 494.003 Exemptions.--

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

444 (b) A state or federal chartered bank, ~~bank holding~~
445 ~~company~~, trust company, savings and loan association, savings
446 bank ~~or~~, credit union, bank holding company regulated under the
447 laws of any state or the United States, or consumer finance
448 company licensed pursuant to chapter 516.

449 (c) A wholly owned bank holding company subsidiary or a
450 wholly owned savings and loan association holding company
451 subsidiary formed and regulated under the laws of any state or
452 the United States that is approved or certified by the
453 Department of Housing and Urban Development, the Veterans
454 Administration, the Government National Mortgage Association,
455 the Federal National Mortgage Association, or the Federal Home
456 Loan Mortgage Corporation.

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

459 (e) A wholly owned subsidiary of a state or federal
460 chartered bank or savings and loan association the sole activity
461 of which is to distribute the lending programs of such state or
462 federal chartered bank or savings and loan association to
463 persons who arrange loans for, or make loans to, borrowers.

464 Section 7. Section 494.0031, Florida Statutes, is amended
465 to read:

466 494.0031 Licensure as a mortgage brokerage business.--

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

470 (2)(1) Each initial application for a mortgage brokerage
471 business license must be in the form prescribed by rule of the
472 commission. The commission may require each applicant to provide
473 any information reasonably necessary to determine the
474 applicant's eligibility for licensure. The office shall issue a
475 mortgage brokerage business license to each person who:

476 (a) Has submitted a completed application form and a
477 nonrefundable application fee of \$425. An application is
478 considered received for purposes of s. 120.60 upon receipt of a
479 completed application form as prescribed by commission rule, a
480 nonrefundable application fee of \$425, and any other fee
481 prescribed by law. ~~and~~

482 (b) Has a qualified principal broker pursuant to s.
483 494.0035.

484 (c)(2) Has provided a complete set of fingerprints as the
485 commission may require by rule for ~~that~~ each officer, director,

486 control person, member, partner, or joint venturer of the
487 applicant and each ultimate equitable owner of a 10-percent or
488 greater interest in the mortgage brokerage business. A
489 fingerprint card submitted to the office must be ~~submit a~~
490 ~~complete set of fingerprints~~ taken by an authorized law
491 enforcement agency officer. The office shall submit the
492 fingerprints to the Department of Law Enforcement for state
493 processing and the Department of Law Enforcement shall forward
494 the fingerprints to the Federal Bureau of Investigation for
495 federal processing. The cost of the fingerprint processing may
496 be borne by the office, the employer, or the person subject to
497 the background check. The Department of Law Enforcement shall
498 submit an invoice to the office for the fingerprints received
499 each month. The office shall screen the background results to
500 determine if the applicant meets licensure requirements.

501 (d) Has provided information that the commission requires
502 by rule concerning any designated principal mortgage broker; any
503 officer, director, control person, member, partner, or joint
504 venturer of the applicant; or any individual who is the ultimate
505 equitable owner of a 10-percent or greater interest in the
506 mortgage brokerage business. The commission may require
507 information about any such applicant or person, including, but
508 not limited to, his or her full name or other names by which he
509 or she may have been known, age, social security number,
510 qualifications, educational and business history, and
511 disciplinary and criminal history.

512 (3) Notwithstanding ~~the provisions of~~ subsection (2) ~~(1)~~,
513 it is a ground for denial of licensure if the applicant;
514 designated principal mortgage broker; any officer, director,
515 control person, member, partner, or joint venturer of the
516 applicant; ~~any natural person owning a 10 percent or greater~~
517 ~~interest in the mortgage brokerage business~~; or any individual
518 ~~natural~~ person who is the ultimate equitable owner of a 10-
519 percent or greater interest in the mortgage brokerage business
520 has committed any violation specified in ss. 494.001-494.0077 or
521 has pending against him or her in any jurisdiction any criminal
522 prosecution or administrative enforcement action ~~that, in any~~
523 ~~jurisdiction, which~~ involves fraud, dishonest dealing, or any
524 other act of moral turpitude.

525 (4) A mortgage brokerage business or branch office license
526 may be canceled if it was issued through mistake or inadvertence
527 of the office. A notice of cancellation must be issued by the
528 office within 90 days after the issuance of the license. A
529 notice of cancellation is ~~shall be~~ effective upon receipt. The
530 notice of cancellation must ~~shall~~ provide the applicant with
531 notification of the right to request a hearing within 21 days
532 after the applicant's receipt of the notice of cancellation. A
533 license must ~~shall~~ be reinstated if the applicant can
534 demonstrate that the requirements for obtaining the license
535 under ~~pursuant to~~ this chapter have been satisfied.

536 ~~(5) If an initial mortgage brokerage business or branch~~
537 ~~office license has been issued but the check upon which the~~
538 ~~license is based is returned due to insufficient funds, the~~

539 ~~license shall be deemed canceled. A license deemed canceled~~
540 ~~pursuant to this subsection shall be reinstated if the office~~
541 ~~receives a certified check for the appropriate amount within 30~~
542 ~~days after the date the check was returned due to insufficient~~
543 ~~funds.~~

544 Section 8. Subsection (1) of section 494.0032, Florida
545 Statutes, is amended to read:

546 494.0032 Renewal of mortgage brokerage business license or
547 branch office license.--

548 (1) The office shall renew a mortgage brokerage business
549 license upon receipt of a completed renewal form and payment of
550 a nonrefundable renewal fee of \$375. Each licensee shall pay at
551 the time of renewal a nonrefundable renewal fee of \$225 for the
552 renewal of each branch office license. The license for a branch
553 office must be renewed in conjunction with the renewal of the
554 mortgage brokerage business license.

555 Section 9. Subsections (1), (2), and (7) of section
556 494.0033, Florida Statutes, are amended to read:

557 494.0033 Mortgage broker's license.--

558 (1) Each natural person who acts as a mortgage broker for
559 a mortgage brokerage business or acts as an associate for a
560 mortgage lender or correspondent mortgage lender must be
561 licensed under ~~pursuant to~~ this section. To act as a mortgage
562 broker, an individual must be an associate of a mortgage
563 brokerage business, a mortgage lender, or a correspondent
564 mortgage lender. A mortgage broker may not be ~~is prohibited from~~

565 ~~being~~ an associate of more than one mortgage brokerage business,
566 mortgage lender, or correspondent mortgage lender.

567 (2) Each initial application for a mortgage broker's
568 license must be in the form prescribed by rule of the
569 commission. The commission may require each applicant to provide
570 any information reasonably necessary to make a determination of
571 the applicant's eligibility for licensure. The office shall
572 issue an initial license to any natural person who:

573 (a) Is at least 18 years of age.†

574 (b) Has passed a written test adopted and administered by
575 the office, or has passed an electronic test adopted and
576 administered by the office or a third party approved by the
577 office, which is designed to determine competency in primary and
578 subordinate mortgage financing transactions as well as to test
579 knowledge of ss. 494.001-494.0077 and the rules adopted pursuant
580 thereto. The commission may prescribe by rule an additional fee
581 that may not exceed \$100 for the electronic version of the
582 mortgage broker test. The commission may waive by rule the
583 examination requirement for any person who has passed a test
584 approved by the Conference of State Bank Supervisors, the
585 American Association of Residential Mortgage Regulators, or the
586 United States Department of Housing and Urban Development if the
587 test covers primary and subordinate mortgage financing
588 transactions.†

589 (c) Has submitted a completed application and a
590 nonrefundable application fee of \$200. An application is
591 considered received for purposes of s. 120.60 upon receipt of a

592 completed application form as prescribed by commission rule, a
593 nonrefundable application fee of \$200, and any other fee
594 prescribed by law. ~~The commission may set by rule an additional~~
595 fee for a retake of the examination; and

596 (d) ~~Has filed a complete set of fingerprints, taken by an~~
597 ~~authorized law enforcement officer,~~ for submission by the office
598 to the Department of Law Enforcement or the Federal Bureau of
599 Investigation for processing. A fingerprint card submitted to
600 the office must be taken by an authorized law enforcement
601 agency. The office shall submit the fingerprints to the
602 Department of Law Enforcement for state processing and the
603 Department of Law Enforcement shall forward the fingerprints to
604 the Federal Bureau of Investigation for federal processing. The
605 cost of the fingerprint processing may be borne by the office,
606 the employer, or the person subject to the background check. The
607 Department of Law Enforcement shall submit an invoice to the
608 office for the fingerprints received each month. The office
609 shall screen the background results to determine if the
610 applicant meets licensure requirements.

611
612 The commission may require by rule information concerning any
613 such applicant or person, including, but not limited to, his or
614 her full name and any other names by which he or she may have
615 been known, age, social security number, qualifications and
616 educational and business history, and disciplinary and criminal
617 history.

618 ~~(7) If an initial mortgage broker license has been issued~~
619 ~~but the check upon which the license is based is returned due to~~
620 ~~insufficient funds, the license shall be deemed canceled. A~~
621 ~~license deemed canceled pursuant to this subsection shall be~~
622 ~~reinstated if the office receives a certified check for the~~
623 ~~appropriate amount within 30 days after the date the check was~~
624 ~~returned due to insufficient funds.~~

625 Section 10. Subsections (2) and (3) of section 494.0036,
626 Florida Statutes, are amended to read:

627 494.0036 Mortgage brokerage business branch offices.--

628 (2) The office shall issue a mortgage brokerage business
629 branch office license to a mortgage brokerage business licensee
630 after the office determines that the licensee has submitted upon
631 receipt of a completed application for a branch office in a form
632 as prescribed by commission rule and payment of an initial
633 nonrefundable branch office license fee of \$225. ~~Branch office~~
634 ~~licenses must be renewed in conjunction with the renewal of the~~
635 ~~mortgage brokerage business license.~~ The branch office license
636 shall be issued in the name of the mortgage brokerage business
637 that maintains the branch office. An application is considered
638 received for purposes of s. 120.60 upon receipt of a completed
639 application form as prescribed by commission rule, a
640 nonrefundable application fee of \$225, and any other fee
641 prescribed by law.

642 ~~(3) Each branch office must prominently display the~~
643 ~~license issued for such branch office. Each person licensed as a~~

644 ~~mortgage broker must prominently display his or her license in~~
 645 ~~the office where such person acts as a mortgage broker.~~

646 Section 11. Section 494.0039, Florida Statutes, is amended
 647 to read:

648 494.0039 Principal place of business requirements.--

649 ~~(1) Each mortgage brokerage business licensee shall~~
 650 ~~maintain and transact business from a principal place of~~
 651 ~~business.~~

652 ~~(2) A licensee under ss. 494.003-494.0043 shall report any~~
 653 ~~change of address of the principal place of business or any~~
 654 ~~branch office within 15 days after the change.~~

655 ~~(3) Each mortgage brokerage business must prominently~~
 656 ~~display its license at the principal place of business. Each~~
 657 ~~licensed mortgage broker must prominently display his or her~~
 658 ~~license in the office where such person acts as a mortgage~~
 659 ~~broker.~~

660 Section 12. Section 494.004, Florida Statutes, is amended
 661 to read:

662 494.004 Requirements of licensees.--

663 (1) Each licensee under ss. 494.003-494.0043 shall report,
 664 in writing, any conviction of, or plea of nolo contendere to,
 665 regardless of adjudication, any crime or administrative
 666 violation that involves fraud, dishonest dealing, or any other
 667 act of moral turpitude, in any jurisdiction, by the licensee or
 668 any natural person named in s. 494.0031(2)(d)(3), not later than
 669 30 days after the date of conviction, entry of a plea of nolo
 670 contendere, or final administrative action.

671 (2) Each licensee under ss. 494.003-494.0043 shall report,
672 in a form prescribed by rule of the commission, any conviction
673 of, or plea of nolo contendere to, regardless of whether
674 adjudication is withheld, any felony committed by the licensee
675 or any natural person named in s. 494.0031(2)(d)~~(3)~~, not later
676 than 30 days after the date of conviction or the date the plea
677 of nolo contendere is entered.

678 (3) Each licensee under ss. 494.003-494.0043 shall report
679 any action in bankruptcy, voluntary or involuntary, to the
680 office not later than 7 business days after the action is
681 instituted.

682 (4) Each licensee under ss. 494.003-494.0043 shall report
683 on a form prescribed by rule of the commission any change to the
684 information contained in any initial application form or any
685 amendment to the application ~~any change in the form of business~~
686 ~~organization or any change of a person named, pursuant to s.~~
687 ~~494.0031(3), to the office in writing~~ not later than 30 days
688 after the change is effective.

689 (5) A license issued under ss. 494.003-494.0043 is not
690 transferable or assignable.

691 (6) Each licensee under ss. 494.003-494.0043 shall report
692 any change in the principal broker, partners, officers, members,
693 joint venturers, directors, control persons of any licensee, or
694 any individual who is the ultimate equitable owner of a 10-
695 percent or greater interest in the licensee, or any change in
696 the form of business organization, by written amendment in the
697 form and at the time the commission specifies by rule.

698 (a) In any case in which a person or a group of persons,
699 directly or indirectly or acting by or through one or more
700 persons, proposes to purchase or acquire a controlling interest
701 in a licensee, such person or group shall submit an initial
702 application for licensure as a mortgage brokerage business
703 before such purchase or acquisition and at the time and in the
704 form the commission prescribes by rule.

705 (b) As used in this subsection, the term "controlling
706 interest" means possession of the power to direct or cause the
707 direction of the management or policies of a company whether
708 through ownership of securities, by contract, or otherwise. Any
709 person who directly or indirectly has the right to vote 25
710 percent or more of the voting securities of a company or is
711 entitled to 25 percent or more of the company's profits is
712 presumed to possess a controlling interest.

713 (c) Any addition of a partner, officer, member, joint
714 venturer, director, control person, or ultimate equitable owner
715 of the applicant who does not have a controlling interest and
716 who has not previously complied with the provisions of s.
717 494.0031(2)(c) and (d) is subject to such provisions unless
718 required to file an initial application in accordance with
719 paragraph (a). If the office finds that the licensee does not
720 continue to meet licensure requirements, the office may bring an
721 administrative action in accordance with s. 494.0041 to enforce
722 the provisions of this chapter.

723 (d) The commission shall adopt rules pursuant to ss.
724 120.536(1) and 120.54 providing for the waiver of the

725 application required by this subsection if the person or group
726 of persons proposing to purchase or acquire a controlling
727 interest in a licensee has previously complied with the
728 provisions of s. 494.0031(2)(c) and (d) with respect to the same
729 legal entity or is currently licensed by the office under this
730 chapter.

731 (7)(6) On or before April 30, 2000, each mortgage
732 brokerage business shall file an initial report stating the
733 name, social security number, date of birth, mortgage broker
734 license number, date of hire and, if applicable, date of
735 termination for each person who was an associate of the mortgage
736 brokerage business during the immediate preceding quarter.
737 Thereafter, a mortgage brokerage business shall file a quarterly
738 report only if a person became an associate or ceased to be an
739 associate of the mortgage brokerage business during the
740 immediate preceding quarter. Such report shall be filed within
741 30 days after the last day of each calendar quarter and shall
742 contain the name, social security number, date of birth,
743 mortgage broker license number, date of hire and, if applicable,
744 the date of termination of each person who became or ceased to
745 be an associate of the mortgage brokerage business during the
746 immediate preceding quarter. The commission shall prescribe, by
747 rule, the procedures for filing reports required by this
748 subsection.

749 Section 13. Paragraphs (s), (t), and (u) are added to
750 subsection (2) of section 494.0041, Florida Statutes, and
751 subsection (3) of that section is amended, to read:

752 494.0041 Administrative penalties and fines; license
753 violations.--

754 (2) Each of the following acts constitutes a ground for
755 which the disciplinary actions specified in subsection (1) may
756 be taken:

757 (s) Payment to the office for a license or permit with a
758 check or electronic transmission of funds that is dishonored by
759 the applicant's or licensee's financial institution.

760 (t) Having a final judgment entered against the applicant
761 or licensee in a civil action upon grounds of fraud,
762 embezzlement, misrepresentation, or deceit.

763 (u)1. Having been the subject of any decision, finding,
764 injunction, suspension, prohibition, revocation, denial,
765 judgment, or administrative order by any court of competent
766 jurisdiction, administrative law judge, state or federal agency,
767 national securities exchange, national commodities exchange,
768 national option exchange, national securities association,
769 national commodities association, or national option association
770 involving a violation of any federal or state securities or
771 commodities law or rule or regulation adopted under such law or
772 involving a violation of any rule or regulation of any national
773 securities, commodities, or options exchange or association.

774 2. Having been the subject of any injunction or adverse
775 administrative order by a state or federal agency regulating
776 banking, insurance, finance or small loan companies, real
777 estate, mortgage brokers or lenders, money transmitters, or
778 other related or similar industries.

779 (3) A mortgage brokerage business is subject to the
 780 disciplinary actions specified in subsection (1) for a violation
 781 of subsection (2) by any officer, member, director, control
 782 person, joint venturer, partner, ultimate equitable owner of a
 783 10-percent or greater interest in the mortgage brokerage
 784 business, or associate mortgage broker of the licensee.

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

788 494.006 Exemptions.--

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

792 (a) A state or federal chartered bank, ~~bank holding~~
 793 ~~company~~, trust company, savings and loan association, savings
 794 bank ~~or~~, credit union, bank holding company regulated under the
 795 laws of any state or the United States, or insurance company if
 796 the insurance company is duly licensed in this state.

797 (c) A wholly owned bank holding company subsidiary or a
 798 wholly owned savings and loan association holding company
 799 subsidiary that is formed and regulated under the laws of any
 800 state or the United States and that is approved or certified by
 801 the Department of Housing and Urban Development, the Veterans
 802 Administration, the Government National Mortgage Association,
 803 the Federal National Mortgage Association, or the Federal Home
 804 Loan Mortgage Corporation.

805 (2) (a) A natural person employed by a mortgage lender or
806 correspondent mortgage lender licensed under ss. 494.001-
807 494.0077 is exempt from the licensure requirements of ss.
808 494.001-494.0077 when acting within the scope of employment with
809 the licensee.

810 Section 15. Section 494.0061, Florida Statutes, is amended
811 to read:

812 494.0061 Mortgage lender's license requirements.--

813 (1) Each person who acts as a mortgage lender must be
814 licensed under this section unless otherwise exempt from
815 licensure.

816 (2)(1) Each initial application for a mortgage lender
817 license must be in the form prescribed by rule of the
818 commission. The commission or office may require each applicant
819 for a mortgage lender license to provide any information
820 reasonably necessary to make a determination of the applicant's
821 eligibility for licensure. The office shall issue an initial
822 mortgage lender license to any person that submits:

823 (a) A completed application form.~~†~~

824 (b) A nonrefundable application fee of \$575. An
825 application is considered received for purposes of s. 120.60
826 upon receipt of a completed application form as prescribed by
827 commission rule, a nonrefundable application fee of \$575, and
828 any other fee prescribed by law.~~†~~

829 (c) Audited financial statements, which documents disclose
830 that the applicant has a bona fide and verifiable net worth,
831 pursuant to United States generally accepted accounting

832 principles, of at least \$250,000, which must be continuously
833 maintained as a condition of licensure.~~†~~

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

838 (e) Documentation that the applicant is duly incorporated,
839 registered, or otherwise formed as a general partnership,
840 limited partnership, limited liability company, or other lawful
841 entity under the laws of this state or another state of the
842 United States.~~† and~~

843 (f) ~~For applications submitted after October 1, 2001,~~
844 Proof that the applicant's principal representative has
845 completed 24 hours of classroom instruction in primary and
846 subordinate financing transactions and in the provisions of this
847 chapter and rules adopted under this chapter. This requirement
848 is satisfied if the principal representative has continuously
849 served in the capacity of a principal representative for a
850 licensed entity under this chapter for at least 1 year and has
851 not had a lapse in designation as a principal representative of
852 more than 2 years before the date of the submission of the
853 application or amendment in the case of a change in the
854 principal representative. This requirement is also satisfied if
855 the principal representative currently holds an active license
856 as a mortgage broker in this state.

857 (g) A complete set of fingerprints as the commission
858 requires by rule for the designated principal representative and

859 each officer, director, control person, member, partner, or
860 joint venturer of the applicant and ultimate equitable owner of
861 a 10-percent or greater interest in the applicant. A fingerprint
862 card submitted to the office must be taken by an authorized law
863 enforcement agency. The office shall submit the fingerprints to
864 the Department of Law Enforcement for state processing and the
865 Department of Law Enforcement shall forward the fingerprints to
866 the Federal Bureau of Investigation for federal processing. The
867 cost for the fingerprint processing may be borne by the office,
868 the employer, or the person subject to the background check. The
869 Department of Law Enforcement shall submit an invoice to the
870 office for the fingerprints received each month. The office
871 shall screen the background results to determine if the
872 applicant meets licensure requirements.

873 (h) Information the commission requires by rule concerning
874 any designated principal representative; any officer, director,
875 control person, member, partner, or joint venturer of the
876 applicant or any person having the same or substantially similar
877 status or performing substantially similar functions; or any
878 natural person who is the ultimate equitable owner of a 10-
879 percent or greater interest in the mortgage lender. The
880 commission may require information concerning any such applicant
881 or person, including, but not limited to, his or her full name
882 and any other names by which he or she may have been known,
883 social security number, age, qualifications and educational and
884 business history, and disciplinary and criminal history.

885 ~~(3)-(2)~~ Notwithstanding ~~the provisions of~~ subsection (2)
886 ~~(1)~~, it is a ground for denial of licensure if the applicant;
887 designated principal representative; any principal officer, ~~or~~
888 director, control person, member, partner, or joint venturer of
889 the applicant; ~~or~~ any natural person owning a 10-percent or
890 greater interest in the applicant; ~~or~~ any natural person who is
891 the ultimate equitable owner of a 10-percent or greater interest
892 in the applicant has committed any violation specified in s.
893 494.0072, or has pending against her or him any criminal
894 prosecution or administrative enforcement action, in any
895 jurisdiction, which involves fraud, dishonest dealing, or any
896 act of moral turpitude.

897 ~~(3) Each initial application for a mortgage lender's~~
898 ~~license must be in a form prescribed by the commission. The~~
899 ~~commission or office may require each applicant to provide any~~
900 ~~information reasonably necessary to make a determination of the~~
901 ~~applicant's eligibility for licensure. The commission or office~~
902 ~~may require that each officer, director, and ultimate equitable~~
903 ~~owner of a 10 percent or greater interest in the applicant~~
904 ~~submit a complete set of fingerprints taken by an authorized law~~
905 ~~enforcement officer.~~

906 (4) A person required to be licensed under ss. 494.006-
907 494.0077, or an agent or employee thereof, is deemed to have
908 consented to the venue of courts of competent jurisdiction in
909 this state regarding any matter within the authority of ss.
910 494.001-494.0077 regardless of where an act or violation was
911 committed.

912 (5) A license issued in accordance with ss. 494.006-
 913 494.0077 is not transferable or assignable.

914 (6) A mortgage lender or branch office license may be
 915 canceled if it was issued through mistake or inadvertence of the
 916 office. A notice of cancellation must be issued by the office
 917 within 90 days after the issuance of the license. A notice of
 918 cancellation shall be effective upon receipt. The notice of
 919 cancellation shall provide the applicant with notification of
 920 the right to request a hearing within 21 days after the
 921 applicant's receipt of the notice of cancellation. A license
 922 shall be reinstated if the applicant can demonstrate that the
 923 requirements for obtaining the license under ~~pursuant to~~ this
 924 chapter have been satisfied.

925 ~~(7) If an initial mortgage lender or branch office license~~
 926 ~~has been issued but the check upon which the license is based is~~
 927 ~~returned due to insufficient funds, the license shall be deemed~~
 928 ~~canceled. A license deemed canceled pursuant to this subsection~~
 929 ~~shall be reinstated if the office receives a certified check for~~
 930 ~~the appropriate amount within 30 days after the date the check~~
 931 ~~was returned due to insufficient funds.~~

932 (7)~~(8)~~ Each lender, regardless of the number of branches
 933 it operates, shall designate a principal representative who
 934 exercises control of the licensee's business and shall maintain
 935 a form prescribed by the commission designating the principal
 936 representative. If the form is not accurately maintained, the
 937 business is considered to be operated by each officer, director,

938 or equitable owner of a 10-percent or greater interest in the
939 business.

940 ~~(8)-(9) After October 1, 2001,~~ An applicant's principal
941 representative must pass a written test prescribed by the
942 commission and administered by the office, or must pass an
943 electronic test prescribed by the commission and administered by
944 the office or a third party approved by the office, which covers
945 primary and subordinate mortgage financing transactions and the
946 provisions of this chapter and rules adopted under this chapter.
947 The commission may set a fee by rule, which may not exceed \$100,
948 for the electronic version of the mortgage broker test. The
949 commission may waive by rule the examination requirement for any
950 person who has passed a test approved by the Conference of State
951 Bank Supervisors, the American Association of Residential
952 Mortgage Regulators, or the United States Department of Housing
953 and Urban Development if the test covers primary and subordinate
954 mortgage financing transactions. This requirement is satisfied
955 if the principal representative has continuously served in the
956 capacity of a principal representative for a licensed entity
957 under this chapter for at least 1 year and has not had a lapse
958 in designation as a principal representative of more than 2
959 years before the date of the submission of the application or
960 amendment in the case of a change in the principal
961 representative. This requirement is also satisfied if the
962 principal representative holds an active license as a mortgage
963 broker in this state.

964 ~~(9)-(10)~~ A lender shall notify the office of any change in
965 the designation of its principal representative within 30 days
966 after the change is effective. A new principal representative
967 shall satisfy the name and address of any new principal
968 representative and shall document that the person has completed
969 the educational and testing requirements of this section within
970 90 days after being designated as upon the designation of a new
971 principal representative. This requirement is satisfied if the
972 principal representative has continuously served in the capacity
973 of a principal representative for a licensed entity under this
974 chapter for at least 1 year and has not had a lapse in
975 designation as a principal representative of more than 2 years
976 before the date of the submission of the application or
977 amendment in the case of a change in the principal
978 representative. This requirement is also satisfied if the
979 principal representative holds an active license as a mortgage
980 broker in this state.

981 Section 16. Section 494.0062, Florida Statutes, is amended
982 to read:

983 494.0062 Correspondent mortgage lender's license
984 requirements.--

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

988 ~~(2)-(1)~~ Each initial application for a correspondent
989 mortgage lender's license must be in the form prescribed by rule
990 of the commission. The office may require each applicant to

991 provide any information reasonably necessary to determine the
 992 applicant's eligibility for licensure. The office shall issue an
 993 initial correspondent mortgage lender license to any person who
 994 submits:

995 (a) A completed application form.‡

996 (b) A nonrefundable application fee of \$500. An
 997 application is considered received for purposes of s. 120.60
 998 upon receipt of a completed application form as prescribed by
 999 commission rule, a nonrefundable application fee of \$500, and
 1000 any other fee prescribed by law.‡

1001 (c) Audited financial statements ~~that, which~~ document that
 1002 the applicant ~~application~~ has a bona fide and verifiable net
 1003 worth pursuant to United States generally accepted accounting
 1004 principles of \$25,000 or more, which must be continuously
 1005 maintained as a condition of licensure.‡

1006 (d) A surety bond in the amount of \$10,000, payable to the
 1007 State of Florida and conditioned upon compliance with ss.
 1008 494.001-494.0077, which inures to the office and which must be
 1009 continuously maintained, thereafter, in full force.‡

1010 (e) Documentation that the applicant is duly incorporated,
 1011 registered, or otherwise formed as a general partnership,
 1012 limited partnership, limited liability company, or other lawful
 1013 entity under the laws of this state or another state of the
 1014 United States.‡ ~~and~~

1015 (f) ~~For applications filed after October 1, 2001,~~ Proof
 1016 that the applicant's principal representative has completed 24
 1017 hours of classroom instruction in primary and subordinate

1018 financing transactions and in the provisions of this chapter and
1019 rules enacted under this chapter. This requirement is satisfied
1020 if the principal representative has continuously served in the
1021 capacity of a principal representative for a licensed entity
1022 under this chapter for at least 1 year and has not had a lapse
1023 in designation as a principal representative of more than 2
1024 years before the date of the submission of the application or
1025 amendment in the case of a change in the principal
1026 representative. This requirement is also satisfied if the
1027 principal representative holds an active license as a mortgage
1028 broker in this state.

1029 (g) A complete set of fingerprints as the commission
1030 requires by rule for the designated principal representative and
1031 each officer, director, control person, member, partner, or
1032 joint venturer of the applicant and ultimate equitable owner of
1033 a 10-percent or greater interest in the applicant. A fingerprint
1034 card submitted to the office must be taken by an authorized law
1035 enforcement agency. The office shall submit the fingerprints to
1036 the Department of Law Enforcement for state processing and the
1037 Department of Law Enforcement shall forward the fingerprints to
1038 the Federal Bureau of Investigation for federal processing. The
1039 cost of the fingerprint processing may be borne by the office,
1040 the employer, or the person subject to the background check. The
1041 Department of Law Enforcement shall submit an invoice to the
1042 office for the fingerprints received each month. The office
1043 shall screen the background results to determine if the
1044 applicant meets licensure requirements.

1045 (h) Information the commission requires by rule concerning
1046 any designated principal representative; any officer, director,
1047 control person, member, partner, or joint venturer of the
1048 applicant or any person having the same or substantially similar
1049 status or performing substantially similar functions; or any
1050 natural person who is the ultimate equitable owner of a 10-
1051 percent or greater interest in the correspondent mortgage
1052 lender. The office may require information concerning any such
1053 applicant or person, including, but not limited to, his or her
1054 full name and any other names by which he or she may have been
1055 known, age, social security number, qualifications and
1056 educational and business history, and disciplinary and criminal
1057 history.

1058 ~~(3)(2)~~ Notwithstanding ~~the provisions of~~ subsection (2)
1059 ~~(1)~~, it is a ground for denial of licensure if the applicant;
1060 any designated principal representative; ~~any principal officer,~~
1061 ~~or~~ director, control person, member, partner, or joint venturer
1062 of the applicant; ~~or any natural person who is the ultimate~~
1063 ~~equitable owner of a 10-percent or greater interest in the~~
1064 ~~applicant has committed any violation specified in s. 494.0072,~~
1065 ~~or has pending against her or him any criminal prosecution or~~
1066 ~~administrative enforcement action, in any jurisdiction, which~~
1067 ~~involves fraud, dishonest dealing, or any act of moral~~
1068 ~~turpitude.~~

1069 ~~(3) Each initial application for a correspondent mortgage~~
1070 ~~lender's license must be in a form prescribed by the commission.~~
1071 ~~The commission or office may require each applicant to provide~~

1072 ~~any information reasonably necessary to make a determination of~~
1073 ~~the applicant's eligibility for licensure. The commission or~~
1074 ~~office may require that each officer, director, and ultimate~~
1075 ~~equitable owner of a 10 percent or greater interest submit a~~
1076 ~~complete set of fingerprints taken by an authorized law~~
1077 ~~enforcement officer.~~

1078 (4) Each license is valid for the remainder of the
1079 biennium in which the license is issued.

1080 (5) A person licensed as a correspondent mortgage lender
1081 may make mortgage loans, but may not service a mortgage loan for
1082 more than 4 months after the date the mortgage loan was made or
1083 acquired by the correspondent mortgage lender.

1084 (6) A licensee under ss. 494.006-494.0077, or an agent or
1085 employee thereof, is deemed to have consented to the venue of
1086 courts of competent jurisdiction in this state regarding any
1087 matter within the authority of ss. 494.001-494.0077 regardless
1088 of where an act or violation was committed.

1089 (7) A correspondent mortgage lender is subject to the same
1090 requirements and restrictions as a licensed mortgage lender
1091 unless otherwise provided in this section.

1092 (8) A license issued under this section is not
1093 transferable or assignable.

1094 (9) A correspondent mortgage lender or branch office
1095 license may be canceled if it was issued through mistake or
1096 inadvertence of the office. A notice of cancellation must be
1097 issued by the office within 90 days after the issuance of the
1098 license. A notice of cancellation shall be effective upon

1099 receipt. The notice of cancellation shall provide the applicant
1100 with notification of the right to request a hearing within 21
1101 days after the applicant's receipt of the notice of
1102 cancellation. A license shall be reinstated if the applicant can
1103 demonstrate that the requirements for obtaining the license
1104 pursuant to this chapter have been satisfied.

1105 ~~(10) If an initial correspondent mortgage lender or branch~~
1106 ~~office license has been issued but the check upon which the~~
1107 ~~license is based is returned due to insufficient funds, the~~
1108 ~~license shall be deemed canceled. A license deemed canceled~~
1109 ~~pursuant to this subsection shall be reinstated if the office~~
1110 ~~receives a certified check for the appropriate amount within 30~~
1111 ~~days after the date the check was returned due to insufficient~~
1112 ~~funds.~~

1113 (10)~~(11)~~ Each correspondent lender shall designate a
1114 principal representative who exercises control over the business
1115 and shall maintain a form prescribed by the commission
1116 designating the principal representative. If the form is not
1117 accurately maintained, the business is considered to be operated
1118 by each officer, director, or equitable owner of a 10-percent or
1119 greater interest in the business.

1120 (11)~~(12)~~ After October 1, 2001, An applicant's principal
1121 representative must pass a written test prescribed by the
1122 commission and administered by the office, or must pass an
1123 electronic test prescribed by the commission and administered by
1124 the office or a third party approved by the office, which covers
1125 primary and subordinate mortgage financing transactions and the

1126 provisions of this chapter and rules adopted under this chapter.
 1127 The commission may waive by rule the examination requirement for
 1128 any person who has passed a test approved by the Conference of
 1129 State Bank Supervisors, the American Association of Residential
 1130 Mortgage Regulators, or the United States Department of Housing
 1131 and Urban Development if the test covers primary and subordinate
 1132 mortgage financing transactions. The commission may set by rule
 1133 a fee not to exceed \$100 for taking the examination. This
 1134 requirement is satisfied if the principal representative has
 1135 continuously served in the capacity of a principal
 1136 representative for a licensed entity under this chapter for at
 1137 least 1 year and has not had a lapse in designation as a
 1138 principal representative of more than 2 years before the date of
 1139 the submission of the application or amendment in the case of a
 1140 change in the principal representative. This requirement is also
 1141 satisfied if the principal representative holds an active
 1142 license as a mortgage broker in this state.

1143 (12)-(13) A correspondent lender shall notify the office of
 1144 any change in the designation of its principal representative
 1145 within 30 days after the change is effective. A new principal
 1146 representative shall satisfy the name and address of any new
 1147 principal representative and shall document that such person has
 1148 completed the educational and testing requirements of this
 1149 section within 90 days after being designated as upon the
 1150 lender's designation of a new principal representative. This
 1151 requirement is satisfied if the principal representative has
 1152 continuously served in the capacity of a principal

1153 representative for a licensed entity under this chapter for at
 1154 least 1 year and has not had a lapse in designation as a
 1155 principal representative of more than 2 years before the date of
 1156 the submission of the application or amendment in the case of a
 1157 change in the principal representative. This requirement is also
 1158 satisfied if the principal representative holds an active
 1159 license as a mortgage broker in this state.

1160 Section 17. Paragraph (b) of subsection (1) and subsection
 1161 (2) of section 494.0064, Florida Statutes, are amended to read:

1162 494.0064 Renewal of mortgage lender's license; branch
 1163 office license renewal.--

1164 (1)

1165 (b) A licensee shall also submit, as part of the renewal
 1166 form, certification that during the preceding 2 years the
 1167 licensee's principal representative and, loan originators, ~~and~~
 1168 ~~associates~~ have completed the professional continuing education
 1169 requirements of s. 494.00295.

1170 (2) The commission shall adopt rules establishing a
 1171 procedure for the biennial renewal of mortgage lender's
 1172 licenses, correspondent lender's licenses, and branch office
 1173 licenses ~~permits~~. The commission may prescribe the form for
 1174 renewal and may require an update of all information provided in
 1175 the licensee's initial application.

1176 Section 18. Section 494.0065, Florida Statutes, is amended
 1177 to read:

1178 494.0065 Saving clause.--

1179 (1) (a) Any person in good standing who holds an active
 1180 registration pursuant to former s. 494.039 or license pursuant
 1181 to former s. 521.205, or any person who acted solely as a
 1182 mortgage servicer on September 30, 1991, is eligible to apply to
 1183 the office for a mortgage lender's license and is eligible for
 1184 licensure if the applicant:

1185 1. For at least 12 months during the period of October 1,
 1186 1989, through September 30, 1991, has engaged in the business of
 1187 either acting as a seller or assignor of mortgage loans or as a
 1188 servicer of mortgage loans, or both;

1189 2. Has documented a minimum net worth of \$25,000 in
 1190 audited financial statements; and

1191 3. Has applied for licensure pursuant to this section by
 1192 January 1, 1992, and paid an application fee of \$100.

1193 (b) A licensee pursuant to paragraph (a) may operate a
 1194 wholly owned subsidiary or affiliate for the purpose of
 1195 servicing accounts if the subsidiary or affiliate is operational
 1196 as of September 30, 1991. Such subsidiary or affiliate is not
 1197 required to obtain a separate license, but is subject to all the
 1198 requirements of a licensee under ss. 494.006-494.0077.

1199 (2) A licensee issued a license pursuant to subsection (1)
 1200 may renew its mortgage lending license if it documents a minimum
 1201 net worth of \$25,000, according to United States generally
 1202 accepted accounting principles, which must be continuously
 1203 maintained as a condition to licensure. The office shall require
 1204 an audited financial statement which documents such net worth.

1205 (3) The commission may prescribe by rule forms and
 1206 procedures for application for licensure, and amendment and
 1207 withdrawal of application for licensure, or transfer, including
 1208 any existing branch offices, in accordance with subsections (4)
 1209 and (5), and for renewal of licensure of licensees under this
 1210 section. The office may require each applicant to provide any
 1211 information reasonably necessary to determine the applicant's
 1212 eligibility for licensure. An application is considered received
 1213 for purposes of s. 120.60 upon receipt of a completed
 1214 application form as prescribed by commission rule, a
 1215 nonrefundable application fee of \$500, and any other fee
 1216 prescribed by law.

1217 (4) (a) Notwithstanding ss. 494.0061(5) and 494.0067(2) ~~(3)~~,
 1218 the ultimate equitable owner, as of the effective date of this
 1219 act, of a mortgage lender licensed under this section may
 1220 transfer, one time, at least 50 percent of the ownership,
 1221 control, or power to vote any class of equity securities of such
 1222 mortgage lender, except as provided in paragraph (b). For
 1223 purposes of this subsection, satisfaction of the amount of the
 1224 ownership transferred may be met in multiple transactions or in
 1225 a single transaction.

1226 (b) A person who is an ultimate equitable owner on the
 1227 effective date of this act may transfer, at any time, at least
 1228 50 percent of the ownership, control, or power to vote any class
 1229 of equity securities of such person to the person's spouse or
 1230 child, and any such transferee may transfer, at any time, such

1231 ownership, control, or power to vote to a spouse or child of
1232 such transferee, in perpetuity.

1233 (c) For any transfer application filed on or after October
1234 1, 2006:

1235 1. An applicant must provide proof that the applicant's
1236 principal representative has completed 24 hours of instruction
1237 in primary and subordinate financing transactions and in the
1238 provisions of this chapter and rules adopted under this chapter.
1239 This requirement is satisfied if the principal representative
1240 has continuously served in the capacity of a principal
1241 representative for a licensed entity under this chapter for at
1242 least 1 year and has not had a lapse in designation as a
1243 principal representative of more than 2 years before the date of
1244 the submission of the application or amendment in the case of a
1245 change in the principal representative. This requirement is also
1246 satisfied if the principal representative holds an active
1247 license as a mortgage broker in this state.

1248 2. An applicant's principal representative must pass a
1249 written test prescribed by the commission and administered by
1250 the office, or must pass an electronic test prescribed by the
1251 commission and administered by the office or a third party
1252 approved by the office, which covers primary and subordinate
1253 mortgage financing transactions and the provisions of this
1254 chapter and rules adopted under this chapter. The commission may
1255 set by rule a fee not to exceed \$100 for the electronic version
1256 of the mortgage broker test. The commission may waive by rule
1257 the examination requirement for any person who has passed a test

1258 approved by the Conference of State Bank Supervisors, the
1259 American Association of Residential Mortgage Regulators, or the
1260 United States Department of Housing and Urban Development if the
1261 test covers primary and subordinate mortgage financing
1262 transactions. This requirement is satisfied if the principal
1263 representative has continuously served in the capacity of a
1264 principal representative for a licensed entity under this
1265 chapter for at least 1 year and has not had a lapse in
1266 designation as a principal representative of more than 2 years
1267 before the date of the submission of the application or
1268 amendment in the case of a change in the principal
1269 representative. This requirement is also satisfied if the
1270 principal representative holds an active license as a mortgage
1271 broker in this state.

1272 (5) Each initial application for a transfer must be in the
1273 form prescribed by rule of the commission. The commission or
1274 office may require each applicant for any transfer to provide
1275 any information reasonably necessary to make a determination of
1276 the applicant's eligibility for licensure. The office shall
1277 issue the transfer of licensure to any person who submits the
1278 following documentation at least 90 days prior to the
1279 anticipated transfer:

1280 (a) A completed application form.

1281 (b) A nonrefundable fee set by rule of the commission in
1282 the amount of \$500. An application is considered received for
1283 purposes of s. 120.60 upon receipt of a completed application

1284 form as prescribed by commission rule, a nonrefundable
1285 application fee of \$500, and any other fee prescribed by law.

1286 (c) Audited financial statements that substantiate that
1287 the applicant has a bona fide and verifiable net worth,
1288 according to United States generally accepted accounting
1289 principles, of at least \$25,000, which must be continuously
1290 maintained as a condition of licensure.

1291 (d) Documentation that the applicant is incorporated,
1292 registered, or otherwise formed as a general partnership,
1293 limited partnership, limited liability company, or other lawful
1294 entity under the laws of this state or another state of the
1295 United States.

1296 (e) A complete set of fingerprints as the commission
1297 requires by rule for ~~or office may require that~~ each designated
1298 principal representative, officer, director, control person,
1299 member, partner, or joint venturer of the applicant and the
1300 ultimate equitable owner of a 10-percent or greater interest in
1301 the applicant. A fingerprint card submitted to the office must
1302 be ~~submit a complete set of fingerprints~~ taken by an authorized
1303 law enforcement agency officer. The office shall submit the
1304 fingerprints to the Department of Law Enforcement for state
1305 processing and the Department of Law Enforcement shall forward
1306 the fingerprints to the Federal Bureau of Investigation for
1307 federal processing. The cost of the fingerprint processing may
1308 be borne by the office, the employer, or the person subject to
1309 the background check. The Department of Law Enforcement shall
1310 submit an invoice to the office for the fingerprints received

1311 each month. The office shall screen the background results to
1312 determine if the applicant meets licensure requirements.

1313 (f) Information that the commission requires by rule
1314 concerning any designated principal representative; any officer,
1315 director, control person, member, partner, or joint venturer of
1316 the applicant or any person having the same or substantially
1317 similar status or performing substantially similar functions; or
1318 any individual who is the ultimate equitable owner of a 10-
1319 percent or greater interest in the mortgage lender. The
1320 commission may require information concerning such applicant or
1321 person, including, but not limited to, his or her full name and
1322 any other names by which he or she may have been known, age,
1323 social security number, qualifications and educational and
1324 business history, and disciplinary and criminal history.

1325 (6) Notwithstanding subsection (5), a transfer under
1326 subsection (4) may be denied if the applicant; designated
1327 principal representative; ~~any principal officer,~~ ~~or~~ director,
1328 control person, member, partner, or joint venturer of the
1329 applicant; ~~or~~ any natural person owning a 10-percent or greater
1330 interest in the applicant has committed any violation specified
1331 in s. 494.0072, or has entered a plea of nolo contendere,
1332 regardless of adjudication, or has an action pending against the
1333 applicant in any criminal prosecution or administrative
1334 enforcement action, in any jurisdiction, which involves fraud,
1335 dishonest dealing, or any act of moral turpitude.

1336 (7) A license issued in accordance with this section is
1337 not transferable or assignable except as provided in subsection
1338 (4).

1339 (8) Each person applying for a transfer of any branch
1340 office pursuant to subsection (4) must comply with the
1341 requirements of s. 494.0066.

1342 (9) Each mortgage lender shall designate a principal
1343 representative who exercises control over the business and shall
1344 keep the designation current on a form prescribed by commission
1345 rule designating the principal representative. If the
1346 information on the form is not kept current, the business is
1347 considered to be operated by each officer, director, or
1348 equitable owner of a 10-percent or greater interest in the
1349 business.

1350 (10) A lender shall notify the office of any change in the
1351 designation of its principal representative within 30 days after
1352 the change is effective. A new principal representative must
1353 satisfy the educational and testing requirements of this section
1354 within 90 days after being designated as the new principal
1355 representative. This requirement is satisfied if the principal
1356 representative has continuously served in the capacity of a
1357 principal representative for a licensed entity under this
1358 chapter for at least 1 year and has not had a lapse in
1359 designation as a principal representative of more than 2 years
1360 before the date of the submission of the application or
1361 amendment in the case of a change in the principal
1362 representative. This requirement is also satisfied if the

1363 principal representative currently holds an active license as a
 1364 mortgage broker in this state.

1365 Section 19. Subsection (2) of section 494.0066, Florida
 1366 Statutes, is amended to read:

1367 494.0066 Branch offices.--

1368 (2) The office shall issue a branch office license to a
 1369 licensee licensed under ss. 494.006-494.0077 after the office
 1370 determines that the licensee has submitted ~~upon receipt of a~~
 1371 ~~completed~~ branch office application form as prescribed by rule
 1372 by the commission and an initial nonrefundable branch office
 1373 license fee of \$325. The branch office application must include
 1374 the name and license number of the licensee under ss. 494.006-
 1375 494.0077, the name of the licensee's employee in charge of the
 1376 branch office, and the address of the branch office. The branch
 1377 office license shall be issued in the name of the licensee under
 1378 ss. 494.006-494.0077 and must be renewed in conjunction with the
 1379 license renewal.

1380 Section 20. Section 494.0067, Florida Statutes, is amended
 1381 to read:

1382 494.0067 Requirements of licensees under ss. 494.006-
 1383 494.0077.--

1384 ~~(1) Each license of a mortgage lender, correspondent~~
 1385 ~~mortgage lender, or branch office shall be prominently displayed~~
 1386 ~~in the office for which it is issued.~~

1387 (1)(2) Each licensee under ss. 494.006-494.0077 which
 1388 makes mortgage loans on real estate in this state shall transact
 1389 business from a principal place of business. Each principal

1390 place of business and each branch office shall be operated under
1391 the full charge, control, and supervision of the licensee under
1392 ss. 494.006-494.0077.

1393 ~~(2)(3)~~ A license issued under ss. 494.006-494.0077 is not
1394 transferable or assignable.

1395 (3) Each licensee under ss. 494.006-494.0077 shall report,
1396 on a form prescribed by rule of the commission, any change in
1397 the information contained in any initial application form, or
1398 any amendment thereto, not later than 30 days after the change
1399 is effective.

1400 (4) Each licensee under ss. 494.006-494.0077 shall report
1401 any changes in the partners, officers, members, joint venturers,
1402 directors, or control persons of any licensee or changes in the
1403 form of business organization by written amendment in such form
1404 and at such time that the commission specifies by rule.

1405 (a) In any case in which a person or a group of persons,
1406 directly or indirectly or acting by or through one or more
1407 persons, proposes to purchase or acquire a controlling interest
1408 in a licensee, such person or group must submit an initial
1409 application for licensure as a mortgage lender or correspondent
1410 mortgage lender before such purchase or acquisition and at the
1411 time and in the form prescribed by the commission by rule.

1412 (b) As used in this subsection, the term "controlling
1413 interest" means possession of the power to direct or cause the
1414 direction of the management or policies of a company whether
1415 through ownership of securities, by contract, or otherwise. Any
1416 person who directly or indirectly has the right to vote 25

1417 percent or more of the voting securities of a company or who is
1418 entitled to 25 percent or more of the company's profits is
1419 presumed to possess a controlling interest.

1420 (c) Any addition of a designated principal representative,
1421 partner, officer, member, joint venturer, director, or control
1422 person of the applicant who does not have a controlling interest
1423 and who has not previously complied with the provisions of s.
1424 494.0061(2)(g) and (h), s. 494.0062(2)(g) and (h), or s.
1425 494.0065(5)(e) and (f) shall be subject to such provisions
1426 unless required to file an initial application in accordance
1427 with paragraph (a). If the office determines that the licensee
1428 does not continue to meet licensure requirements, the office may
1429 bring administrative action in accordance with s. 494.0072 to
1430 enforce the provisions of this section.

1431 (d) The commission shall adopt rules pursuant to ss.
1432 120.536(1) and 120.54 providing for the waiver of the
1433 application required by this subsection if the person or group
1434 of persons proposing to purchase or acquire a controlling
1435 interest in a licensee has previously complied with the
1436 provisions of s. 494.0061(2)(g) and (h), s. 494.0062(2)(g) and
1437 (h), or s. 494.0065(5)(e) and (f) with the same legal entity or
1438 is currently licensed with the office under this chapter.

1439 ~~(4) The commission or office may require each licensee~~
1440 ~~under ss. 494.006-494.0077 to report any change of address of~~
1441 ~~the principal place of business, change of address of any branch~~
1442 ~~office, or change of principal officer, director, or ultimate~~
1443 ~~equitable owner of 10 percent or more of the licensed~~

1444 ~~corporation to the office in a form prescribed by rule of the~~
1445 ~~commission not later than 30 business days after the change is~~
1446 ~~effective.~~

1447 (5) Each licensee under ss. 494.006-494.0077 shall report
1448 in a form prescribed by rule by the commission any indictment,
1449 information, charge, conviction, plea of nolo contendere, or
1450 plea of guilty to any crime or administrative violation that
1451 involves fraud, dishonest dealing, or any other act of moral
1452 turpitude, in any jurisdiction, by the licensee under ss.
1453 494.006-494.0077 or any principal officer, director, or ultimate
1454 equitable owner of 10 percent or more of the licensed
1455 corporation, not later than 30 business days after the
1456 indictment, information, charge, conviction, or final
1457 administrative action.

1458 (6) Each licensee under ss. 494.006-494.0077 shall report
1459 any action in bankruptcy, voluntary or involuntary, to the
1460 office, not later than 7 business days after the action is
1461 instituted.

1462 (7) Each licensee under ss. 494.006-494.0077 shall
1463 designate a registered agent in this state for service of
1464 process.

1465 (8) Each licensee under ss. 494.006-494.0077 shall provide
1466 an applicant for a mortgage loan a good faith estimate of the
1467 costs the applicant can reasonably expect to pay in obtaining a
1468 mortgage loan. The good faith estimate of costs shall be mailed
1469 or delivered to the applicant within a reasonable time after the
1470 licensee receives a written loan application from the applicant.

1471 The estimate of costs may be provided to the applicant by a
 1472 person other than the licensee making the loan. The commission
 1473 may adopt rules that set forth the disclosure requirements of
 1474 this section.

1475 (9) On or before April 30, 2000, each mortgage lender or
 1476 correspondent mortgage lender shall file an initial report
 1477 stating the full legal name, residential address, social
 1478 security number, date of birth, mortgage broker license number,
 1479 date of hire, and, if applicable, date of termination for each
 1480 person who acted as a loan originator or an associate of the
 1481 mortgage lender or correspondent mortgage lender during the
 1482 immediate preceding quarter. Thereafter, a mortgage lender or
 1483 correspondent mortgage lender shall file a report only if a
 1484 person became or ceased to be a loan originator or an associate
 1485 of the mortgage lender or correspondent mortgage lender during
 1486 the immediate preceding quarter. Such report shall be filed
 1487 within 30 days after the last day of each calendar quarter and
 1488 shall contain the full legal name, residential address, social
 1489 security number, date of birth, date of hire and, if applicable,
 1490 the mortgage broker license number and date of termination of
 1491 each person who became or ceased to be a loan originator or an
 1492 associate of the mortgage lender or correspondent mortgage
 1493 lender during the immediate preceding quarter. The commission
 1494 shall prescribe, by rule, the procedures for filing reports
 1495 required by this subsection.

1496 (10) (a) Each licensee shall require the principal
 1497 representative and all loan originators ~~or associates~~ who

1498 perform services for the licensee to complete 14 hours of
 1499 professional continuing education during each biennial license
 1500 period. The education shall cover primary and subordinate
 1501 mortgage financing transactions and the provisions of this
 1502 chapter and the rules adopted under this chapter.

1503 (b) The licensee shall maintain records of such training
 1504 for a period of 4 years, including records of the content of and
 1505 hours designated for each program and the date and location of
 1506 the program.

1507 (c) Evidence of completion of such programs shall be
 1508 included with the licensee's renewal application.

1509 Section 21. Paragraphs (s), (t), and (u) are added to
 1510 subsection (2) of section 494.0072, Florida Statutes, and
 1511 subsection (3) of that section is amended, to read:

1512 494.0072 Administrative penalties and fines; license
 1513 violations.--

1514 (2) Each of the following acts constitutes a ground for
 1515 which the disciplinary actions specified in subsection (1) may
 1516 be taken:

1517 (s) Payment to the office for a license or permit with a
 1518 check or electronic transmission of funds that is dishonored by
 1519 the applicant's or licensee's financial institution.

1520 (t) Having a final judgment entered against the applicant
 1521 or licensee in a civil action upon grounds of fraud,
 1522 embezzlement, misrepresentation, or deceit.

1523 (u)1. Having been the subject of any decision, finding,
 1524 injunction, suspension, prohibition, revocation, denial,

1525 judgment, or administrative order by any court of competent
1526 jurisdiction, administrative law judge, state or federal agency,
1527 national securities exchange, national commodities exchange,
1528 national option exchange, national securities association,
1529 national commodities association, or national option association
1530 involving a violation of any federal or state securities or
1531 commodities law, or any rule or regulation adopted under such
1532 law, or involving a violation of any rule or regulation of any
1533 national securities, commodities, or options exchange or
1534 association.

1535 2. Having been the subject of any injunction or adverse
1536 administrative order by a state or federal agency regulating
1537 banking, insurance, finance or small loan companies, real
1538 estate, mortgage brokers or lenders, money transmitters, or
1539 other related or similar industries.

1540 (3) A mortgage lender or correspondent mortgage lender is
1541 subject to the disciplinary actions specified in subsection (1)
1542 if any officer, member, director, control person, joint
1543 venturer, or ultimate equitable owner of a 10-percent or greater
1544 interest in the mortgage lender or correspondent mortgage
1545 lender, associate, or employee of the mortgage lender or
1546 correspondent mortgage lender violates any provision of
1547 subsection (2).

1548 Section 22. Subsection (2) of section 494.00721, Florida
1549 Statutes, is amended to read:

1550 494.00721 Net worth.--

1551 (2) If a mortgage lender or correspondent mortgage lender
 1552 fails to satisfy the net worth requirements, the mortgage lender
 1553 or correspondent mortgage lender shall immediately cease taking
 1554 any new mortgage loan applications. Thereafter, the mortgage
 1555 lender or correspondent mortgage lender shall have up to 60 days
 1556 within which to satisfy the net worth requirements. If the
 1557 licensee makes the office aware, prior to an examination, that
 1558 the licensee no longer meets the net worth requirements, the
 1559 mortgage lender or correspondent mortgage lender shall have 120
 1560 days within which to satisfy the net worth requirements. A
 1561 mortgage lender or correspondent mortgage lender shall not
 1562 resume acting as a mortgage lender or correspondent mortgage
 1563 lender without written authorization from the office, which
 1564 authorization shall be granted if the mortgage lender or
 1565 correspondent mortgage lender provides the office with
 1566 documentation which satisfies the requirements of s.
 1567 494.0061(2)~~(1)~~(c), s. 494.0062(2)~~(1)~~(c), or s. 494.0065(2),
 1568 whichever is applicable.

1569 Section 23. Paragraph (c) of subsection (3) of section
 1570 501.137, Florida Statutes, is amended to read:

1571 501.137 Mortgage lenders; tax and insurance payments from
 1572 escrow accounts; duties.--

1573 (3)

1574 (c) If the lender violates paragraph (a) and the premium
 1575 payment is more than 90 days overdue or if the insurer refuses
 1576 to reinstate the insurance policy, the lender shall pay the
 1577 difference between the cost of the previous insurance policy and

1578 a new, comparable insurance policy for a period of 2 years. If
 1579 the lender refuses, the lender is liable for the reasonable
 1580 attorney's fees and costs of the property owner for a violation
 1581 of this section.

1582 Section 24. Subsection (8) is added to section 516.01,
 1583 Florida Statutes, to read:

1584 516.01 Definitions.--As used in this chapter, the term:

1585 (8) "Control person" means an individual, partnership,
 1586 corporation, trust, or other organization that possesses the
 1587 power, directly or indirectly, to direct the management or
 1588 policies of a company, whether through ownership of securities,
 1589 by contract, or otherwise. A person is presumed to control a
 1590 company if, with respect to a particular company, that person:

1591 (a) Is a director, general partner, or officer exercising
 1592 executive responsibility or having similar status or functions;

1593 (b) Directly or indirectly may vote 10 percent or more of
 1594 a class of a voting security or sell or direct the sale of 10
 1595 percent or more of a class of voting securities; or

1596 (c) In the case of a partnership, may receive upon
 1597 dissolution or has contributed 10 percent or more of the
 1598 capital.

1599 Section 25. Section 516.03, Florida Statutes, is amended
 1600 to read:

1601 516.03 Application for license; fees; etc.--

1602 (1) APPLICATION.--Application for a license to make loans
 1603 under this chapter shall be in the form prescribed by rule of
 1604 the commission. The commission may require each applicant to

1605 provide any information reasonably necessary to determine the
1606 applicant's eligibility for licensure. The applicant shall also
1607 provide information that the office requires concerning any
1608 officer, director, control person, member, partner, or joint
1609 venturer of the applicant or any person having the same or
1610 substantially similar status or performing substantially similar
1611 functions or concerning any individual who is the ultimate
1612 equitable owner of a 10-percent or greater interest in the
1613 applicant. The office may require information concerning any
1614 such applicant or person, including, but not limited to, his or
1615 her full name and any other names by which he or she may have
1616 been known, age, social security number, residential history,
1617 qualifications, educational and business history, and
1618 disciplinary and criminal history. The applicant must provide
1619 evidence of liquid assets of at least \$25,000, and shall contain
1620 the name, residence and business addresses of the applicant and,
1621 if the applicant is a copartnership or association, of every
1622 member thereof and, if a corporation, of each officer and
1623 director thereof, also the county and municipality with the
1624 street and number or approximate location where the business is
1625 to be conducted, and such further relevant information as the
1626 commission or office may require. At the time of making such
1627 application the applicant shall pay to the office a
1628 nonrefundable biennial license fee of \$625. Applications, except
1629 for applications to renew or reactivate a license, must also be
1630 accompanied by a nonrefundable an investigation fee of \$200. An
1631 application is considered received for purposes of s. 120.60

1632 upon receipt of a completed application form as prescribed by
1633 commission rule, a nonrefundable application fee of \$625, and
1634 any other fee prescribed by law. The commission may adopt rules
1635 requiring ~~to allow~~ electronic submission of any form, document,
1636 or fee required by this act if such rules reasonably accommodate
1637 technological or financial hardship. The commission may
1638 prescribe by rule requirements and procedures for obtaining an
1639 exemption due to a technological or financial hardship.

1640 (2) FEES.--Fees ~~herein~~ provided for in this section shall
1641 be collected by the office and shall be turned into the State
1642 Treasury to the credit of the regulatory trust fund under the
1643 office. The office shall have full power to employ such
1644 examiners or clerks to assist the office as may from time to
1645 time be deemed necessary and fix their compensation. The
1646 commission may adopt rules requiring ~~to allow~~ electronic
1647 submission of any fee required by this section if such rules
1648 reasonably accommodate technological or financial hardship. The
1649 commission may prescribe by rule requirements and procedures for
1650 obtaining an exemption due to a technological or financial
1651 hardship.

1652 Section 26. Paragraph (a) of subsection (3) of section
1653 516.031, Florida Statutes, is amended to read:

1654 516.031 Finance charge; maximum rates.--

1655 (3) OTHER CHARGES.--

1656 (a) In addition to the interest, delinquency, and
1657 insurance charges herein provided for, no further or other
1658 charges or amount whatsoever for any examination, service,

1659 | commission, or other thing or otherwise shall be directly or
 1660 | indirectly charged, contracted for, or received as a condition
 1661 | to the grant of a loan, except:

1662 | 1. An amount not to exceed \$25 ~~\$10~~ to reimburse a portion
 1663 | of the costs for investigating the character and credit of the
 1664 | person applying for the loan;

1665 | 2. An annual fee of \$25 on the anniversary date of each
 1666 | line-of-credit account;

1667 | 3. Charges paid for brokerage fee on a loan or line of
 1668 | credit of more than \$10,000, title insurance, and the appraisal
 1669 | of real property offered as security when paid to a third party
 1670 | and supported by an actual expenditure;

1671 | 4. Intangible personal property tax on the loan note or
 1672 | obligation when secured by a lien on real property;

1673 | 5. The documentary excise tax and lawful fees, if any,
 1674 | actually and necessarily paid out by the licensee to any public
 1675 | officer for filing, recording, or releasing in any public office
 1676 | any instrument securing the loan, which fees may be collected
 1677 | when the loan is made or at any time thereafter;

1678 | 6. The premium payable for any insurance in lieu of
 1679 | perfecting any security interest otherwise required by the
 1680 | licensee in connection with the loan, if the premium does not
 1681 | exceed the fees which would otherwise be payable, which premium
 1682 | may be collected when the loan is made or at any time
 1683 | thereafter;

1684 | 7. Actual and reasonable attorney's fees and court costs
 1685 | as determined by the court in which suit is filed;

1686 8. Actual and commercially reasonable expenses of
1687 repossession, storing, repairing and placing in condition for
1688 sale, and selling of any property pledged as security; or

1689 9. A delinquency charge not to exceed \$10 for each payment
1690 in default for a period of not less than 10 days, if the charge
1691 is agreed upon, in writing, between the parties before imposing
1692 the charge.

1693
1694 Any charges, including interest, in excess of the combined total
1695 of all charges authorized and permitted by this chapter
1696 constitute a violation of chapter 687 governing interest and
1697 usury, and the penalties of that chapter apply. In the event of
1698 a bona fide error, the licensee shall refund or credit the
1699 borrower with the amount of the overcharge immediately but
1700 within 20 days from the discovery of such error.

1701 Section 27. Section 516.05, Florida Statutes, is amended
1702 to read:

1703 516.05 License.--

1704 (1) Upon the filing of an application for a license and
1705 payment of all applicable fees, the office shall, unless the
1706 application is to renew or reactivate an existing license, make
1707 an investigation of the facts concerning the applicant's
1708 background ~~proposed activities~~. If the office determines that a
1709 license should be granted, it shall issue the license for a
1710 period not to exceed 2 years. Biennial licensure periods and
1711 procedures for renewal of licenses shall be established by the
1712 rule of the commission. If the office determines that grounds

1713 exist under this chapter for denial of an application other than
1714 an application to renew a license, it shall deny such
1715 application, ~~return to the applicant the sum paid as a license~~
1716 ~~fee, and retain the investigation fee.~~

1717 (2) A license that is not renewed at the end of the
1718 biennium established by the commission shall automatically
1719 revert to inactive status. An inactive license may be
1720 reactivated upon submission of a completed reactivation
1721 application, payment of the biennial license fee, and payment of
1722 a reactivation fee which shall equal the biennial license fee. A
1723 license expires on the date at which it has been inactive for 6
1724 months.

1725 (3) Only one place of business for the purpose of making
1726 loans under this chapter may be maintained under one license,
1727 but the office may issue additional licenses to a licensee upon
1728 compliance with all the provisions of this chapter governing
1729 issuance of a single license.

1730 (4) Each licensee shall report, on a form prescribed by
1731 rule of the commission, any change to the information contained
1732 in any initial application form or any amendment to such
1733 application not later than 30 days after the change is
1734 effective.

1735 (5) Each licensee shall report any changes in the
1736 partners, officers, members, joint venturers, directors, or
1737 control persons of any licensee, or changes in the form of
1738 business organization, by written amendment in such form and at
1739 such time as the commission specifies by rule.

1740 (a) In any case in which a person or a group of persons,
1741 directly or indirectly or acting by or through one or more
1742 persons, proposes to purchase or acquire a controlling interest
1743 in a licensee, such person or group must submit an initial
1744 application for licensure before such purchase or acquisition at
1745 such time and in such form as the commission prescribes by rule.

1746 (b) As used in this subsection, the term "controlling
1747 interest" means possession of the power to direct or cause the
1748 direction of the management or policies of a company whether
1749 through ownership of securities, by contract, or otherwise. Any
1750 person who directly or indirectly has the right to vote 25
1751 percent or more of the voting securities of a company or is
1752 entitled to 25 percent or more of the company's profits is
1753 presumed to possess a controlling interest.

1754 (c) Any addition of a partner, officer, member, joint
1755 venturer, director, or control person of the applicant who does
1756 not have a controlling interest and who has not previously
1757 complied with the provisions of s. 516.03(1) shall be subject to
1758 such provisions unless required to file an initial application
1759 in accordance with paragraph (a). If the office determines that
1760 the licensee does not continue to meet licensure requirements,
1761 the office may bring administrative action in accordance with s.
1762 516.07 to enforce the provisions of this chapter.

1763 (d) The commission shall adopt rules pursuant to ss.
1764 120.536(1) and 120.54 providing for the waiver of the
1765 application required by this subsection if the person or group
1766 of persons proposing to purchase or acquire a controlling

1767 interest in a licensee has previously complied with the
1768 provisions of s. 516.03(1) with the same legal entity or is
1769 currently licensed with the office under this chapter.

1770 ~~(4) Prior to relocating his or her place of business, a~~
1771 ~~licensee must file with the office, in the manner prescribed by~~
1772 ~~commission rule, notice of the relocation.~~

1773 (6)~~(5)~~ A licensee may conduct the business of making loans
1774 under this chapter within a place of business in which other
1775 business is solicited or engaged in, unless the office shall
1776 find that the conduct of such other business by the licensee
1777 results in an evasion of this chapter. Upon such finding, the
1778 office shall order the licensee to desist from such evasion;
1779 provided, however, that no license shall be granted to or
1780 renewed for any person or organization engaged in the pawnbroker
1781 business.

1782 ~~(6) If any person purchases substantially all of the~~
1783 ~~assets of any existing licensed place of business, the purchaser~~
1784 ~~shall give immediate notice thereof to the office and shall be~~
1785 ~~granted a 90 day temporary license for the place of business~~
1786 ~~within 10 days after the office's receipt of an application for~~
1787 ~~a permanent license. Issuance of a temporary license for a place~~
1788 ~~of business nullifies the existing license for the place of~~
1789 ~~business, and the temporary licensee is subject to any~~
1790 ~~disciplinary action provided for by this chapter.~~

1791 (7) Licenses are not transferable or assignable. A
1792 licensee may invalidate any license by delivering it to the
1793 office with a written notice of the delivery, but such delivery

1794 | does not affect any civil or criminal liability or the authority
 1795 | to enforce this chapter for acts committed in violation thereof.

1796 | (8) The office may refuse to process an initial
 1797 | application for a license if the applicant or any person with
 1798 | power to direct the management or policies of the applicant's
 1799 | business is the subject of a pending criminal prosecution in any
 1800 | jurisdiction until conclusion of such criminal prosecution.

1801 | (9) A licensee that is the subject of a voluntary or
 1802 | involuntary bankruptcy filing must report such filing to the
 1803 | office within 7 business days after the filing date.

1804 | Section 28. Subsection (1) of section 516.07, Florida
 1805 | Statutes, is amended to read:

1806 | 516.07 Grounds for denial of license or for disciplinary
 1807 | action.--

1808 | (1) The following acts are violations of this chapter and
 1809 | constitute grounds for denial of an application for a license to
 1810 | make consumer finance loans and grounds for any of the
 1811 | disciplinary actions specified in subsection (2):

1812 | (a) A material misstatement of fact in an application for
 1813 | a license.†

1814 | (b) Failure to maintain liquid assets of at least \$25,000
 1815 | at all times for the operation of business at a licensed
 1816 | location or proposed location.†

1817 | (c) Failure to demonstrate financial responsibility,
 1818 | experience, character, or general fitness, such as to command
 1819 | the confidence of the public and to warrant the belief that the
 1820 | business operated at the licensed or proposed location is

1821 lawful, honest, fair, efficient, and within the purposes of this
 1822 chapter.†

1823 (d) The violation, either knowingly or without the
 1824 exercise of due care, of any provision of this chapter, any rule
 1825 or order adopted under this chapter, or any written agreement
 1826 entered into with the office.†

1827 (e) Any act of fraud, misrepresentation, or deceit,
 1828 regardless of reliance by or damage to a borrower, or any
 1829 illegal activity, where such acts are in connection with a loan
 1830 under this chapter. Such acts include, but are not limited to:

- 1831 1. Willful imposition of illegal or excessive charges; or
- 1832 2. Misrepresentation, circumvention, or concealment of any
 1833 matter required to be stated or furnished to a borrower.†

1834 (f) The use of unreasonable collection practices or of
 1835 false, deceptive, or misleading advertising, where such acts are
 1836 in connection with the operation of a business to make consumer
 1837 finance loans.†

1838 (g) Any violation of part III of chapter 817 or part II of
 1839 chapter 559 or of any rule adopted under part II of chapter
 1840 559.†

1841 (h) Failure to maintain, preserve, and keep available for
 1842 examination, all books, accounts, or other documents required by
 1843 this chapter, by any rule or order adopted under this chapter,
 1844 or by any agreement entered into with the office.†

1845 (i) Refusal to permit inspection of books and records in
 1846 an investigation or examination by the office or refusal to
 1847 comply with a subpoena issued by the office.†

1848 (j) Pleading nolo contendere to, or having been convicted
 1849 or found guilty of, a crime involving fraud, dishonest dealing,
 1850 or any act of moral turpitude, regardless of whether
 1851 adjudication is withheld.‡

1852 (k) Paying money or anything else of value, directly or
 1853 indirectly, to any person as compensation, inducement, or reward
 1854 for referring loan applicants to a licensee.‡

1855 (l) Allowing any person other than the licensee to use the
 1856 licensee's business name, address, or telephone number in an
 1857 advertisement.‡

1858 (m) Accepting or advertising that the licensee accepts
 1859 money on deposit or as consideration for the issuance or
 1860 delivery of certificates of deposit, savings certificates, or
 1861 similar instruments, except to the extent permitted under
 1862 chapter 517.‡~~or~~

1863 (n) Failure to pay any fee, charge, or fine imposed or
 1864 assessed pursuant to this chapter or any rule adopted under this
 1865 chapter.

1866 (o) Using the name or logo of a financial institution, as
 1867 defined in s. 655.005(1), or its affiliates or subsidiaries when
 1868 marketing or soliciting existing or prospective customers if
 1869 such marketing materials are used without the written consent of
 1870 the financial institution and in a manner that would lead a
 1871 reasonable person to believe that the material or solicitation
 1872 originated from, was endorsed by, or is related to or the
 1873 responsibility of the financial institution or its affiliates or
 1874 subsidiaries.

1875 (p) Payment to the office for a license or permit with a
 1876 check or electronic transmission of funds that is dishonored by
 1877 the applicant's or licensee's financial institution.

1878 Section 29. Section 516.08, Florida Statutes, is repealed.

1879 Section 30. Subsection (3) is added to section 516.12,
 1880 Florida Statutes, to read:

1881 516.12 Records to be kept by licensee.--

1882 (3) The commission may prescribe by rule the minimum
 1883 information to be shown in the books, accounts, records, and
 1884 documents of licensees for purposes of enabling the office to
 1885 determine the licensee's compliance with ss. 516.001-516.36. In
 1886 addition, the commission may prescribe by rule the requirements
 1887 for the destruction of books, accounts, records, and documents
 1888 retained by the licensee after completion of the time period
 1889 specified in subsection (1).

1890 Section 31. Section 516.19, Florida Statutes, is amended
 1891 to read:

1892 516.19 Penalties.--Any person who violates any of the
 1893 provisions of s. 516.02, s. 516.031, s. 516.05(3), ~~s. 516.05(4)~~,
 1894 s. 516.05(6)~~(5)~~, or s. 516.07(1)(e) is guilty of a misdemeanor
 1895 of the first degree, punishable as provided in s. 775.082 or s.
 1896 775.083.

1897 Section 32. Subsection (4) of section 517.021, Florida
 1898 Statutes, is amended to read:

1899 517.021 Definitions.--When used in this chapter, unless
 1900 the context otherwise indicates, the following terms have the
 1901 following respective meanings:

1902 (4) "Branch office" means any location in this state of a
 1903 dealer or investment adviser at which one or more associated
 1904 persons regularly conduct the business of rendering investment
 1905 advice or effecting any transactions in, or inducing or
 1906 attempting to induce the purchase or sale of, any security or
 1907 any location that is held out as such. The commission may adopt
 1908 by rule exceptions to this definition for dealers in order to
 1909 maintain consistency with the definition of a branch office used
 1910 by self-regulatory organizations authorized by the Securities
 1911 and Exchange Commission, including, but not limited to, the
 1912 National Association of Securities Dealers or the New York Stock
 1913 Exchange. The commission may adopt by rule exceptions to this
 1914 definition for investment advisers ~~office of a dealer or~~
 1915 ~~investment adviser located in this state, other than the~~
 1916 ~~principal office of the dealer or investment adviser, which~~
 1917 ~~nonprincipal office is owned or controlled by the dealer or~~
 1918 ~~investment adviser for the purpose of conducting a securities~~
 1919 ~~business.~~

1920 Section 33. Subsection (9) of section 517.051, Florida
 1921 Statutes, is amended to read:

1922 517.051 Exempt securities.--The exemptions provided herein
 1923 from the registration requirements of s. 517.07 are self-
 1924 executing and do not require any filing with the office prior to
 1925 claiming such exemption. Any person who claims entitlement to
 1926 any of these exemptions bears the burden of proving such
 1927 entitlement in any proceeding brought under this chapter. The

1928 registration provisions of s. 517.07 do not apply to any of the
 1929 following securities:

1930 (9) A security issued by a corporation organized and
 1931 operated exclusively for religious, educational, benevolent,
 1932 fraternal, charitable, or reformatory purposes and not for
 1933 pecuniary profit, no part of the net earnings of which
 1934 corporation inures to the benefit of any private stockholder or
 1935 individual, or any security of a fund that is excluded from the
 1936 definition of an investment company under s. 3(c)(10)(B) of the
 1937 Investment Company Act of 1940; provided that no person shall
 1938 directly or indirectly offer or sell securities under this
 1939 subsection except by an offering circular containing full and
 1940 fair disclosure, as prescribed by the rules of the commission,
 1941 of all material information, including, but not limited to, a
 1942 description of the securities offered and terms of the offering,
 1943 a description of the nature of the issuer's business, a
 1944 statement of the purpose of the offering and the intended
 1945 application by the issuer of the proceeds thereof, and financial
 1946 statements of the issuer prepared in conformance with United
 1947 States generally accepted accounting principles. Section 6(c) of
 1948 the Philanthropy Protection Act of 1995, Pub. L. No. 104-62,
 1949 shall not preempt any provision of this chapter.

1950 Section 34. Subsection (18) of section 517.061, Florida
 1951 Statutes, is amended to read:

1952 517.061 Exempt transactions.--The exemption for each
 1953 transaction listed below is self-executing and does not require
 1954 any filing with the office prior to claiming such exemption. Any

1955 person who claims entitlement to any of the exemptions bears the
1956 burden of proving such entitlement in any proceeding brought
1957 under this chapter. The registration provisions of s. 517.07 do
1958 not apply to any of the following transactions; however, such
1959 transactions are subject to the provisions of ss. 517.301,
1960 517.311, and 517.312:

1961 (18) The offer or sale of any security effected by or
1962 through a person in compliance with ~~registered pursuant to~~ s.
1963 517.12(17).

1964 Section 35. Paragraph (g) of subsection (3) of section
1965 517.081, Florida Statutes, is amended to read:

1966 517.081 Registration procedure.--

1967 (3) The office may require the applicant to submit to the
1968 office the following information concerning the issuer and such
1969 other relevant information as the office may in its judgment
1970 deem necessary to enable it to ascertain whether such securities
1971 shall be registered pursuant to the provisions of this section:

1972 (g)1. A specimen copy of the security and a copy of any
1973 circular, prospectus, advertisement, or other description of
1974 such securities.

1975 2. The commission shall adopt a form for a simplified
1976 offering circular to be used solely by corporations to register,
1977 under this section, securities of the corporation that are sold
1978 in offerings in which the aggregate offering price in any
1979 consecutive 12-month period does not exceed the amount provided
1980 in s. 3(b) of the Securities Act of 1933. The following issuers

1981 shall not be eligible to submit a simplified offering circular
 1982 adopted pursuant to this subparagraph:

1983 a. An issuer seeking to register securities for resale by
 1984 persons other than the issuer.

1985 b. An issuer who is subject to any of the
 1986 disqualifications described in 17 C.F.R. s. 230.262, adopted
 1987 pursuant to the Securities Act of 1933, or who has been or is
 1988 engaged or is about to engage in an activity that would be
 1989 grounds for denial, revocation, or suspension under s. 517.111.
 1990 For purposes of this subparagraph, an issuer includes an
 1991 issuer's director, officer, shareholder who owns at least 10
 1992 percent of the shares of the issuer, promoter, or selling agent
 1993 of the securities to be offered or any officer, director, or
 1994 partner of such selling agent.

1995 c. An issuer who is a development-stage company that
 1996 either has no specific business plan or purpose or has indicated
 1997 that its business plan is to merge with an unidentified company
 1998 or companies.

1999 d. An issuer of offerings in which the specific business
 2000 or properties cannot be described.

2001 e. Any issuer the office determines is ineligible if the
 2002 form would not provide full and fair disclosure of material
 2003 information for the type of offering to be registered by the
 2004 issuer.

2005 f. Any corporation which has failed to provide the office
 2006 the reports required for a previous offering registered pursuant
 2007 to this subparagraph.

2008
 2009 As a condition precedent to qualifying for use of the simplified
 2010 offering circular, a corporation shall agree to provide the
 2011 office with an annual financial report containing a balance
 2012 sheet as of the end of the issuer's fiscal year and a statement
 2013 of income for such year, prepared in accordance with United
 2014 States generally accepted accounting principles and accompanied
 2015 by an independent accountant's report. If the issuer has more
 2016 than 100 security holders at the end of a fiscal year, the
 2017 financial statements must be audited. Annual financial reports
 2018 must be filed with the office within 90 days after the close of
 2019 the issuer's fiscal year for each of the first 5 years following
 2020 the effective date of the registration.

2021 Section 36. Subsections (6), (7), (10), (11), (15), and
 2022 (17) of section 517.12, Florida Statutes, are amended to read:

2023 517.12 Registration of dealers, associated persons,
 2024 investment advisers, and branch offices.--

2025 (6) A dealer, associated person, investment adviser, or
 2026 branch office, in order to obtain registration, must file with
 2027 the office a written application, on a form which the commission
 2028 may by rule prescribe, ~~verified under oath~~. The commission may
 2029 establish, by rule, procedures for depositing fees and filing
 2030 documents by electronic means provided such procedures provide
 2031 the office with the information and data required by this
 2032 section. Each dealer or investment adviser must also file an
 2033 irrevocable written consent to service of civil process similar
 2034 to that provided for in s. 517.101. The application shall

2035 contain such information as the commission or office may require
 2036 concerning such matters as:

2037 (a) The name of the applicant and the address of its
 2038 principal office and each office in this state.

2039 (b) The applicant's form and place of organization; and,
 2040 if the applicant is a corporation, a copy of its articles of
 2041 incorporation and amendments to the articles of incorporation
 2042 or, if a partnership, a copy of the partnership agreement.

2043 (c) The applicant's proposed method of doing business and
 2044 financial condition and history, including a certified financial
 2045 statement showing all assets and all liabilities, including
 2046 contingent liabilities of the applicant as of a date not more
 2047 than 90 days prior to the filing of the application.

2048 (d) The names and addresses of all associated persons of
 2049 the applicant to be employed in this state and the offices to
 2050 which they will be assigned.

2051 (7) The application shall also contain such information as
 2052 the commission or office may require about the applicant; any
 2053 partner, officer, or director of the applicant or any person
 2054 having a similar status or performing similar functions; any
 2055 person directly or indirectly controlling the applicant; or any
 2056 employee of a dealer or of an investment adviser rendering
 2057 investment advisory services. Each applicant shall file a
 2058 complete set of fingerprints. A fingerprint card submitted to
 2059 the office must be taken by an authorized law enforcement agency
 2060 officer. The office shall submit the ~~Such~~ fingerprints shall be
 2061 ~~submitted~~ to the Department of Law Enforcement for state

2062 processing and the Department of Law Enforcement shall forward
2063 the fingerprints to ~~or~~ the Federal Bureau of Investigation for
2064 ~~state and~~ federal processing. The cost of the fingerprint
2065 processing may be borne by the office, the employer, or the
2066 person subject to the background check. The Department of Law
2067 Enforcement shall submit an invoice to the office for the
2068 fingerprints received each month. The office shall screen the
2069 background results to determine if the applicant meets licensure
2070 requirements. The commission may waive, by rule, the requirement
2071 that applicants must file a set of fingerprints or the
2072 requirement that such fingerprints must be processed by the
2073 Department of Law Enforcement or the Federal Bureau of
2074 Investigation. The commission or office may require information
2075 about any such applicant or person concerning such matters as:
2076 (a) His or her full name, and any other names by which he
2077 or she may have been known, and his or her age, social security
2078 number, photograph, qualifications, and educational and business
2079 history.
2080 (b) Any injunction or administrative order by a state or
2081 federal agency, national securities exchange, or national
2082 securities association involving a security or any aspect of the
2083 securities business and any injunction or administrative order
2084 by a state or federal agency regulating banking, insurance,
2085 finance, or small loan companies, real estate, mortgage brokers,
2086 or other related or similar industries, which injunctions or
2087 administrative orders relate to such person.

2088 (c) His or her conviction of, or plea of nolo contendere
2089 to, a criminal offense or his or her commission of any acts
2090 which would be grounds for refusal of an application under s.
2091 517.161.

2092 (d) The names and addresses of other persons of whom the
2093 office may inquire as to his or her character, reputation, and
2094 financial responsibility.

2095 (10) An applicant for registration shall pay an assessment
2096 fee of \$200, in the case of a dealer or investment adviser, or
2097 \$40, in the case of an associated person. The assessment fee of
2098 an associated person shall be reduced to \$30, but only after the
2099 office determines, by final order, that sufficient funds have
2100 been allocated to the Securities Guaranty Fund pursuant to s.
2101 517.1203 to satisfy all valid claims filed in accordance with s.
2102 517.1203(2) and after all amounts payable under any service
2103 contract entered into by the office pursuant to s. 517.1204, and
2104 all notes, bonds, certificates of indebtedness, other
2105 obligations, or evidences of indebtedness secured by such notes,
2106 bonds, certificates of indebtedness, or other obligations, have
2107 been paid or provision has been made for the payment of such
2108 amounts, notes, bonds, certificates of indebtedness, other
2109 obligations, or evidences of indebtedness. An associated person
2110 ~~may not having current fingerprint cards filed with the National~~
2111 ~~Association of Securities Dealers or a national securities~~
2112 ~~exchange registered with the Securities and Exchange Commission~~
2113 shall be assessed an additional fee to cover the cost for the
2114 ~~said~~ fingerprint cards to be processed by the office. Such fee

2115 shall be determined by rule of the commission. Each dealer and
 2116 each investment adviser shall pay an assessment fee of \$100 for
 2117 each office in this state, ~~except its designated principal~~
 2118 ~~office~~. Such fees become the revenue of the state, except for
 2119 those assessments provided for under s. 517.131(1) until such
 2120 time as the Securities Guaranty Fund satisfies the statutory
 2121 limits, and are not returnable in the event that registration is
 2122 withdrawn or not granted.

2123 (11) If the office finds that the applicant is of good
 2124 repute and character and has complied with the provisions of
 2125 this chapter and the rules made pursuant hereto, it shall
 2126 register the applicant. The registration of each dealer,
 2127 investment adviser, branch office, and associated person expires
 2128 ~~will expire~~ on December 31 of the year the registration became
 2129 effective unless the registrant has renewed his or her
 2130 registration on or before that date. The commission may
 2131 establish by rule procedures for renewing the registration of a
 2132 branch office through the Central Registration Depository,~~and~~
 2133 ~~the registration of each branch office will expire on March 31,~~
 2134 ~~of the year in which it became effective unless the registrant~~
 2135 ~~has renewed its registration on or before that date.~~

2136 Registration may be renewed by furnishing such information as
 2137 the commission may require, together with payment of the fee
 2138 required in subsection (10) for dealers, investment advisers,
 2139 associated persons, or branch offices and the payment of any
 2140 amount lawfully due and owing to the office pursuant to any
 2141 order of the office or pursuant to any agreement with the

2142 office. Any dealer, investment adviser, or associated person
2143 registrant who has not renewed a registration by the time the
2144 current registration expires may request reinstatement of such
2145 registration by filing with the office, on or before January 31
2146 of the year following the year of expiration, such information
2147 as may be required by the commission, together with payment of
2148 the fee required in subsection (10) for dealers, investment
2149 advisers, or associated persons and a late fee equal to the
2150 amount of such fee. Any reinstatement of registration granted by
2151 the office during the month of January shall be deemed effective
2152 retroactive to January 1 of that year.

2153 (15) (a) In order to facilitate uniformity and streamline
2154 procedures for persons who are subject to registration in
2155 multiple jurisdictions, the commission may adopt by rule uniform
2156 forms that have been approved by the Securities and Exchange
2157 Commission, and any subsequent amendments to such forms, if the
2158 forms are substantially consistent with the provisions of this
2159 chapter. Uniform forms that the commission may adopt to
2160 administer this section include, but are not limited to:

2161 1. Form BR, Uniform Branch Office Registration Form,
2162 adopted October 2005.

2163 2. Form U4, Uniform Application for Securities Industry
2164 Registration or Transfer, adopted October 2005.

2165 3. Form U5, Uniform Termination Notice for Securities
2166 Industry Registration, adopted October 2005.

2167 4. Form ADV, Uniform Application for Investment Adviser
2168 Registration, adopted October 2003.

2169 5. Form ADV-W, Notice of Withdrawal from Registration as
 2170 an Investment Adviser, adopted October 2003.

2171 6. Form BD, Uniform Application for Broker-Dealer
 2172 Registration, adopted July 1999.

2173 7. Form BDW, Uniform Request for Broker-Dealer Withdrawal,
 2174 adopted August 1999.

2175 (b) In lieu of filing with the office the applications
 2176 specified in subsection (6), the fees required by subsection
 2177 (10), the renewals required by subsection (11), and the
 2178 termination notices required by subsection (12), the commission
 2179 may by rule establish procedures for the deposit of such fees
 2180 and documents with the Central Registration Depository or the
 2181 Investment Adviser Registration Depository of the National
 2182 Association of Securities Dealers, Inc., as developed under
 2183 contract with the North American Securities Administrators
 2184 Association, Inc., ~~provided, however, that such procedures shall~~
 2185 ~~provide the office with the information and data as required by~~
 2186 ~~this section.~~

2187 (17) (a) A dealer that is located in Canada, does not have
 2188 an and has no office or other physical presence in this state,
 2189 and has made a notice filing in accordance with this subsection
 2190 is exempt from the registration requirements of this section and
 2191 ~~may, provided the dealer is registered in accordance with this~~
 2192 ~~section,~~ effect transactions in securities with or for, or
 2193 induce or attempt to induce the purchase or sale of any security
 2194 by:

2195 1. A person from Canada who is present ~~temporarily resides~~
2196 in this state and with whom the Canadian dealer had a bona fide
2197 dealer-client relationship before the person entered the United
2198 States; or

2199 2. A person from Canada who is present in a ~~resident of~~
2200 this state, and whose transactions are in a self-directed, tax-
2201 advantaged ~~tax advantage~~ retirement plan in Canada of which the
2202 person is the holder or contributor.

2203 (b) A notice filing under this subsection must consist of
2204 documents the commission by rule requires to be filed, together
2205 with a consent to service of process and a nonrefundable filing
2206 fee of \$200. The commission may establish by rule procedures for
2207 the deposit of fees and the filing of documents to be made by
2208 electronic means, if such procedures provide the office with the
2209 information and data required by this section ~~An associated~~
2210 ~~person who represents a Canadian dealer registered under this~~
2211 ~~section may, provided the agent is registered in accordance with~~
2212 ~~this section, effect transactions in securities in this state as~~
2213 ~~permitted for a dealer, under subsection (a).~~

2214 (c) A Canadian dealer may make a notice filing register
2215 under this subsection if the ~~section provided that such dealer~~
2216 provides to the office:

2217 1. A notice filing ~~Files an application~~ in the form the
2218 commission requires by rule ~~required by the jurisdiction in~~
2219 ~~which the dealer has a head office.~~

2220 2. ~~Files~~ A consent to service of process.

2221 3. Evidence that the Canadian dealer is registered as a
2222 dealer in good standing in the jurisdiction in which the
2223 dealer's main office is located ~~from which it is effecting~~
2224 ~~transactions into this state and files evidence of such~~
2225 ~~registration with the office.~~

2226 4. Evidence that the Canadian dealer is a member of a
2227 self-regulatory organization or stock exchange in Canada.

2228 (d) The office may issue a permit to evidence the
2229 effectiveness of a notice filing for a Canadian dealer.

2230 (e) A notice filing is effective upon receipt by the
2231 office. A notice filing expires on December 31 of the year in
2232 which the filing becomes effective unless the Canadian dealer
2233 has renewed the filing on or before that date. A Canadian dealer
2234 may annually renew a notice filing by furnishing to the office
2235 such information as the office requires together with a renewal
2236 fee of \$200 and the payment of any amount due and owing the
2237 office pursuant to any agreement with the office. Any Canadian
2238 dealer who has not renewed a notice filing by the time a current
2239 notice filing expires may request reinstatement of such notice
2240 filing by filing with the office, on or before January 31 of the
2241 year following the year the notice filing expires, such
2242 information as the commission requires by rule, together with
2243 the payment of \$200 and a late fee of \$200. A reinstatement of a
2244 notice filing granted by the office during the month of January
2245 is effective retroactively to January 1 of that year.

2246 (f) ~~(d)~~ An associated person who represents a Canadian
2247 dealer who has made a notice filing ~~registered~~ under this

2248 subsection is exempt from the registration requirements of this
2249 section and may effect ~~section in effecting~~ transactions in
2250 securities in this state as permitted for a dealer under
2251 paragraph (a) if such person may register under this section
2252 ~~provided that such person:~~

2253 ~~1. Files an application in the form required by the~~
2254 ~~jurisdiction in which the dealer has its head office.~~

2255 ~~2. is registered in good standing~~ in the jurisdiction from
2256 which he or she is effecting transactions into this state ~~and~~
2257 ~~files evidence of such registration with the office.~~

2258 ~~(c) If the office finds that the applicant is of good~~
2259 ~~repute and character and has complied with the provisions of~~
2260 ~~this chapter, the office shall register the applicant.~~

2261 ~~(g) (f)~~ A Canadian dealer who has made a notice filing
2262 ~~registered under this subsection~~ section shall:

2263 1. Maintain its provincial or territorial registration and
2264 its membership in a self-regulatory organization or stock
2265 exchange in good standing.

2266 2. Provide the office upon request with its books and
2267 records relating to its business in this state as a dealer.

2268 3. Provide the office upon request notice of each civil,
2269 criminal, or administrative action initiated against the dealer.

2270 4. Disclose to its clients in this state that the dealer
2271 and its associated persons ~~agents~~ are not subject to the full
2272 regulatory requirements under this chapter.

2273 5. Correct any inaccurate information within 30 days
2274 after, ~~if~~ the information contained in the notice filing

2275 ~~application form~~ becomes inaccurate for any reason ~~before or~~
2276 ~~after the dealer becomes registered.~~

2277 ~~(h)~~ (g) An associated person representing ~~of~~ a Canadian
2278 dealer who has made a notice filing ~~registered~~ under this
2279 subsection ~~section~~ shall:

2280 1. Maintain provincial or territorial registration in good
2281 standing.

2282 2. Provide the office upon request with notice of each
2283 civil, criminal, or administrative action initiated against such
2284 person.

2285 3. ~~Through the dealer, correct any inaccurate information~~
2286 ~~within 30 days, if the information contained in the application~~
2287 ~~form becomes inaccurate for any reason before or after the~~
2288 ~~associated person becomes registered.~~

2289 (i) A notice filing may be terminated by filing notice of
2290 such termination with the office. Unless another date is
2291 specified by the Canadian dealer, such notice is effective upon
2292 receipt of the notice by the office.

2293 (j) All fees collected under this subsection become the
2294 revenue of the state, except those assessments provided for
2295 under s. 517.131(1), until the Securities Guaranty Fund has
2296 satisfied the statutory limits. Such fees are not returnable if
2297 a notice filing is withdrawn.

2298 ~~(h) Renewal applications for Canadian dealers and~~
2299 ~~associated persons under this section must be filed before~~
2300 ~~December 31 each year. Every applicant for registration or~~

2301 ~~renewal registration under this section shall pay the fee for~~
 2302 ~~dealers and associated persons under this chapter.~~

2303 Section 37. Paragraphs (b) and (e) of subsection (3) of
 2304 section 517.131, Florida Statutes, are amended, and subsection
 2305 (5) is added to that section, to read:

2306 517.131 Securities Guaranty Fund.--

2307 (3) Any person is eligible to seek recovery from the
 2308 Securities Guaranty Fund if:

2309 (b) Such person has made all reasonable searches and
 2310 inquiries to ascertain whether the judgment debtor possesses
 2311 real or personal property or other assets subject to being sold
 2312 or applied in satisfaction of the judgment, and by her or his
 2313 search the person has discovered no property or assets; or she
 2314 or he has discovered property and assets and has taken all
 2315 necessary action and proceedings for the application thereof to
 2316 the judgment, but the amount thereby realized was insufficient
 2317 to satisfy the judgment. To verify compliance with such
 2318 condition, the office may require such person to have a writ of
 2319 execution be issued upon such judgment, and may further require
 2320 a showing that no personal or real property of the judgment
 2321 debtor liable to be levied upon in complete satisfaction of the
 2322 judgment can be found, or may require an affidavit from the
 2323 claimant setting forth the reasonable searches and inquiries
 2324 undertaken and the result of those searches and inquiries.

2325 (e) The office waives compliance with the requirements of
 2326 paragraph (a) or paragraph (b). The office may waive such
 2327 compliance if the dealer, investment adviser, or associated

2328 person which is the subject of the claim filed with the office
 2329 is the subject of any proceeding in which a receiver has been
 2330 appointed by a court of competent jurisdiction. If the office
 2331 waives such compliance, the office may, upon petition by the
 2332 debtor or the court-appointed trustee, examiner, or receiver,
 2333 distribute funds from the Securities Guaranty Fund up to the
 2334 amount allowed under s. 517.141. Any waiver granted pursuant to
 2335 this section shall be considered a judgment for purposes of
 2336 complying with the requirements of this section and of s.
 2337 517.141.

2338 (5) The commission may adopt rules pursuant to ss.
 2339 120.536(1) and 120.54 specifying the procedures for complying
 2340 with subsections (2), (3), and (4), including rules for the form
 2341 of submission and guidelines for the sufficiency and content of
 2342 submissions of notices and claims.

2343 Section 38. Subsections (2) and (5) of section 517.141,
 2344 Florida Statutes, are amended, and subsection (11) is added to
 2345 that section, to read:

2346 517.141 Payment from the fund.--

2347 (2) Regardless of the number of claims or claimants
 2348 involved, payments for claims shall be limited in the aggregate
 2349 to \$100,000 against any one dealer, investment adviser, or
 2350 associated person. If the total claims exceed the aggregate
 2351 limit of \$100,000, the office shall prorate the payment based
 2352 upon the ratio that the person's claim bears to the total claims
 2353 filed.

2354 (5) If the final judgment that ~~which~~ gave rise to the
2355 claim is overturned in any appeal or in any collateral
2356 proceeding, the claimant shall reimburse the fund all amounts
2357 paid from the fund to the claimant on the claim. If the claimant
2358 satisfies the judgment specified in s. 517.131(3)(a), the
2359 claimant shall reimburse the fund all amounts paid from the fund
2360 to the claimant on the claim. Such reimbursement shall be paid
2361 to the office within 60 days after the final resolution of the
2362 appellate or collateral proceedings or the satisfaction of
2363 judgment, with the 60-day period commencing on the date the
2364 final order or decision is entered in such proceedings.

2365 (11) The commission may adopt rules pursuant to ss.
2366 120.536(1) and 120.54 specifying procedures for complying with
2367 this section, including rules for the form of submission and
2368 guidelines for the sufficiency and content of submissions of
2369 notices and claims.

2370 Section 39. Subsection (1) of section 517.161, Florida
2371 Statutes, is amended to read:

2372 517.161 Revocation, denial, or suspension of registration
2373 of dealer, investment adviser, associated person, or branch
2374 office.--

2375 (1) Registration under s. 517.12 may be denied or any
2376 registration granted may be revoked, restricted, or suspended by
2377 the office if the office determines that such applicant or
2378 registrant:

2379 (a) Has violated any provision of this chapter or any rule
2380 or order made under this chapter;

2381 (b) Has made a material false statement in the application
 2382 for registration;

2383 (c) Has been guilty of a fraudulent act in connection with
 2384 rendering investment advice or in connection with any sale of
 2385 securities, has been or is engaged or is about to engage in
 2386 making fictitious or pretended sales or purchases of any such
 2387 securities or in any practice involving the rendering of
 2388 investment advice or the sale of securities which is fraudulent
 2389 or in violation of the law;

2390 (d) Has made a misrepresentation or false statement to, or
 2391 concealed any essential or material fact from, any person in the
 2392 rendering of investment advice or the sale of a security to such
 2393 person;

2394 (e) Has failed to account to persons interested for all
 2395 money and property received;

2396 (f) Has not delivered, after a reasonable time, to persons
 2397 entitled thereto securities held or agreed to be delivered by
 2398 the dealer, broker, or investment adviser, as and when paid for,
 2399 and due to be delivered;

2400 (g) Is rendering investment advice or selling or offering
 2401 for sale securities through any associated person not registered
 2402 in compliance with the provisions of this chapter;

2403 (h) Has demonstrated unworthiness to transact the business
 2404 of dealer, investment adviser, or associated person;

2405 (i) Has exercised management or policy control over or
 2406 owned 10 percent or more of the securities of any dealer or
 2407 investment adviser that has been declared bankrupt, or had a

2408 trustee appointed under the Securities Investor Protection Act;
 2409 or is, in the case of a dealer or investment adviser, insolvent;
 2410 (j) Has been convicted of, or has entered a plea of guilty
 2411 or nolo contendere to, a crime against the laws of this state or
 2412 any other state or of the United States or of any other country
 2413 or government which relates to registration as a dealer,
 2414 investment adviser, issuer of securities, associated person, or
 2415 branch office; which relates to the application for such
 2416 registration; or which involves moral turpitude or fraudulent or
 2417 dishonest dealing;
 2418 (k) Has had a final judgment entered against her or him in
 2419 a civil action upon grounds of fraud, embezzlement,
 2420 misrepresentation, or deceit;
 2421 (l) Is of bad business repute; ~~or~~
 2422 (m) Has been the subject of any decision, finding,
 2423 injunction, suspension, prohibition, revocation, denial,
 2424 judgment, or administrative order by any court of competent
 2425 jurisdiction, administrative law judge, or by any state or
 2426 federal agency, national securities, commodities, or option
 2427 exchange, or national securities, commodities, or option
 2428 association, involving a violation of any federal or state
 2429 securities or commodities law or any rule or regulation
 2430 promulgated thereunder, or any rule or regulation of any
 2431 national securities, commodities, or options exchange or
 2432 national securities, commodities, or options association, or has
 2433 been the subject of any injunction or adverse administrative
 2434 order by a state or federal agency regulating banking,

2435 insurance, finance or small loan companies, real estate,
 2436 mortgage brokers or lenders, money transmitters, or other
 2437 related or similar industries. For purposes of this subsection,
 2438 the office may not deny registration to any applicant who has
 2439 been continuously registered with the office for 5 years from
 2440 the entry of such decision, finding, injunction, suspension,
 2441 prohibition, revocation, denial, judgment, or administrative
 2442 order provided such decision, finding, injunction, suspension,
 2443 prohibition, revocation, denial, judgment, or administrative
 2444 order has been timely reported to the office pursuant to the
 2445 commission's rules; or-

2446 (n) Made payment to the office for a registration or
 2447 notice filing with a check or electronic transmission of funds
 2448 that is dishonored by the applicant's, registrant's, or notice
 2449 filer's financial institution.

2450 Section 40. Section 520.02, Florida Statutes, is amended
 2451 to read:

2452 520.02 Definitions.--In this act, unless the context or
 2453 subject matter otherwise requires:

2454 (1) "Branch" means any location, other than a licensee's
 2455 principal place of business, at which a licensee operates or
 2456 conducts business under this act or which a licensee owns or
 2457 controls for the purpose of conducting business under this act.

2458 (2) "Cash price" means the price at which a seller, in the
 2459 ordinary course of business, offers to sell for cash the
 2460 property or service that is the subject of the transaction. At
 2461 the seller's option, the term "cash price" may include the price

2462 of accessories, services related to the sale, service contracts,
2463 and taxes and fees for license, title, and registration of the
2464 motor vehicle. The term "cash price" does not include any
2465 finance charge.

2466 (3) "Commission" means the Financial Services Commission.

2467 (4) "Control person" means an individual, partnership,
2468 corporation, trust, or other organization that possesses the
2469 power, directly or indirectly, to direct the management or
2470 policies of a company, whether through ownership of securities,
2471 by contract, or otherwise. A person is presumed to control a
2472 company if, with respect to a particular company, that person:

2473 (a) Is a director, general partner, or officer exercising
2474 executive responsibility or having similar status or functions;

2475 (b) Directly or indirectly may vote 10 percent or more of
2476 a class of a voting security or sell or direct the sale of 10
2477 percent or more of a class of voting securities; or

2478 (c) In the case of a partnership, may receive upon
2479 dissolution or has contributed 10 percent or more of the
2480 capital.

2481 (5) "Down payment" means the amount, including the value
2482 of any property used as a trade-in, paid to a seller to reduce
2483 the cash price of goods or services purchased in a credit sale
2484 transaction. A deferred portion of a down payment may be treated
2485 as part of the down payment if it is payable not later than the
2486 due date of the second otherwise regularly scheduled payment and
2487 is not subject to a finance charge.

2488 (6) "Finance charge" means the cost of consumer credit as
 2489 a dollar amount. The term "finance charge" includes any charge
 2490 payable directly or indirectly by the buyer and imposed directly
 2491 or indirectly by the seller as an incident to or a condition of
 2492 the extension of credit. The term "finance charge" does not
 2493 include any charge of a type payable in a comparable cash
 2494 transaction.

2495 (7) "Holder" of a retail installment contract means the
 2496 retail seller of a motor vehicle retail installment contract or
 2497 an assignee of such contract.

2498 (8) "Mobile home" means a structure, transportable in one
 2499 or more sections, which is 8 body feet or more in width and is
 2500 32 body feet or more in length, designed to be used as a
 2501 dwelling with or without a permanent foundation when connected
 2502 to the required utilities, and includes the plumbing, heating,
 2503 air-conditioning, and electrical systems contained therein.

2504 (9) "Motor vehicle" means any device or vehicle, including
 2505 automobiles, motorcycles, motor trucks, trailers, mobile homes,
 2506 and all other vehicles operated over the public highways and
 2507 streets of this state and propelled by power other than muscular
 2508 power, but excluding traction engines, road rollers, implements
 2509 of husbandry and other agricultural equipment, and vehicles
 2510 which run only upon a track.

2511 (10)~~(15)~~ "Motor vehicle retail installment seller" or
 2512 "seller" means a person engaged in the business of selling motor
 2513 vehicles to retail buyers in retail installment transactions.

2514 (11)~~(4)~~ "Office" means the Office of Financial Regulation
 2515 of the commission.

2516 (12)~~(10)~~ "Official fees" means fees and charges prescribed
 2517 by law which actually are or will be paid to public officials
 2518 for determining the existence of, or for perfecting, releasing,
 2519 or satisfying, any security related to the credit transaction,
 2520 or the premium payable for any insurance in lieu of perfecting
 2521 any security interest otherwise required by the creditor in
 2522 connection with the transaction, if the premium does not exceed
 2523 the fees and charges which would otherwise be payable to public
 2524 officials.

2525 (13)~~(11)~~ "Person" means an individual, partnership,
 2526 corporation, association, and any other group however organized.

2527 (14)~~(12)~~ "Principal place of business" means the physical
 2528 location designated on the licensee's application for licensure,
 2529 unless otherwise designated as required by this chapter.

2530 (15)~~(13)~~ "Retail buyer" or "buyer" means a person who buys
 2531 a motor vehicle from a seller not principally for the purpose of
 2532 resale, and who executes a retail installment contract in
 2533 connection therewith or a person who succeeds to the rights and
 2534 obligations of such person.

2535 (16)~~(14)~~ "Retail installment contract" or "contract" means
 2536 an agreement, entered into in this state, pursuant to which the
 2537 title to, or a lien upon the motor vehicle, which is the subject
 2538 matter of a retail installment transaction, is retained or taken
 2539 by a seller from a retail buyer as security, in whole or in
 2540 part, for the buyer's obligation. The term includes a

2541 conditional sales contract and a contract for the bailment or
 2542 leasing of a motor vehicle by which the bailee or lessee
 2543 contracts to pay as compensation for its use a sum substantially
 2544 equivalent to or in excess of its value and by which it is
 2545 agreed that the bailee or lessee is bound to become, or for no
 2546 further or a merely nominal consideration, has the option of
 2547 becoming, the owner of the motor vehicle upon full compliance
 2548 with the provisions of the contract.

2549 (17)~~(16)~~ "Retail installment transaction" means any
 2550 transaction evidenced by a retail installment contract entered
 2551 into between a retail buyer and a seller wherein the retail
 2552 buyer buys a motor vehicle from the seller at a deferred payment
 2553 price payable in one or more deferred installments.

2554 (18)~~(17)~~ "Sales finance company" means a person engaged in
 2555 the business of purchasing retail installment contracts from one
 2556 or more sellers. The term includes, but is not limited to, a
 2557 bank or trust company, if so engaged. The term does not include
 2558 the pledge of an aggregate number of such contracts to secure a
 2559 bona fide loan thereon.

2560 (19)~~(18)~~ Words in the singular include the plural and vice
 2561 versa.

2562 Section 41. Subsections (2) through (5) of section 520.03,
 2563 Florida Statutes, are amended to read:

2564 520.03 Licenses.--

2565 (2) An application for a license under this part must be
 2566 submitted to the office in such form as the commission may
 2567 prescribe by rule. The commission may require each applicant to

2568 provide any information reasonably necessary to determine the
2569 applicant's eligibility for licensure. The applicant shall also
2570 provide information that the office requires concerning any
2571 officer, director, control person, member, partner, or joint
2572 venturer of the applicant or any person having the same or
2573 substantially similar status or performing substantially similar
2574 functions or any individual who is the ultimate equitable owner
2575 of a 10-percent or greater interest in the applicant. The office
2576 may require information concerning any such applicant or person,
2577 including, but not limited to, his or her full name and any
2578 other names by which he or she may have been known, age, social
2579 security number, residential history, qualifications,
2580 educational and business history, and disciplinary and criminal
2581 history. If the office determines that an application should be
2582 granted, it shall issue the license for a period not to exceed 2
2583 years. A nonrefundable application fee of \$175 shall accompany
2584 an initial application for the principal place of business and
2585 each application for a branch location of a retail installment
2586 seller who is required to be licensed under this chapter. An
2587 application is considered received for purposes of s. 120.60
2588 upon receipt of a completed application form as prescribed by
2589 commission rule, a nonrefundable application fee of \$175, and
2590 any other fee prescribed by law.

2591 (3) The nonrefundable renewal fee for a motor vehicle
2592 retail installment seller license shall be \$175. The commission
2593 shall establish by rule biennial licensure periods and
2594 procedures for renewal of licenses. A license that is not

2595 renewed by the end of the biennium established by the commission
2596 shall revert from active to inactive status. An inactive license
2597 may be reactivated within 6 months after becoming inactive upon
2598 filing a completed reactivation form, payment of the
2599 nonrefundable renewal fee, and payment of a reactivation fee
2600 equal to the nonrefundable renewal fee. A license that is not
2601 reactivated within 6 months after becoming inactive
2602 automatically expires.

2603 (4) ~~Each license shall specify the location for which it~~
2604 ~~is issued and must be conspicuously displayed at that location.~~
2605 ~~Prior to relocating a principal place of business or any branch~~
2606 ~~location, the licensee must provide to the office notice of the~~
2607 ~~relocation in a form prescribed by commission rule.~~ A licensee
2608 may not transact business as a motor vehicle retail installment
2609 seller except under the name by which it is licensed. Licenses
2610 issued under this part are not transferable or assignable.

2611 (5) The office may deny an initial application for a
2612 license under this part if the applicant or any officer,
2613 director, control person, member, partner, or joint venturer
2614 ~~person with power to direct the management or policies~~ of the
2615 applicant is the subject of a pending criminal prosecution or
2616 governmental enforcement action, in any jurisdiction, until
2617 conclusion of such criminal prosecution or enforcement action.

2618 Section 42. Subsections (10) through (18) of section
2619 520.31, Florida Statutes, are renumbered as subsections (11)
2620 through (19), respectively, subsection (4) of that section is

2621 renumbered as subsection (10), and a new subsection (4) is added
 2622 to that section, to read:

2623 520.31 Definitions.--Unless otherwise clearly indicated by
 2624 the context, the following words when used in this act, for the
 2625 purposes of this act, shall have the meanings respectively
 2626 ascribed to them in this section:

2627 (4) "Control person" means an individual, partnership,
 2628 corporation, trust, or other organization that possesses the
 2629 power, directly or indirectly, to direct the management or
 2630 policies of a company, whether through ownership of securities,
 2631 by contract, or otherwise. A person is presumed to control a
 2632 company if, with respect to a particular company, that person:

2633 (a) Is a director, general partner, or officer exercising
 2634 executive responsibility or having similar status or functions;

2635 (b) Directly or indirectly has the right to vote 10
 2636 percent or more of a class of a voting security or has the power
 2637 to sell or direct the sale of 10 percent or more of a class of
 2638 voting securities; or

2639 (c) In the case of a partnership, has the right to receive
 2640 upon dissolution or has contributed 10 percent or more of the
 2641 capital.

2642 Section 43. Subsections (2) through (5) of section 520.32,
 2643 Florida Statutes, are amended to read:

2644 520.32 Licenses.--

2645 (2) An application for a license under this part must be
 2646 submitted to the office in such form as the commission may
 2647 prescribe by rule. The commission may require each applicant to

2648 provide any information reasonably necessary to determine the
2649 applicant's eligibility for licensure. The applicant shall also
2650 provide information that the office requires concerning any
2651 officer, director, control person, member, partner, or joint
2652 venturer of the applicant or any person having the same or
2653 substantially similar status or performing substantially similar
2654 functions or any individual who is the ultimate equitable owner
2655 of a 10-percent or greater interest in the applicant. The office
2656 may require information concerning any such applicant or person,
2657 including his or her full name and any other names by which he
2658 or she may have been known, age, social security number,
2659 residential history, qualifications, educational and business
2660 history, and disciplinary and criminal history. If the office
2661 determines that an application should be granted, it shall issue
2662 the license for a period not to exceed 2 years. A nonrefundable
2663 application fee of \$175 shall accompany an initial application
2664 for the principal place of business and each application for a
2665 branch location of a retail installment seller. An application
2666 is considered received for purposes of s. 120.60 upon receipt of
2667 a completed application form as prescribed by commission rule, a
2668 nonrefundable application fee of \$175, and any other fee
2669 prescribed by law.

2670 (3) The nonrefundable renewal fee for a retail seller
2671 license shall be \$175. Biennial licensure periods and procedures
2672 for renewal of licenses may also be established by the
2673 commission by rule. A license that is not renewed at the end of
2674 the biennium established by the commission shall revert from

2675 active to inactive status. An inactive license may be
2676 reactivated within 6 months after becoming inactive upon filing
2677 a completed reactivation form, payment of the nonrefundable
2678 renewal fee, and payment of a reactivation fee equal to the
2679 nonrefundable renewal fee. A license that is not reactivated
2680 within 6 months after becoming inactive automatically expires.

2681 ~~(4) Each license must specify the location for which it is~~
2682 ~~issued and must be conspicuously displayed at that location. If~~
2683 ~~a licensee's principal place of business or branch location~~
2684 ~~changes, the licensee shall notify the office and the office~~
2685 ~~shall endorse the change of location without charge. A licensee~~
2686 may not transact business as a retail installment seller except
2687 under the name by which it is licensed. A license issued under
2688 this part is not transferable or assignable.

2689 (5) The office may deny an initial application for a
2690 license under this part if the applicant or any officer,
2691 director, control person, member, partner, or joint venturer
2692 ~~person with power to direct the management or policies~~ of the
2693 applicant is the subject of a pending criminal prosecution or
2694 governmental enforcement action, in any jurisdiction, until
2695 conclusion of such criminal prosecution or enforcement action.

2696 Section 44. Subsections (2) through (5) of section 520.52,
2697 Florida Statutes, are amended to read:

2698 520.52 Licensees.--

2699 (2) An application for a license under this part must be
2700 submitted to the office in such form as the commission may
2701 prescribe by rule. The commission may require each applicant to

2702 provide any information reasonably necessary to determine the
2703 applicant's eligibility for licensure. The applicant shall also
2704 provide information that the office requires concerning any
2705 officer, director, control person, member, partner, or joint
2706 venturer of the applicant or any person having the same or
2707 substantially similar status or performing substantially similar
2708 functions or any individual who is the ultimate equitable owner
2709 of a 10-percent or greater interest in the applicant. The office
2710 may require information concerning any such applicant or person,
2711 including his or her full name and any other names by which he
2712 or she may have been known, age, social security number,
2713 residential history, qualifications, educational and business
2714 history, and disciplinary and criminal history. If the office
2715 determines that an application should be granted, it shall issue
2716 the license for a period not to exceed 2 years. A nonrefundable
2717 application fee of \$175 shall accompany an initial application
2718 for the principal place of business and each branch location of
2719 a sales finance company. An application is considered received
2720 for purposes of s. 120.60 upon receipt of a completed
2721 application form as prescribed by commission rule, a
2722 nonrefundable application fee of \$175, and any other fee
2723 prescribed by law.

2724 (3) The nonrefundable renewal fee for a sales finance
2725 company license shall be \$175. Biennial licensure periods and
2726 procedures for renewal of licenses may also be established by
2727 the commission by rule. A license that is not renewed at the end
2728 of the biennium established by the commission shall revert from

2729 active to inactive status. An inactive license may be
 2730 reactivated within 6 months after becoming inactive upon filing
 2731 a completed reactivation form, payment of the nonrefundable
 2732 renewal fee, and payment of a reactivation fee equal to the
 2733 nonrefundable renewal fee. A license that is not reactivated
 2734 within 6 months after becoming inactive automatically expires.

2735 ~~(4) Each license must specify the location for which it is~~
 2736 ~~issued and must be conspicuously displayed at that location. If~~
 2737 ~~a licensee's principal place of business or branch location~~
 2738 ~~changes, the licensee shall notify the office and the office~~
 2739 ~~shall endorse the change of location without charge. A licensee~~
 2740 may not transact business as a sales finance company except
 2741 under the name by which it is licensed. A license issued under
 2742 this part is not transferable or assignable.

2743 (5) The office may deny an initial application for a
 2744 license under this part if the applicant or any officer,
 2745 director, control person, member, partner, or joint venturer
 2746 ~~person with power to direct the management or policies~~ of the
 2747 applicant is the subject of a pending criminal prosecution or
 2748 governmental enforcement action, in any jurisdiction, until
 2749 conclusion of such criminal prosecution or enforcement action.

2750 Section 45. Subsections (5), (6), (7), (15), (16), and
 2751 (22) of section 520.61, Florida Statutes, are renumbered as
 2752 subsections (7), (5), (16), (22), (15), and (23), respectively,
 2753 and a new subsection (6) is added to that section to read:

2754 520.61 Definitions.--As used in this act:

2755 (6) "Control person" means an individual, partnership,
2756 corporation, trust, or other organization that possesses the
2757 power, directly or indirectly, to direct the management or
2758 policies of a company, whether through ownership of securities,
2759 by contract, or otherwise. A person is presumed to control a
2760 company if, with respect to a particular company, that person:

2761 (a) Is a director, general partner, or officer exercising
2762 executive responsibility or having similar status or functions;

2763 (b) Directly or indirectly may vote 10 percent or more of
2764 a class of a voting security or sell or direct the sale of 10
2765 percent or more of a class of voting securities; or

2766 (c) In the case of a partnership, may receive upon
2767 dissolution or has contributed 10 percent or more of the
2768 capital.

2769 Section 46. Subsections (2) through (5) of section 520.63,
2770 Florida Statutes, are amended to read:

2771 520.63 Licensees.--

2772 (2) An application for a license under this part must be
2773 submitted to the office in such form as the commission may
2774 prescribe by rule. The commission may require each applicant to
2775 provide any information reasonably necessary to determine the
2776 applicant's eligibility for licensure. The applicant shall also
2777 provide information that the office requires concerning any
2778 officer, director, control person, member, partner, or joint
2779 venturer of the applicant or any person having the same or
2780 substantially similar status or performing substantially similar
2781 functions or any individual who is the ultimate equitable owner

2782 of a 10-percent or greater interest in the applicant. The office
2783 may require information concerning any such applicant or person,
2784 including, but not limited to, his or her full name and any
2785 other names by which he or she may have been known, age, social
2786 security number, residential history, qualifications,
2787 educational and business history, and disciplinary and criminal
2788 history. If the office determines that an application should be
2789 granted, it shall issue the license for a period not to exceed 2
2790 years. A nonrefundable application fee of \$175 shall accompany
2791 an initial application for the principal place of business and
2792 each application for a branch location of a home improvement
2793 finance seller. An application is considered received for
2794 purposes of s. 120.60 upon receipt of a completed application
2795 form as prescribed by commission rule, a nonrefundable
2796 application fee of \$175, and any other fee prescribed by law.

2797 (3) The nonrefundable renewal fee for a home improvement
2798 finance license shall be \$175. Biennial licensure periods and
2799 procedures for renewal of licenses may also be established by
2800 the commission by rule. A license that is not renewed at the end
2801 of the biennium established by the commission shall
2802 automatically revert from active to inactive status. An inactive
2803 license may be reactivated within 6 months after becoming
2804 inactive upon filing a completed reactivation form, payment of
2805 the nonrefundable renewal fee, and payment of a reactivation fee
2806 equal to the nonrefundable renewal fee. A license that is not
2807 reactivated within 6 months after becoming inactive
2808 automatically expires.

2809 (4) ~~Each license must specify the location for which it is~~
 2810 ~~issued and must be conspicuously displayed at that location. If~~
 2811 ~~a home improvement finance seller's principal place of business~~
 2812 ~~or any branch location changes, the licensee shall notify the~~
 2813 ~~office and the office shall endorse the change of location~~
 2814 ~~without charge.~~ A licensee may not transact business as a home
 2815 improvement finance seller except under the name by which it is
 2816 licensed. A license issued under this part is not transferable
 2817 or assignable.

2818 (5) The office may deny an initial application for a
 2819 license under this part if the applicant or any officer,
 2820 director, control person, member, partner, or joint venturer
 2821 ~~person with power to direct the management or policies~~ of the
 2822 applicant is the subject of a pending criminal prosecution or
 2823 governmental enforcement action, in any jurisdiction, until
 2824 conclusion of such criminal prosecution or enforcement action.

2825 Section 47. Subsection (5) of section 520.994, Florida
 2826 Statutes, is amended to read:

2827 520.994 Powers of office.--

2828 (5) The office shall administer and enforce this chapter.
 2829 The commission has authority to adopt rules pursuant to ss.
 2830 120.536(1) and 120.54 to implement the provisions of this
 2831 chapter. The commission may adopt rules requiring ~~to allow~~
 2832 electronic submission of any form, document, or fee required by
 2833 this chapter if such rules reasonably accommodate technological
 2834 or financial hardship. The commission may prescribe by rule

2835 requirements and procedures for obtaining an exemption due to a
2836 technological or financial hardship.

2837 Section 48. Subsections (1) and (4) of section 520.995,
2838 Florida Statutes, are amended to read:

2839 520.995 Grounds for disciplinary action.--

2840 (1) The following acts are violations of this chapter and
2841 constitute grounds for the disciplinary actions specified in
2842 subsection (2):

2843 (a) Failure to comply with any provision of this chapter,
2844 any rule or order adopted pursuant to this chapter, or any
2845 written agreement entered into with the office.†

2846 (b) Fraud, misrepresentation, deceit, or gross negligence
2847 in any home improvement finance transaction or retail
2848 installment transaction, regardless of reliance by or damage to
2849 the buyer or owner.†

2850 (c) Fraudulent misrepresentation, circumvention, or
2851 concealment of any matter required to be stated or furnished to
2852 a retail buyer or owner pursuant to this chapter, regardless of
2853 reliance by or damage to the buyer or owner.†

2854 (d) Willful imposition of illegal or excessive charges in
2855 any retail installment transaction or home improvement finance
2856 transaction.†

2857 (e) False, deceptive, or misleading advertising by a
2858 seller or home improvement finance seller.†

2859 (f) Failure to maintain, preserve, and keep available for
2860 examination, all books, accounts, or other documents required by

2861 | this chapter, by any rule or order adopted pursuant to this
2862 | chapter, or by any agreement entered into with the office.~~†~~

2863 | (g) Refusal to permit inspection of books and records in
2864 | an investigation or examination by the office or refusal to
2865 | comply with a subpoena issued by the office.~~†~~

2866 | (h) Criminal conduct in the course of a person's business
2867 | as a seller, as a home improvement finance seller, or as a sales
2868 | finance company.~~†~~~~or~~

2869 | (i) Failure to timely pay any fee, charge, or fine imposed
2870 | or assessed pursuant to this chapter or any rule adopted under
2871 | this chapter.

2872 | (j) Using the name or logo of a financial institution, as
2873 | defined in s. 655.005(1), or its affiliates or subsidiaries when
2874 | marketing or soliciting existing or prospective customers if
2875 | such marketing materials are used without the written consent of
2876 | the financial institution and in a manner that would lead a
2877 | reasonable person to believe that the material or solicitation
2878 | originated from, was endorsed by, or is related to or the
2879 | responsibility of the financial institution or its affiliates or
2880 | subsidiaries.

2881 | (k) Payment to the office for a license or permit with a
2882 | check or electronic transmission of funds that is dishonored by
2883 | the applicant's or licensee's financial institution.

2884 | (4) It is sufficient cause for the office to take any of
2885 | the actions specified in subsection (2) as to any partnership,
2886 | corporation, or association, if the office finds grounds for
2887 | such action as to any member of the partnership, as to any

2888 officer or director of the corporation or association, or as to
 2889 any control person, partner, or joint venturer ~~person with power~~
 2890 ~~to direct the management or policies~~ of the partnership,
 2891 corporation, or association.

2892 Section 49. Subsection (4) of section 520.997, Florida
 2893 Statutes, is amended to read:

2894 520.997 Books, accounts, and records.--

2895 (4) The commission may prescribe by rule the minimum
 2896 information to be shown in the books, accounts, documents, and
 2897 records of licensees so that such records will enable the office
 2898 to determine compliance with ~~the provisions of~~ this chapter. In
 2899 addition, the commission may prescribe by rule requirements for
 2900 the destruction of books, accounts, records, and documents
 2901 retained by the licensee after completion of the time period
 2902 specified in subsection (3).

2903 Section 50. Section 520.999, Florida Statutes, is created
 2904 to read:

2905 520.999 Requirements of licensees.--

2906 (1) Each licensee under this chapter shall report, on a
 2907 form prescribed by rule of the commission, any change in the
 2908 information contained in any initial application form or any
 2909 amendment to such application not later than 30 days after the
 2910 change is effective.

2911 (2) Each licensee under this chapter shall report any
 2912 changes in the partners, officers, members, joint venturers,
 2913 directors, or control persons of any licensee or changes in the

2914 form of business organization by written amendment in such form
2915 and at such time as the commission specifies by rule.

2916 (a) In any case in which a person or a group of persons,
2917 directly or indirectly or acting by or through one or more
2918 persons, proposes to purchase or acquire a controlling interest
2919 in a licensee, such person or group must submit an initial
2920 application for licensure before such purchase or acquisition at
2921 such time and in such form as the commission prescribes by rule.

2922 (b) As used in subsection, the term "controlling interest"
2923 means possession of the power to direct or cause the direction
2924 of the management or policies of a company whether through
2925 ownership of securities, by contract, or otherwise. Any person
2926 who directly or indirectly has the right to vote 25 percent or
2927 more of the voting securities of a company or is entitled to 25
2928 percent or more of its profits is presumed to possess a
2929 controlling interest.

2930 (c) Any addition of a partner, officer, member, joint
2931 venturer, director, or control person of the applicant who does
2932 not have a controlling interest and who has not previously
2933 complied with the provisions of ss. 520.03(2), 520.32(2),
2934 520.52(2), and 520.63(2) shall be subject to such provisions
2935 unless required to file an initial application in accordance
2936 with paragraph (a). If the office determines that the licensee
2937 does not continue to meet licensure requirements, the office may
2938 bring administrative action in accordance with s. 520.995 to
2939 enforce the provisions of this chapter.

2940 (d) The commission shall adopt rules pursuant to ss.
2941 120.536(1) and 120.54 providing for the waiver of the
2942 application required by this subsection if the person or group
2943 of persons proposing to purchase or acquire a controlling
2944 interest in a licensee has previously complied with the
2945 provisions of ss. 520.03(2), 520.32(2), 520.52(2), and 520.63(2)
2946 with the same legal entity or is currently licensed with the
2947 office under this chapter.

2948 Section 51. Subsection (5) of section 537.009, Florida
2949 Statutes, is amended to read:

2950 537.009 Recordkeeping; reporting; safekeeping of
2951 property.--

2952 (5) The commission may prescribe by rule the books,
2953 accounts, documents, and records, and the minimum information to
2954 be shown in the books, accounts, documents, and records, of
2955 licensees so that such records will enable the office to
2956 determine compliance with the provisions of this act. In
2957 addition, the commission may prescribe by rule requirements for
2958 the destruction of books, accounts, records, and documents
2959 retained by the licensee after completion of the time period
2960 specified in subsection (3).

2961 Section 52. Paragraph (e) of subsection (2) of section
2962 559.9232, Florida Statutes, is amended to read:

2963 559.9232 Definitions; exclusion of rental-purchase
2964 agreements from certain regulations.--

2965 (2) A rental-purchase agreement that complies with this
 2966 act shall not be construed to be, nor be governed by, any of the
 2967 following:

2968 (e) A lease or agreement which constitutes a "retail
 2969 installment contract" or "retail installment transaction" as
 2970 those terms are defined in s. 520.31~~(13)~~ and ~~(14)~~; or

2971 Section 53. Subsection (3) is added to section 560.105,
 2972 Florida Statutes, to read:

2973 560.105 Supervisory powers; rulemaking.--

2974 (3) The commission may adopt rules pursuant to ss.
 2975 120.536(1) and 120.54 requiring electronic submission of any
 2976 forms, documents, or fees required by this code if such rules
 2977 reasonably accommodate technological or financial hardship. The
 2978 commission may prescribe by rule requirements and procedures for
 2979 obtaining an exemption due to a technological or financial
 2980 hardship.

2981 Section 54. Paragraph (y) is added to subsection (1) of
 2982 section 560.114, Florida Statutes, to read:

2983 560.114 Disciplinary actions.--

2984 (1) The following actions by a money transmitter or money
 2985 transmitter-affiliated party are violations of the code and
 2986 constitute grounds for the issuance of a cease and desist order,
 2987 the issuance of a removal order, the denial of a registration
 2988 application or the suspension or revocation of any registration
 2989 previously issued pursuant to the code, or the taking of any
 2990 other action within the authority of the office pursuant to the
 2991 code:

2992 (y) Payment to the office for a license or permit with a
 2993 check or electronic transmission of funds that is dishonored by
 2994 the applicant's or licensee's financial institution.

2995 Section 55. Subsection (2) of section 560.121, Florida
 2996 Statutes, is amended to read:

2997 560.121 Records; limited restrictions upon public
 2998 access.--

2999 (2) The commission may prescribe by rule the minimum
 3000 information that must be shown in the books, accounts, records,
 3001 and documents of licensees for purposes of enabling the office
 3002 to determine the licensee's compliance with this chapter. In
 3003 addition, the commission may prescribe by rule requirements for
 3004 the destruction of books, accounts, records, and documents
 3005 retained by the licensee after completion of the time period
 3006 specified in this subsection. Examination reports, investigatory
 3007 records, applications, and related information compiled by the
 3008 office, or photographic copies thereof, shall be retained by the
 3009 office for a period of at least 3 years following the date that
 3010 the examination or investigation ceases to be active.

3011 Application records, and related information compiled by the
 3012 office, or photographic copies thereof, shall be retained by the
 3013 office for a period of at least 2 years following the date that
 3014 the registration ceases to be active.

3015 Section 56. Section 560.126, Florida Statutes, is amended
 3016 to read:

3017 560.126 Significant events; notice required.--

3018 (1) Unless exempted by the office, every money transmitter
3019 must provide the office with a written notice within 30 ~~15~~ days
3020 after the occurrence or knowledge of, whichever period of time
3021 is greater, any of the following events:

3022 (a)~~(1)~~ The filing of a petition under the United States
3023 Bankruptcy Code for bankruptcy or reorganization by the money
3024 transmitter.

3025 (b)~~(2)~~ The commencement of any registration suspension or
3026 revocation proceeding, either administrative or judicial, or the
3027 denial of any original registration request or a registration
3028 renewal, by any state, the District of Columbia, any United
3029 States territory, or any foreign country, in which the money
3030 transmitter operates or plans to operate or has registered to
3031 operate.

3032 (c)~~(3)~~ A felony indictment relating to the money
3033 transmission business involving the money transmitter or a money
3034 transmitter-affiliated party of the money transmitter.

3035 (d)~~(4)~~ The felony conviction, guilty plea, or plea of nolo
3036 contendere, if the court adjudicates the nolo contendere pleader
3037 guilty, or the adjudication of guilt of a money transmitter or
3038 money transmitter-affiliated party.

3039 (e)~~(5)~~ The interruption of any corporate surety bond
3040 required by the code.

3041 (f)~~(6)~~ Any suspected criminal act, as defined by the
3042 commission by rule, perpetrated in this state against a money
3043 transmitter or authorized vendor.

3044

3045 However, a person does not incur liability ~~no liability shall be~~
3046 ~~incurred by any person~~ as a result of making a good-faith ~~good~~
3047 ~~faith~~ effort to fulfill this disclosure requirement.

3048 (2) (a) Each registrant under this code shall report, on a
3049 form prescribed by rule of the commission, any change in the
3050 information contained in any initial application form or any
3051 amendment thereto not later than 30 days after the change is
3052 effective.

3053 (b) Each registrant under the code shall report any
3054 changes in the partners, officers, members, joint venturers,
3055 directors, controlling shareholders, or responsible persons of
3056 any registrant or changes in the form of business organization
3057 by written amendment in such form and at such time as the
3058 commission specifies by rule.

3059 1. In any case in which a person or a group of persons,
3060 directly or indirectly or acting by or through one or more
3061 persons, proposes to purchase or acquire a controlling interest
3062 in a licensee, such person or group must submit an initial
3063 application for registration as a money transmitter before such
3064 purchase or acquisition at such time and in such form as the
3065 commission prescribes by rule.

3066 2. As used in this subsection, the term "controlling
3067 interest" means possession of the power to direct or cause the
3068 direction of the management or policies of a company whether
3069 through ownership of securities, by contract, or otherwise. Any
3070 person who directly or indirectly has the right to vote 25
3071 percent or more of the voting securities of a company or is

3072 entitled to 25 percent or more of its profits is presumed to
 3073 possess a controlling interest.

3074 3. Any addition of a partner, officer, member, joint
 3075 venturer, director, controlling shareholder, or responsible
 3076 person of the applicant who does not have a controlling interest
 3077 and who has not previously complied with ss. 560.205 and 560.306
 3078 shall be subject to such provisions unless required to file an
 3079 initial application in accordance with subparagraph 1. If the
 3080 office determines that the registrant does not continue to meet
 3081 registration requirements, the office may bring administrative
 3082 action in accordance with s. 560.114 to enforce the provisions
 3083 of this code.

3084 4. The commission shall adopt rules pursuant to ss.
 3085 120.536(1) and 120.54 providing for the waiver of the
 3086 application required by this subsection if the person or group
 3087 of persons proposing to purchase or acquire a controlling
 3088 interest in a registrant has previously complied with the
 3089 provisions of ss. 560.205 and 560.306 with the same legal entity
 3090 or is currently registered with the office under this code.

3091 Section 57. Section 560.127, Florida Statutes, is amended
 3092 to read:

3093 560.127 Control of a money transmitter.--

3094 ~~(1)~~ A person has control over a money transmitter if:

3095 (1)(a) The individual, partnership, corporation, trust, or
 3096 other organization possesses the power, directly or indirectly,
 3097 to direct the management or policies of a company, whether
 3098 through ownership of securities, by contract, or otherwise. A

3099 person is presumed to control a company if, with respect to a
 3100 particular company, that person:

3101 (a) Is a director, general partner, or officer exercising
 3102 executive responsibility or having similar status or functions;

3103 (b) Directly or indirectly may vote 25 percent or more of
 3104 a class of a voting security or sell or direct the sale of 25
 3105 percent or more of a class of voting securities; or

3106 (c) In the case of a partnership, may receive upon
 3107 dissolution or has contributed 25 percent or more of the
 3108 capital. The person directly or indirectly or acting through one
 3109 or more other persons owns, controls, or has power to vote 25
 3110 percent or more of any class of voting securities of the money
 3111 transmitter; or

3112 (2) (b) The office determines, after notice and opportunity
 3113 for hearing, that the person directly or indirectly exercises a
 3114 controlling influence over the activities of the money
 3115 transmitter.

3116 ~~(2) In any case in which a person or a group of persons,~~
 3117 ~~directly or indirectly or acting by or through one or more~~
 3118 ~~persons, proposes to purchase or acquire a controlling interest~~
 3119 ~~in a money transmitter, and thereby to change the control of~~
 3120 ~~that money transmitter, each person or group of persons shall~~
 3121 ~~provide written notice to the office.~~

3122 ~~(a) A money transmitter whose stock is traded on an~~
 3123 ~~organized stock exchange shall provide the office with written~~
 3124 ~~notice within 15 days after knowledge of such change in control.~~

3125 ~~(b) A money transmitter whose stock is not publicly traded~~
 3126 ~~shall provide the office with not less than 30 days' prior~~
 3127 ~~written notice of such proposed change in control.~~

3128 ~~(3) After a review of the written notification, the office~~
 3129 ~~may require the money transmitter to provide additional~~
 3130 ~~information relating to other and former addresses, and the~~
 3131 ~~reputation, character, responsibility, and business~~
 3132 ~~affiliations, of the proposed new owner or each of the proposed~~
 3133 ~~new owners of the money transmitter.~~

3134 ~~(a) The office may deny the person or group of persons~~
 3135 ~~proposing to purchase, or who have acquired control of, a money~~
 3136 ~~transmitter if, after investigation, the office determines that~~
 3137 ~~the person or persons are not qualified by reputation,~~
 3138 ~~character, experience, or financial responsibility to control or~~
 3139 ~~operate the money transmitter in a legal and proper manner and~~
 3140 ~~that the interests of the other stockholders, if any, or the~~
 3141 ~~interests of the public generally may be jeopardized by the~~
 3142 ~~proposed change in ownership, controlling interest, or~~
 3143 ~~management.~~

3144 ~~(b) The office may disapprove any person who has been~~
 3145 ~~convicted of, or pled guilty or nolo contendere to, a violation~~
 3146 ~~of s. 560.123, s. 655.50, chapter 896, or any similar state,~~
 3147 ~~federal, or foreign law.~~

3148 Section 58. Section 560.205, Florida Statutes, is amended
 3149 to read:

3150 560.205 Qualifications of applicant for registration;
 3151 contents.--

3152 (1) To qualify for registration under this part, an
3153 applicant must demonstrate to the office such character and
3154 general fitness as to command the confidence of the public and
3155 warrant the belief that the registered business will be operated
3156 lawfully and fairly. The office may investigate each applicant
3157 to ascertain whether the qualifications and requirements
3158 prescribed by this part have been met. The office's
3159 investigation may include a criminal background investigation of
3160 all controlling shareholders, principals, officers, directors,
3161 members, and responsible persons of a funds transmitter and a
3162 payment instrument seller and all persons designated by a funds
3163 transmitter or payment instrument seller as an authorized
3164 vendor. Each controlling shareholder, principal, officer,
3165 director, member, and responsible person of a funds transmitter
3166 or payment instrument seller, unless the applicant is a publicly
3167 traded corporation as defined by the commission by rule, a
3168 subsidiary thereof, or a subsidiary of a bank or bank holding
3169 company organized and regulated under the laws of any state or
3170 the United States, shall file a complete set of fingerprints. A
3171 fingerprint card submitted to the office must be taken by an
3172 authorized law enforcement agency officer. The office shall
3173 submit the ~~Such~~ fingerprints ~~must be submitted~~ to the Department
3174 of Law Enforcement for state processing and the Department of
3175 Law Enforcement shall forward the fingerprints to ~~or~~ the Federal
3176 Bureau of Investigation for state and federal processing. The
3177 cost of the fingerprint processing may be borne by the office,
3178 the employer, or the person subject to the background check. The

3179 Department of Law Enforcement shall submit an invoice to the
3180 office for the fingerprints received each month. The office
3181 shall screen the background results to determine if the
3182 applicant meets licensure requirements. The commission may waive
3183 by rule the requirement that applicants file a set of
3184 fingerprints or the requirement that such fingerprints be
3185 processed by the Department of Law Enforcement or the Federal
3186 Bureau of Investigation.

3187 (2) Each application for registration must be submitted
3188 under oath to the office on such forms as the commission
3189 prescribes by rule and must be accompanied by a nonrefundable
3190 application fee. Such fee may not exceed \$500 for each payment
3191 instrument seller or funds transmitter and \$50 for each
3192 authorized vendor or location operating within this state. The
3193 application must contain forms ~~shall set forth~~ such information
3194 as the commission ~~reasonably~~ requires by rule, including, but
3195 not limited to:

3196 (a) The name and address of the applicant, including any
3197 fictitious or trade names used by the applicant in the conduct
3198 of its business.

3199 (b) The history of the applicant's material litigation,
3200 criminal convictions, pleas of nolo contendere, and cases of
3201 adjudication withheld.

3202 (c) A description of the activities conducted by the
3203 applicant, the applicant's history of operations, and the
3204 business activities in which the applicant seeks to engage in
3205 this state.

3206 ~~(d) A list identifying the applicant's proposed authorized~~
 3207 ~~vendors in this state, including the location or locations in~~
 3208 ~~this state at which the applicant and its authorized vendors~~
 3209 ~~propose to conduct registered activities.~~

3210 (d)~~(e)~~ A sample authorized vendor contract, if applicable.

3211 (e)~~(f)~~ A sample form of payment instrument, if applicable.

3212 (f)~~(g)~~ The name and address of the clearing financial
 3213 institution or financial institutions through which the
 3214 applicant's payment instruments will be drawn or through which
 3215 such payment instruments will be payable.

3216 (g)~~(h)~~ Documents revealing that the net worth and bonding
 3217 requirements specified in s. 560.209 have been or will be
 3218 fulfilled.

3219 (3) Each application for registration by an applicant that
 3220 is a corporation shall contain ~~also set forth~~ such information
 3221 as the commission ~~reasonably~~ requires by rule, including, but
 3222 not limited to:

3223 (a) The date of the applicant's incorporation and state of
 3224 incorporation.

3225 (b) A certificate of good standing from the state or
 3226 country in which the applicant was incorporated.

3227 (c) A description of the corporate structure of the
 3228 applicant, including the identity of any parent or subsidiary of
 3229 the applicant, and the disclosure of whether any parent or
 3230 subsidiary is publicly traded on any stock exchange.

3231 (d) The name, social security number, business and
 3232 residence addresses, and employment history for the past 5 years

3233 for each executive officer, each director, each controlling
3234 shareholder, and the responsible person who will be in charge of
3235 all the applicant's business activities in this state.

3236 (e) The history of material litigation and criminal
3237 convictions, pleas of nolo contendere, and cases of adjudication
3238 withheld for each ~~executive~~ officer, each director, each
3239 controlling shareholder, and the responsible person who will be
3240 in charge of the applicant's registered activities.

3241 (f) Copies of the applicant's audited financial statements
3242 for the current year and, if available, for the immediately
3243 preceding 2-year period. In cases where the applicant is a
3244 wholly owned subsidiary of another corporation, the parent's
3245 consolidated audited financial statements may be submitted to
3246 satisfy this requirement. An applicant who is not required to
3247 file audited financial statements may satisfy this requirement
3248 by filing unaudited financial statements verified under penalty
3249 of perjury, as provided by the commission by rule.

3250 (g) An applicant who is not required to file audited
3251 financial statements may file copies of the applicant's
3252 unconsolidated, unaudited financial statements for the current
3253 year and, if available, for the immediately preceding 2-year
3254 period.

3255 (h) If the applicant is a publicly traded company, copies
3256 of all filings made by the applicant with the United States
3257 Securities and Exchange Commission, or with a similar regulator
3258 in a country other than the United States, within the year
3259 preceding the date of filing of the application.

3260 (4) Each application for registration submitted to the
 3261 office by an applicant that is not a corporation shall contain
 3262 ~~also set forth~~ such information as the commission ~~reasonably~~
 3263 requires by rule, including, but not limited to:

3264 (a) Evidence that the applicant is registered to do
 3265 business in this state.

3266 (b) The name, business and residence addresses, personal
 3267 financial statement and employment history for the past 5 years
 3268 for each individual having a controlling ownership interest in
 3269 the applicant, and each responsible person who will be in charge
 3270 of the applicant's registered activities.

3271 (c) The history of material litigation and criminal
 3272 convictions, pleas of nolo contendere, and cases of adjudication
 3273 withheld for each individual having a controlling ownership
 3274 interest in the applicant and each responsible person who will
 3275 be in charge of the applicant's registered activities.

3276 (d) Copies of the applicant's audited financial statements
 3277 for the current year, and, if available, for the preceding 2
 3278 years. An applicant who is not required to file audited
 3279 financial statements may satisfy this requirement by filing
 3280 unaudited financial statements verified under penalty of
 3281 perjury, as provided by the commission by rule.

3282 (5) Each applicant shall designate and maintain an agent
 3283 in this state for service of process.

3284 Section 59. Section 560.207, Florida Statutes, is amended
 3285 to read:

3286 560.207 Renewal of registration; registration fee.--

3287 (1) Registration may be renewed for a 24-month period or
3288 the remainder of any such period without proration following the
3289 date of its expiration by furnishing such information as the
3290 commission requires by rule, together with the payment of the
3291 fees required under subsections (2), (3), and (4), ~~upon the~~
3292 ~~filing with the office of an application and other statements~~
3293 ~~and documents as may reasonably be required of registrants by~~
3294 ~~the commission. However, the registrant must remain qualified~~
3295 ~~for such registration under the provisions of this part.~~

3296 (2) Each renewal of All registration must renewal
3297 ~~applications shall~~ be accompanied by a nonrefundable renewal fee
3298 not to exceed \$1,000. A registration expires on April 30 of the
3299 year in which the existing registration expires, unless the
3300 registrant has renewed his or her registration on or before that
3301 date. In no event shall a registration be issued for a period in
3302 excess of 24 months. The commission may adopt rules pursuant to
3303 ss. 120.536(1) and 120.54 to implement this section ~~All renewal~~
3304 ~~applications must be filed on or after January 1 of the year in~~
3305 ~~which the existing registration expires, but before the~~
3306 ~~expiration date of April 30. If the renewal application is filed~~
3307 ~~prior to the expiration date of an existing registration, no~~
3308 ~~late fee shall be paid in connection with such renewal~~
3309 ~~application. If the renewal application is filed within 60~~
3310 ~~calendar days after the expiration date of an existing~~
3311 ~~registration, then, in addition to the \$1,000 renewal fee, the~~
3312 ~~renewal application shall be accompanied by a nonrefundable late~~
3313 ~~fee of \$500. If the registrant has not filed a renewal~~

3314 ~~application within 60 calendar days after the expiration date of~~
3315 ~~an existing registration, a new application shall be filed with~~
3316 ~~the office pursuant to s. 560.205.~~

3317 (3) In addition to the renewal fee required under
3318 subsection (2), each registrant must pay ~~Every registration~~
3319 ~~renewal application shall also include~~ a 2-year nonrefundable
3320 registration renewal fee of \$50 for each authorized vendor or
3321 location operating within this state or, at the option of the
3322 registrant, a total 2-year nonrefundable renewal fee of \$20,000
3323 may be paid to renew the registration of all such locations
3324 currently registered at the time of renewal.

3325 (4) A registration may be reinstated only if the renewal
3326 fee and a nonrefundable late fee of \$500 are filed within 60
3327 calendar days after the expiration of the existing registration.
3328 The office shall grant a reinstatement of registration if an
3329 application is filed during the 60-day period, and the
3330 reinstatement is effective upon receipt of the required fees and
3331 any information that the commission requires by rule. If a
3332 registrant does not file an application for reinstatement of the
3333 registration within the 60 calendar days after expiration of an
3334 existing registration, the registration expires and a new
3335 application must be filed with the office pursuant to s.
3336 560.205.

3337 Section 60. Subsection (1) of section 560.210, Florida
3338 Statutes, is amended to read:

3339 560.210 Permissible investments.--

3340 (1) A registrant shall at all times possess permissible
 3341 investments with an aggregate market value calculated in
 3342 accordance with United States generally accepted accounting
 3343 principles of not less than the aggregate face amount of all
 3344 outstanding funds transmissions ~~transmitted~~ and ~~outstanding~~
 3345 payment instruments issued or sold by the registrant or an
 3346 authorized vendor in the United States.

3347 Section 61. Subsection (2) of section 560.211, Florida
 3348 Statutes, is amended to read:

3349 560.211 Records.--

3350 (2) The records required to be maintained by the code may
 3351 be maintained by the registrant at any location if, ~~provided~~
 3352 ~~that~~ the registrant notifies the office in writing of the
 3353 location of the records in its application or otherwise by
 3354 amendment as prescribed by commission rule. The registrant shall
 3355 make such records available to the office for examination and
 3356 investigation in this state, as permitted by the code, within 7
 3357 days after receipt of a written request.

3358 Section 62. Section 560.305, Florida Statutes, is amended
 3359 to read:

3360 560.305 Application.--Each application for registration
 3361 must ~~shall~~ be in writing and under oath to the office, in such
 3362 form as the commission prescribes. The application must contain
 3363 such information as the commission requires by rule, including,
 3364 but not limited to ~~shall include the following:~~

3365 (1) The legal name, social security number, and residence
 3366 and business addresses of the applicant if the applicant is a

3367 natural person, or, if the applicant is a partnership,
 3368 association, or corporation, the name of every partner, officer,
 3369 ~~or~~ director, member, controlling shareholder, or responsible
 3370 person thereof.

3371 (2) The location of the principal office of the applicant.

3372 (3) The complete address of any other locations at which
 3373 the applicant proposes to engage in such activities since the
 3374 provisions of registration apply to each and every operating
 3375 location of a registrant.

3376 (4) Such other information as the commission or office
 3377 reasonably requires with respect to the applicant or any money
 3378 transmitter-affiliated party of the applicant; however, the
 3379 commission or office may not require more information than is
 3380 specified in part II.

3381 Section 63. Subsections (1) and (4) of section 560.306,
 3382 Florida Statutes, are amended to read:

3383 560.306 Standards.--

3384 (1) In order to qualify for registration under this part,
 3385 an applicant must demonstrate to the office that he or she has
 3386 such character and general fitness as will command the
 3387 confidence of the public and warrant the belief that the
 3388 registered business will be operated lawfully and fairly. The
 3389 office may investigate each applicant to ascertain whether the
 3390 qualifications and requirements prescribed by this part have
 3391 been met. The office's investigation may include a criminal
 3392 background investigation of all controlling shareholders,
 3393 principals, officers, directors, members, and responsible

3394 persons of a check casher and a foreign currency exchanger and
3395 all persons designated by a foreign currency exchanger or check
3396 casher as an authorized vendor. Each controlling shareholder,
3397 principal, officer, director, member, and responsible person of
3398 a check casher or foreign currency exchanger, unless the
3399 applicant is a publicly traded corporation as defined by the
3400 commission by rule, a subsidiary thereof, or a subsidiary of a
3401 bank or bank holding company organized and regulated under the
3402 laws of any state or the United States, shall file a complete
3403 set of fingerprints. A fingerprint card submitted to the office
3404 must be taken by an authorized law enforcement agency officer.
3405 The office shall submit the ~~Such~~ fingerprints ~~must be submitted~~
3406 to the Department of Law Enforcement for state processing and
3407 the Department of Law Enforcement shall forward the fingerprints
3408 to ~~or~~ the Federal Bureau of Investigation for ~~state and~~ federal
3409 processing. The cost for the fingerprint processing may be borne
3410 by the office, the employer, or the person subject to the
3411 background check. The Department of Law Enforcement shall submit
3412 an invoice to the office for the fingerprints received each
3413 month. The office shall screen the background results to
3414 determine if the applicant meets licensure requirements. The
3415 commission may waive by rule the requirement that applicants
3416 file a set of fingerprints or the requirement that such
3417 fingerprints be processed by the Department of Law Enforcement
3418 or the Federal Bureau of Investigation.

3419 (4) Each registration application and renewal application
3420 must specify the location at which the applicant proposes to

3421 establish its principal place of business and any other
3422 location, including authorized vendors operating in this state.
3423 The registrant shall notify the office of any changes to any
3424 such locations. ~~Any registrant may satisfy this requirement by~~
3425 ~~providing the office with a list of such locations, including~~
3426 ~~all authorized vendors operating in this state, not less than~~
3427 ~~annually.~~ A registrant may not transact business as a check
3428 cashier or a foreign currency exchanger except pursuant to the
3429 name under which it is registered.

3430 Section 64. Section 560.308, Florida Statutes, is amended
3431 to read:

3432 560.308 Registration terms; renewal; renewal fees.--

3433 (1) Registration may be renewed for a 24-month period, or
3434 the remainder of any such period without proration, following
3435 the date of its expiration by furnishing such information as the
3436 commission requires by rule, together with the payment of the
3437 fees required under subsections (2), (3), and (4). Registration
3438 pursuant to this part shall remain effective through the
3439 remainder of the second calendar year following its date of
3440 issuance unless during such calendar year the registration is
3441 surrendered, suspended, or revoked.

3442 (2) Each application for renewal of registration must be
3443 accompanied by ~~The office shall renew registration upon receipt~~
3444 ~~of a completed renewal form and payment of a nonrefundable~~
3445 ~~renewal fee not to exceed \$500.~~ A registration expires on
3446 December 31 of the year in which the existing registration
3447 expires, unless the registrant has renewed his or her

3448 registration on or before that date ~~The completed renewal form~~
3449 ~~and payment of the renewal fee shall occur on or after June 1 of~~
3450 ~~the year in which the existing registration expires.~~

3451 (3) In addition to the renewal fee required by subsection
3452 (2), each registrant must pay a 2-year nonrefundable
3453 registration renewal fee of \$50 for each authorized vendor or
3454 location operating within this state or, at the option of the
3455 registrant, a total 2-year nonrefundable renewal fee of \$20,000
3456 may be paid to renew the registration of all such locations
3457 currently registered at the time of renewal.

3458 (4) ~~Registration that is not renewed on or before the~~
3459 ~~expiration date of the registration period automatically~~
3460 ~~expires.~~ A renewal ~~application and fee,~~ and a nonrefundable late
3461 fee of \$250~~,~~ must be filed within 60 calendar days after the
3462 expiration of an existing registration in order for the
3463 registration to be reinstated. The office shall grant a
3464 reinstatement of registration if application is filed during the
3465 60-day period, and the reinstatement is effective upon receipt
3466 of the required fees and any information that the commission
3467 requires by rule. If the registrant has not filed an a renewal
3468 application within 60 calendar days after the expiration date of
3469 an existing registration, the registration expires and a new
3470 application must be filed with the office pursuant to s.
3471 560.307.

3472 Section 65. Subsection (2) of section 560.310, Florida
3473 Statutes, is amended to read:

3474 560.310 Records of check cashers and foreign currency
 3475 exchangers.--

3476 (2) The records required to be maintained by the code may
 3477 be maintained by the registrant at any location if, ~~provided~~
 3478 ~~that~~ the registrant notifies the office, in writing, of the
 3479 location of the records in its application or otherwise by
 3480 amendment as prescribed by commission rule. The registrant shall
 3481 make such records available to the office for examination and
 3482 investigation in this state, as permitted by the code, within 7
 3483 days after receipt of a written request.

3484 Section 66. Subsections (2) and (4) of section 560.403,
 3485 Florida Statutes, are amended to read:

3486 560.403 Requirements of registration; declaration of
 3487 intent.--

3488 (2) A registrant under this part shall renew his or her
 3489 intent to engage in the business of deferred presentment
 3490 transactions or to act as a deferred presentment provider upon
 3491 renewing his or her registration under part II or part III and
 3492 shall do so by indicating his or her intent ~~on the renewal form~~
 3493 ~~and~~ by submitting a nonrefundable deferred presentment provider
 3494 renewal fee of \$1,000, in addition to any fees required for
 3495 renewal of registration under part II or part III.

3496 (4) The notice of intent of a registrant under this part
 3497 who fails to timely renew his or her intent to engage in the
 3498 business of deferred presentment transactions or to act as a
 3499 deferred presentment provider on or before the expiration date
 3500 of the registration period automatically expires. A renewal

3501 ~~declaration of intent and fee,~~ and a nonrefundable late fee of
 3502 \$500~~,~~ must be filed within 60 calendar days after the expiration
 3503 of an existing registration in order for the declaration of
 3504 intent to be reinstated. The office shall grant a reinstatement
 3505 of registration if application is filed during the 60-day
 3506 period, and the reinstatement is effective upon receipt of the
 3507 required fees and any information that the commission requires
 3508 by rule. If the registrant has not filed a reinstatement of a
 3509 renewal declaration of intent within 60 calendar days after the
 3510 expiration date of an existing registration, the notice of
 3511 intent expires and a new declaration of intent must be filed
 3512 with the office.

3513 Section 67. Section 655.935, Florida Statutes, is amended
 3514 to read:

3515 655.935 Search procedure on death of lessee.--If
 3516 satisfactory proof of the death of the lessee is presented, a
 3517 lessor shall permit the person named in a court order for the
 3518 purpose, or if no order has been served upon the lessor, the
 3519 spouse, a parent, an adult descendant, or a person named as a
 3520 personal representative in a copy of a purported will produced
 3521 by such person, to open and examine the contents of a safe-
 3522 deposit box leased or co-leased by a decedent, or any documents
 3523 delivered by a decedent for safekeeping, in the presence of an
 3524 officer of the lessor; and the lessor, if so requested by such
 3525 person, shall deliver:

3526 (1) Any writing purporting to be a will of the decedent,
 3527 to the court having probate jurisdiction in the county in which
 3528 the financial institution is located;

3529 (2) Any writing purporting to be a deed to a burial plot
 3530 or to give burial instructions, to the person making the request
 3531 for a search; and

3532 (3) Any document purporting to be an insurance policy on
 3533 the life of the decedent, to the beneficiary named therein.

3534
 3535 No other contents may be removed pursuant to this section and
 3536 access granted pursuant to this section shall not be considered
 3537 the initial opening of the safe-deposit box pursuant to s.
 3538 733.6065 by a personal representative appointed by a court in
 3539 this state.

3540 Section 68. Subsections (1) and (2) of section 655.936,
 3541 Florida Statutes, are amended to read:

3542 655.936 Delivery of safe-deposit box contents or property
 3543 held in safekeeping to personal representative.--

3544 (1) Subject to the provisions of subsection (3), the
 3545 lessor shall immediately deliver to a ~~resident~~ personal
 3546 representative appointed by a court in this state, upon
 3547 presentation of a certified copy of his or her letters of
 3548 authority, all property deposited with it by the decedent for
 3549 safekeeping, and shall grant the ~~resident~~ personal
 3550 representative access to any safe-deposit box in the decedent's
 3551 name and permit him or her to remove from such box any part or
 3552 all of the contents thereof.

3553 (2) If a ~~foreign~~ personal representative of a deceased
3554 lessee has been appointed by a court of any other state, a
3555 lessor may, at its discretion, after 3 months from the issuance
3556 to such ~~foreign~~ personal representative of his or her letters of
3557 authority, deliver to such ~~foreign~~ personal representative all
3558 properties deposited with it for safekeeping and the contents of
3559 any safe-deposit box in the name of the decedent if at such time
3560 the lessor has not received written notice of the appointment of
3561 a personal representative in this state, and such delivery is a
3562 valid discharge of the lessor for all property or contents so
3563 delivered. A ~~Such foreign~~ personal representative appointed by a
3564 court of any other state shall furnish the lessor with an
3565 affidavit setting forth facts showing the domicile of the
3566 deceased lessee to be other than this state and stating that
3567 there are no unpaid creditors of the deceased lessee in this
3568 state, together with a certified copy of his or her letters of
3569 authority. A lessor making delivery pursuant to this subsection
3570 shall maintain in its files a receipt executed by such ~~foreign~~
3571 personal representative which itemizes in detail all property so
3572 delivered.

3573 Section 69. Section 655.937, Florida Statutes, is amended
3574 to read:

3575 655.937 Access to safe-deposit boxes leased in two or more
3576 names.--

3577 (1) Unless ~~When~~ specifically provided in the lease or
3578 rental agreement to the contrary, if ~~covering~~ a safe-deposit box
3579 is heretofore or hereafter rented or leased in the names of two

3580 or more lessees, ~~that~~ access to the safe-deposit box will be
3581 granted to either lessee, or to ~~either or the survivor, access~~
3582 ~~to the safe-deposit box shall be granted to:~~

3583 (a) Either or any of such lessees, regardless of whether
3584 or not the other lessee or lessees or any of them are living or
3585 competent, ~~or~~

3586 (b) Subject to s. 655.933, those persons named in s.
3587 655.933.

3588 (c) Subject to s. 655.935, those persons named in s.
3589 655.935.

3590 (d) ~~(b)~~ Subject to s. 773.6065, the personal representative
3591 of the estate of either or any of such lessees who is deceased,
3592 or the guardian of the property of either or any of such lessees
3593 who is incapacitated.

3594 (2) In all cases described in subsection (1), ~~and, in~~
3595 either such case, the provisions of s. 655.933 apply, and the
3596 signature on the safe-deposit entry or access record, ~~or the~~
3597 receipt or acquittance, in the case of property or documents
3598 otherwise held for safekeeping, ~~is~~ is a valid and sufficient
3599 release and discharge to the lessor for granting access to such
3600 safe-deposit box or for the delivery of such property or
3601 documents otherwise held for safekeeping.

3602 (3) ~~(2)~~ A lessor may not be held liable for damages or
3603 penalty by reason of any access granted or delivery made
3604 pursuant to this section.

3605 (4) The right of access by a co-lessee is separate from
3606 the rights and responsibilities of other persons who may be

3607 granted access to a safe-deposit box after the death or
3608 incapacity of another co-lessee and such right of access is not
3609 subject to the provisions of s. 655.935 or s. 733.6065 or other
3610 requirements imposed upon personal representatives, guardians,
3611 or other fiduciaries.

3612 (5) After the death of a co-lessee, the surviving co-
3613 lessee or any other person who is granted access to the safe-
3614 deposit box pursuant to this section may make a written
3615 inventory of the box, which must be conducted by the person
3616 making the request in the presence of one other person as
3617 specified in this section. Each person present shall verify the
3618 contents of the box by signing a copy of the inventory under
3619 penalty of perjury.

3620 (a) If the person making the written inventory is the
3621 surviving co-lessee, the other person may be any other person
3622 granted access pursuant to this section, an employee of the
3623 institution where the box is located, or an attorney licensed in
3624 this state.

3625 (b) If the person making the written inventory is not a
3626 surviving co-lessee, the other person may be a surviving co-
3627 lessee, an employee of the institution where the box is located,
3628 or an attorney licensed in this state.

3629 Section 70. Effective upon this act becoming a law,
3630 subsection (3) of section 679.705, Florida Statutes, is amended
3631 to read:

3632 679.705 Effectiveness of action taken before effective
3633 date.--

3634 (3) This act does not render ineffective an effective
 3635 financing statement that, before this act takes effect, is filed
 3636 and satisfies the applicable requirements for perfection under
 3637 the law of the jurisdiction governing perfection as provided in
 3638 s. 679.103, Florida Statutes 2000. However, except as otherwise
 3639 provided in subsections (4) and (5) and s. 679.706, the
 3640 financing statement ceases to be effective at the earlier of:

3641 (a) The time the financing statement would have ceased to
 3642 be effective under the law of the jurisdiction in which it is
 3643 filed; or

3644 (b) December 31 ~~June 30~~, 2006.

3645 Section 71. Section 733.6065, Florida Statutes, is amended
 3646 to read:

3647 733.6065 Opening safe-deposit box.--

3648 (1) Subject to the provisions of s. 655.936(2), the
 3649 initial opening of a the decedent's safe-deposit box that is
 3650 leased or co-leased by the decedent shall be conducted in the
 3651 presence of any two of the following persons: an employee of the
 3652 institution where the box is located, the personal
 3653 representative, or the personal representative's attorney of
 3654 record. Each person who is present must verify the contents of
 3655 the box by signing a copy of the inventory under penalties of
 3656 perjury. The personal representative shall file the safe-deposit
 3657 box inventory, together with a copy of the box entry record from
 3658 a date which is 6 months prior to the date of death to the date
 3659 of inventory, with the court within 10 days after the box is
 3660 opened. Unless otherwise ordered by the court, this inventory

3661 and the attached box entry record is subject to inspection only
3662 by persons entitled to inspect an inventory under s. 733.604(1).
3663 The personal representative may remove the contents of the box.

3664 (2) The right to open and examine the contents of a safe-
3665 deposit box leased by a decedent, or any documents delivered by
3666 a decedent for safekeeping, and to receive items as provided for
3667 in s. 655.935 are separate from ~~in addition to~~ the rights
3668 provided for in subsection (1).

3669 Section 72. For the 2006-2007 fiscal year, the recurring
3670 sum of \$700,515 is appropriated from the Regulatory Trust Fund
3671 to the Office of Financial Regulation for the purpose of
3672 implementing the provisions of s. 494.0033(2)(b), Florida
3673 Statutes, for third-party administration of the mortgage broker
3674 test.

3675 Section 73. Except as otherwise expressly provided in this
3676 act, this act shall take effect October 1, 2006.