

1 to any person, the circuit court has jurisdiction to hear any
2 complaint filed by the office and, upon proper showing, to
3 issue an injunction restraining such violation, to appoint a
4 receiver, to enter an order of restitution, or to grant
5 ~~granting~~ other such appropriate relief. Any relief, including
6 injunctive relief, granted pursuant to this section shall be
7 granted without bond.

8 Section 2. Paragraph (z) is added to subsection (1) of
9 section 560.114, Florida Statutes, to read:

10 560.114 Disciplinary actions.--

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

19 (z) Committing a violation of any other chapter
20 administered or enforced by the office.

21 Section 3. Subsection (7) of section 560.402, Florida
22 Statutes, is amended, and subsections (12) and (13) are added
23 to that section, to read:

24 560.402 Definitions.--In addition to the definitions
25 provided in ss. 560.103, 560.202, and 560.302 and unless
26 otherwise clearly indicated by the context, for purposes of
27 this part:

28 (7) "Drawer" means any natural person who writes a
29 ~~personal~~ check and upon whose account the check is drawn.

1 (12) "Check" has the same meaning as in s.
2 673.1041(6), or means any written authorization by a drawer to
3 execute an automated clearinghouse debit transaction.

4 (13) "Engage in a deferred presentment transaction"
5 means entering into or offering to enter into a deferred
6 presentment transaction at or from offices in this state, or
7 to persons in this state from offices outside the state, by
8 mail, Internet, or otherwise.

9 Section 4. Section 560.4031, Florida Statutes, is
10 created to read:

11 560.4031 Remedies for deferred presentment
12 transactions engaged in without registration.--

13 (1) Any deferred presentment transaction entered into
14 by a drawer with a person who is not exempt from this chapter
15 and who is not registered under this chapter is void. In such
16 cases, the person, or any agent, officer, or representative of
17 the person, forfeits all moneys provided and fees charged to
18 the drawer and may not collect any moneys or fees on the
19 deferred presentment transaction.

20 (2) A drawer may recover in a civil action or
21 arbitration three times the amount of the moneys and fees
22 actually collected by a person pursuant to a deferred
23 presentment transaction that is void under subsection (1).

24 (3) A deferred presentment transaction engaged in by a
25 prior registrant under this part IV whose registration has
26 inadvertently lapsed within the year preceding the date of the
27 transaction is not void under this section unless the prior
28 registrant continued to engage in such transactions knowing
29 its registration had lapsed.

30 (4) Any person who willfully attempts to collect on
31 any deferred presentment transaction that he or she knows to

1 be void under subsection (1) commits a felony of the third
2 degree, punishable as provided in s. 775.082, s. 775.083, or
3 s. 775.084.

4 Section 5. This act shall take effect July 1, 2007.

6 *****

7 SENATE SUMMARY

8 Authorizes a circuit court to order a receivership and
9 restitution of money as remedies for persons injured on
10 account of a violation of the Money Transmitters' Code.
11 Provides that a violation of any law enforced by the
12 Office of Financial Regulation is also a violation of the
13 code. Provides that any deferred presentment transaction
14 entered into by a drawer with a nonexempt person who is
15 not registered under ch. 560, F.S., is void. Provides
16 penalties and civil remedies. Provides that a person
17 commits a felony of the third degree if he or she
18 attempts to collect on any deferred presentment
19 transaction that he or she knows to be void.
20
21
22
23
24
25
26
27
28
29
30
31