

By the Committees on Banking and Insurance; Banking and Insurance

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1 A bill to be entitled

2 An act relating to money services businesses; changing the
3 name of money transmitters to money services businesses;
4 requiring licensure rather than registration; amending s.
5 560.103, F.S.; revising definitions; defining the terms
6 "affiliated party," "branch office," "cashing,"
7 "compliance officer," "electronic instrument," "financial
8 audit report," "foreign affiliate," "licensee,"
9 "location," "monetary value," "net worth," "outstanding
10 money transmission," and "stored value"; providing
11 applicability for certain terms; amending s. 560.104,
12 F.S.; revising provision providing exemptions from ch.
13 560, F.S.; amending s. 560.105, F.S.; revising provisions
14 relating to the powers of the Office of Financial
15 Regulation and the Financial Services Commission; amending
16 s. 560.109, F.S.; revising provisions relating to
17 examinations and investigations conducted by the office;
18 requiring that the office periodically examine each
19 licensee; requiring the office to report certain
20 violations to a criminal investigatory agency; requiring
21 that the office annually report to the Legislature
22 information concerning investigations and examinations and
23 the total amount of fines assessed and collected;
24 requiring records in a language other than English to be
25 translated; creating s. 560.1091, F.S.; authorizing the
26 office to contract with third parties to conduct
27 examinations; authorizing the commission to adopt rules
28 relating to who can conduct examinations and the rates
29 charged; creating s. 560.1092, F.S.; requiring persons

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30 examined to pay the expenses of examination as set by rule
31 of the commission; providing for the deposit of funds
32 collected from licensees; requiring payment for travel
33 expenses and living expenses and compensation for persons
34 making the examinations from such funds or from funds
35 budgeted for such purposes; creating s. 560.110, F.S.;
36 providing for record retention by licensees; amending s.
37 560.111, F.S.; revising the list of prohibited acts by a
38 money services business; amending s. 560.113, F.S.;
39 providing for the establishment of a receivership or the
40 payment of restitution by a person found to have violated
41 ch. 560, F.S.; amending s. 560.114, F.S.; revising grounds
42 for the disciplinary actions; amending s. 560.115, F.S.;
43 revising provisions relating to the voluntary surrender of
44 a license; amending s. 560.116, F.S.; revising provisions
45 relating to the granting of immunity for providing
46 information about alleged violations of ch. 560, F.S.;
47 amending s. 560.118, F.S.; revising provisions relating to
48 required reports; deleting an exemption from the
49 requirement to file an annual financial report;
50 transferring, renumbering, and amending s. 560.119, F.S.;
51 revising provisions providing for the deposit of fees and
52 assessments; amending s. 560.121, F.S.; revising
53 restriction on access to records held by a court or the
54 Legislature; amending s. 560.123, F.S.; revising
55 provisions relating to the Florida Control of Money
56 Laundering in Money Services Business; creating s.
57 560.1235, F.S.; requiring a licensee to comply with state
58 and federal anti-money laundering laws and rules; amending

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59 | s. 560.124, F.S.; revising provisions relating to sharing
60 | reported information; amending s. 560.125, F.S.; revising
61 | provisions relating to unlicensed activity; amending s.
62 | 560.126, F.S.; revising provisions relating to certain
63 | notice requirements by a licensee; amending s. 560.127,
64 | F.S.; revising provisions relating to the control of a
65 | money services business; amending s. 560.128, F.S.;
66 | revising provisions relating to customer contacts and
67 | license display; amending s. 560.129, F.S.; revising
68 | provisions relating to the confidentiality of certain
69 | records; creating s. 560.140, F.S.; providing licensing
70 | standards for a money services business; creating s.
71 | 560.141, F.S.; providing for a license application;
72 | creating s. 560.142, F.S.; providing for license renewal;
73 | creating s. 560.143, F.S.; providing for license fees;
74 | amending s. 560.203, F.S.; revising the exemption from
75 | licensure for authorized agents of a money services
76 | business; amending s. 560.204, F.S.; revising provisions
77 | relating to the requirement for licensure of money
78 | transmitters or sellers of payment instruments under part
79 | II of ch. 560, F.S.; amending s. 560.205, F.S.; providing
80 | additional requirements for a license application;
81 | amending s. 560.208, F.S.; revising provisions relating to
82 | the conduct of a licensee; creating s. 560.2085, F.S.;
83 | providing requirements for authorized agents; amending s.
84 | 560.209, F.S.; revising provisions relating to a
85 | licensee's net worth and the filing of a corporate surety
86 | bond; requiring a financial audit report; increasing the
87 | upper limit of the bond; deleting the option of waiving

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88 the bond; amending s. 560.210, F.S.; revising provisions
89 relating to permissible investments; amending s. 560.211,
90 F.S.; revising provisions relating to required
91 recordkeeping under part II of ch. 560, F.S.; amending s.
92 560.212, F.S.; revising provisions relating to licensee
93 liability; amending s. 560.213, F.S.; revising provisions
94 relating information that must be printed on a payment
95 instrument; amending s. 560.303, F.S.; revising provisions
96 relating to the licensure of check cashers under part II
97 of ch. 560, F.S.; amending s. 560.304, F.S.; revising
98 provisions relating to exemptions from licensure; limiting
99 the exemption for the payment of instruments below a
100 certain value; amending s. 560.309, F.S.; revising
101 provisions relating to the conduct of check cashers;
102 providing additional requirements; amending s. 560.310,
103 F.S.; revising requirements for licensee records;
104 specifying the maintenance of identification records for
105 certain customers; amending s. 560.402, F.S.; revising
106 definitions relating to deferred presentment providers;
107 amending s. 560.403, F.S.; revising provisions relating to
108 the licensing requirements for deferred presentment
109 providers; amending s. 560.404, F.S.; revising provisions
110 relating to deferred presentment transactions; amending s.
111 560.405, F.S.; revising provisions relating to the
112 redemption or deposit of a deferred presentment
113 transaction; amending s. 560.406, F.S.; revising
114 provisions relating to worthless checks; amending ss.
115 499.005, 499.0691, 501.95, 538.03, 896.101, 896.104, and
116 921.0022, F.S.; conforming cross-references; repealing s.

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117 560.101, F.S., relating to a short title; repealing s.
118 560.102, F.S., relating to purpose and application;
119 repealing s. 560.106, F.S., relating to chapter
120 constructions; repealing s. 560.1073, F.S., relating to
121 false or misleading statements or documents; repealing s.
122 560.108, F.S., relating to administrative enforcement
123 guidelines; repealing s. 560.112, F.S., relating to
124 disciplinary action procedures; repealing s. 560.117,
125 F.S., relating to administrative fines; repealing s.
126 560.200, F.S., relating to a short title; repealing s.
127 560.202, F.S., relating to definitions; repealing s.
128 560.206, F.S., relating to the investigation of
129 applicants; repealing s. 560.207, F.S., relating to
130 registration; repealing s. 560.301, F.S., relating to a
131 short title; repealing s. 560.302, F.S., relating to
132 definitions; repealing s. 560.305, F.S., relating to
133 application for registration; repealing s. 560.306, F.S.,
134 relating to standards; repealing s. 560.307, F.S.,
135 relating to fees; repealing s. 560.308, F.S., relating to
136 registration; repealing s. 560.401, F.S., relating to a
137 short title; repealing s. 560.407, F.S., relating to
138 required records; providing an effective date.

139
140 Be It Enacted by the Legislature of the State of Florida:

141
142 Section 1. Section 560.103, Florida Statutes, is amended to
143 read:

144 560.103 Definitions.--As used in this chapter, the term ~~the~~
145 ~~code, unless the context otherwise requires:~~

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146 (1) "Affiliated party" means a director, officer,
147 responsible person, employee, or foreign affiliate of a money
148 services business, or a person who has a controlling interest in
149 a money services business as provided in s. 560.127.

150 (2)~~(1)~~ "Appropriate regulator" means a any state, or
151 federal, or foreign agency that,~~including the commission or~~
152 ~~office, which~~ has been granted ~~state or federal statutory~~
153 authority to enforce state, federal, or foreign laws related to a
154 money services business or deferred presentment provider with
155 ~~regard to the money transmission function.~~

156 (3)~~(2)~~ "Authorized agent ~~vendor~~" means a person designated
157 by a money services business licensed under part II of this
158 chapter a registrant to act engage in the business of a money
159 ~~transmitter~~ on behalf of the licensee the registrant at locations
160 in this state pursuant to a written contract with the licensee
161 ~~registrant.~~

162 (4) "Branch office" means the physical location, other than
163 the principal place of business, of a money services business
164 operated by a licensee under this chapter.

165 (5) "Cashing" means providing currency for payment
166 instruments except for travelers checks.

167 (6)~~(3)~~ "Check casher" means a person who~~, for compensation,~~
168 sells currency in exchange for payment instruments received,
169 except travelers checks and ~~foreign drawn payment instruments.~~

170 ~~(4) "Code" means the "Money Transmitters' Code," consisting~~
171 ~~of:~~

172 ~~(a) Part I of this chapter, relating to money transmitters~~
173 ~~generally.~~

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174 ~~(b) Part II of this chapter, relating to payment~~
175 ~~instruments and funds transmission.~~

176 ~~(c) Part III of this chapter, relating to check cashing and~~
177 ~~foreign currency exchange.~~

178 ~~(d) Part IV of this chapter, relating to deferred~~
179 ~~presentments.~~

180 (7) "Commission" means the Financial Services Commission.

181 (8) "Compliance officer" means the individual in charge of
182 overseeing, managing, and ensuring that a money services business
183 is in compliance with all state and federal laws and rules
184 relating to money services businesses, as applicable, including
185 all money laundering laws and rules.

186 ~~(5) "Consideration" means and includes any premium charged~~
187 ~~for the sale of goods, or services provided in connection with~~
188 ~~the sale of the goods, which is in excess of the cash price of~~
189 ~~such goods.~~

190 (9)~~(6)~~ "Currency" means the coin and paper money of the
191 United States or of any other country which is designated as
192 legal tender and which circulates and is customarily used and
193 accepted as a medium of exchange in the country of issuance.
194 Currency includes United States silver certificates, United
195 States notes, and Federal Reserve notes. Currency also includes
196 official foreign bank notes that are customarily used and
197 accepted as a medium of exchange in a foreign country.

198 ~~(7) "Commission" means the Financial Services Commission.~~

199 (10) "Deferred presentment provider" means a person who is
200 licensed under part II or part III of this chapter and has filed
201 a declaration of intent with the office to engage in deferred

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202 presentment transactions as provided under part IV of this
203 chapter.

204 (11) "Electronic instrument" means a card, tangible object,
205 or other form of electronic payment for the transmission or
206 payment of money or the exchange of monetary value, including a
207 stored value card or device that contains a microprocessor chip,
208 magnetic stripe, or other means for storing information; that is
209 prefunded; and for which the value is decremented upon each use.

210 (12) "Financial audit report" means a report prepared in
211 connection with a financial audit that is conducted in accordance
212 with generally accepted auditing standards prescribed by the
213 American Institute of Certified Public Accountants by a certified
214 public accountant licensed to do business in the United States,
215 and which must include:

216 (a) Financial statements, including notes related to the
217 financial statements and required supplementary information,
218 prepared in conformity with accounting principles generally
219 accepted in the United States. The notes must, at a minimum,
220 include detailed disclosures regarding receivables that are
221 greater than 90 days, if the total amount of such receivables
222 represent more than 2 percent of the licensee's total assets.

223 (b) An expression of opinion regarding whether the
224 financial statements are presented in conformity with accounting
225 principles generally accepted in the United States, or an
226 assertion to the effect that such an opinion cannot be expressed
227 and the reasons.

228 (13) "Foreign affiliate" means a person located outside
229 this state who has been designated by a licensee to make payments
230 on behalf of the licensee to persons who reside outside this

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231 state. The term also includes a person located outside of this
232 state for whom the licensee has been designated to make payments
233 in this state.

234 ~~(8) "Office" means the Office of Financial Regulation of~~
235 ~~the commission.~~

236 (14)~~(9)~~ "Foreign currency exchanger" means a person who
237 exchanges, for compensation, currency of the United States or a
238 foreign government to currency of another government.

239 ~~(10) "Funds transmitter" means a person who engages in the~~
240 ~~receipt of currency or payment instruments for the purpose of~~
241 ~~transmission by any means, including transmissions within this~~
242 ~~country or to or from locations outside this country, by wire,~~
243 ~~facsimile, electronic transfer, courier, or otherwise.~~

244 (15) "Licensee" means a person licensed under this chapter.

245 (16) "Location" means a branch office, mobile location, or
246 an authorized agent whose business activity is regulated under
247 this chapter.

248 (17) "Monetary value" means a medium of exchange, whether
249 or not redeemable in currency.

250 (18)~~(11)~~ "Money services business transmitter" means any
251 person located in or doing business in this state, from this
252 state, or into this state from locations outside this state or
253 country who acts as a payment instrument seller, foreign currency
254 exchanger, check casher, or money funds transmitter,~~or deferred~~
255 ~~presentment provider.~~

256 (19) "Money transmitter" means a corporation, limited
257 liability company, limited liability partnership, or foreign
258 entity qualified to do business in this state which receives
259 currency, monetary value, or payment instruments for the purpose

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260 of transmitting the same by any means, including transmission by
261 wire, facsimile, electronic transfer, courier, the Internet, or
262 through bill payment services or other businesses that facilitate
263 such transfer within this country, or to or from this country.

264 ~~(12) "Money transmitter affiliated party" means any~~
265 ~~director, officer, responsible person, employee, authorized~~
266 ~~vendor, independent contractor of a money transmitter, or a~~
267 ~~person who has filed, is required to file, or is found to control~~
268 ~~a money transmitter pursuant to s. 560.127, or any person engaged~~
269 ~~in any jurisdiction, at any time, in the business of money~~
270 ~~transmission as a controlling shareholder, director, officer, or~~
271 ~~responsible person who becomes involved in a similar capacity~~
272 ~~with a money transmitter registered in this state.~~

273 (20) "Net worth" means assets minus liabilities, determined
274 in accordance with United States generally accepted accounting
275 principles.

276 (21) "Office" means the Office of Financial Regulation of
277 the commission.

278 (22)~~(13)~~ "Officer" means an individual, other than a
279 director ~~whether or not the individual has an official title or~~
280 ~~receives a salary or other compensation, who participates in, or~~
281 ~~has authority to participate, other than in the capacity of a~~
282 ~~director, in, the major policymaking functions of a the money~~
283 services transmitter business, regardless of whether the
284 individual has an official title or receives a salary or other
285 compensation.

286 (23) "Outstanding money transmission" means a money
287 transmission request to a designated recipient or a refund to a
288 sender that has not been completed.

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289 ~~(24)-(14)~~ "Outstanding payment instrument ~~instruments~~" means
290 an unpaid payment instrument ~~instruments~~ whose sale has been
291 reported to a licensee ~~registrant~~.

292 ~~(25)-(15)~~ "Payment instrument" means a check, draft,
293 warrant, money order, travelers check, electronic instrument, or
294 other instrument, ~~or~~ payment of money, or monetary value whether
295 or not negotiable. The term Payment instrument does not include
296 an instrument that is redeemable by the issuer in merchandise or
297 service, a credit card voucher, or a letter of credit.

298 ~~(26)-(16)~~ "Payment instrument seller" means a corporation,
299 limited liability company, limited liability partnership, or
300 foreign entity qualified to do business in this state which
301 ~~person who~~ sells a payment instrument.

302 ~~(27)-(17)~~ "Person" means an ~~any~~ individual, partnership,
303 association, trust, corporation, limited liability company, or
304 other group, however organized, but does not include a public ~~the~~
305 ~~governments of the United States or this state or any department,~~
306 ~~agency,~~ or instrumentality thereof.

307 ~~(18)~~ ~~"Registrant" means a person registered by the office~~
308 ~~pursuant to the code.~~

309 ~~(28)-(19)~~ "Responsible person" means an individual ~~a person~~
310 who is employed by or affiliated with a money services business
311 ~~transmitter~~ and who has principal active management authority
312 over the business decisions, actions, and activities of the money
313 services business ~~transmitter~~ in this state.

314 ~~(29)-(20)~~ "Sells ~~Sell~~" means to sell, issue, provide, or
315 deliver.

316 (30) "Stored value" means funds or monetary value
317 represented in digital electronics format, whether or not

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318 pecially encrypted, and stored or capable of storage on
319 electronic media in such a way as to be retrievable and
320 transferred electronically.

321 ~~(21) "Unsafe and unsound practice" means:~~

322 ~~(a) Any practice or conduct found by the office to be~~
323 ~~contrary to generally accepted standards applicable to the~~
324 ~~specific money transmitter, or a violation of any prior order of~~
325 ~~an appropriate regulatory agency, which practice, conduct, or~~
326 ~~violation creates the likelihood of material loss, insolvency, or~~
327 ~~dissipation of assets of the money transmitter or otherwise~~
328 ~~materially prejudices the interests of its customers; or~~

329 ~~(b) Failure to adhere to the provisions of 31 C.F.R. ss.~~
330 ~~103.20, 103.22, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41,~~
331 ~~and 103.125 as they existed on March 31, 2004.~~

332
333 ~~In making a determination under this subsection, the office must~~
334 ~~consider the size and condition of the money transmitter, the~~
335 ~~magnitude of the loss, the gravity of the violation, and the~~
336 ~~prior conduct of the person or business involved.~~

337 Section 2. New subsection (19) of s. 560.103, Florida
338 Statutes, and present subsection (16) of that section, as amended
339 by this act, shall take effect January 1, 2009.

340 Section 3. Section 560.104, Florida Statutes, is amended to
341 read:

342 560.104 Exemptions.--The following entities are exempt from
343 the provisions of this chapter ~~the code~~:

344 (1) Banks, credit card banks, credit unions, trust
345 companies, associations, offices of an international banking
346 corporation, Edge Act or agreement corporations, or other

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347 financial depository institutions organized under the laws of any
348 state or the United States, ~~provided that they do not sell~~
349 ~~payment instruments through authorized vendors who are not such~~
350 ~~entities.~~

351 (2) The United States or any agency or department,
352 ~~instrumentality, or agency~~ thereof.

353 (3) This state or any political subdivision of this state.
354 Section 4. Section 560.105, Florida Statutes, is amended to
355 read:

356 560.105 Supervisory powers; rulemaking.--

357 (1) ~~Consistent with the purposes of the code,~~ The office
358 shall ~~have:~~

359 (a) Supervise ~~Supervision over~~ all money services
360 businesses transmitters and their authorized agents vendors.

361 (b) Have access to the books and records of persons ~~over~~
362 ~~whom~~ the office supervises ~~exercises supervision as is~~ necessary
363 to carry out ~~for the performance of~~ the duties and functions of
364 the office under this chapter ~~prescribed by the code.~~

365 (c) ~~Power to~~ Issue orders and declaratory statements,
366 disseminate information, and otherwise administer and enforce
367 this chapter and all related rules in order ~~exercise its~~
368 ~~discretion~~ to effectuate the purposes, policies, and provisions
369 of this chapter ~~the code.~~

370 (2) ~~Consistent with the purposes of the code,~~ The
371 commission may adopt rules pursuant to ss. 120.536(1) and 120.54
372 to administer this chapter ~~implement the provisions of the code.~~

373 (a) ~~(3)~~ The commission may adopt rules pursuant to ss.
374 120.536(1) and 120.54 requiring electronic submission of any
375 forms, documents, or fees required by this chapter, which must

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376 ~~code if such rules~~ reasonably accommodate technological or
377 financial hardship. ~~The commission may prescribe by rule~~
378 ~~requirements~~ and provide procedures for obtaining an exemption
379 due to a technological or financial hardship.

380 (b) Rules adopted to regulate money services businesses,
381 including deferred presentment providers, must be responsive to
382 changes in economic conditions, technology, and industry
383 practices.

384 Section 5. Section 560.109, Florida Statutes, is amended to
385 read:

386 560.109 Examinations and investigations, ~~subpoenas,~~
387 ~~hearings, and witnesses.--~~

388 ~~(1)~~ The office may conduct examinations and make
389 ~~investigations or examinations as prescribed in s. 560.118,~~
390 ~~within or outside this state, which it deems necessary in order~~
391 ~~to determine whether a person has violated any provision of this~~
392 ~~chapter and related rules the code, the rules adopted by the~~
393 ~~commission pursuant to the code, or of any practice or conduct~~
394 ~~that creates the likelihood of material loss, insolvency, or~~
395 ~~dissipation of the assets of a money services business or~~
396 ~~otherwise materially prejudices the interests of their customers~~
397 ~~31 C.F.R. ss. 103.20, 103.22, 103.27, 103.28, 103.29, 103.33,~~
398 ~~103.37, 103.41, and 103.125 as they existed on March 31, 2004.~~

399 (1) The office may examine each licensee as often as is
400 warranted for the protection of customers and in the public
401 interest, but at least once every 5 years. The office shall
402 provide at least 15 days' notice to a money services business,
403 its authorized agent, or license applicant before conducting an
404 examination or investigation. However, the office may conduct an

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405 examination or investigation of a money services business,
406 authorized agent, or affiliated party at any time and without
407 advance notice if the office suspects that the money services
408 business, authorized agent, or affiliated party has violated or
409 is about to violate any provisions of this chapter or any
410 criminal laws of this state or of the United States.

411 (2) The office may conduct a joint or concurrent
412 examination with any state or federal regulatory agency and may
413 furnish a copy of all examinations to an appropriate regulator if
414 the regulator agrees to abide by the confidentiality provisions
415 in chapter 119 and this chapter. The office may also accept an
416 examination from any appropriate regulator or, pursuant to s.
417 560.1091, from an independent third party that has been approved
418 by the office.

419 (3) Persons subject to this chapter who are examined or
420 investigated shall make available to the office, its examiners,
421 or investigators, all books, accounts, documents, files,
422 information, assets, and matters that are in their immediate
423 possession or control and that relate to the subject of the
424 examination or investigation.

425 (a) Records not in their immediate possession must be made
426 available to the office, or the office's examiners or
427 investigators, within 3 days after actual notice is served.

428 (b) Upon notice, the office may require that records
429 written in a language other than English be accompanied by a
430 certified translation at the expense of the licensee. For
431 purposes of this section, the term "certified translation" means
432 a document translated by a person who is currently certified as a

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433 translator by the American Translators Association or other
434 organization designated by rule.

435 ~~(4)(2)(a)~~ In the course of or in connection with any
436 examination or an investigation conducted by the office:

437 (a) An employee of the office holding the title and
438 position of a ~~pursuant to the provisions of subsection (1) or an~~
439 ~~investigation or examination in connection with any application~~
440 ~~to the office for the organization or establishment of a money~~
441 ~~transmitter business, or in connection with an examination or~~
442 ~~investigation of a money transmitter or its authorized vendor,~~
443 ~~the office, or any of its officers holding no lesser title and~~
444 ~~position than~~ financial examiner or analyst, financial
445 investigator, ~~or~~ attorney at law, or higher may:

446 1. Administer oaths and affirmations.
447 2. Take or cause to be taken testimony and depositions.

448 (b) The office, or any of its employees ~~officers~~ holding a
449 title of ~~no lesser title than~~ attorney, ~~or~~ area financial
450 manager, or higher may issue, revoke, quash, or modify subpoenas
451 and subpoenas duces tecum under the seal of the office or cause
452 any such subpoena or subpoena duces tecum to be issued by any
453 county court judge or clerk of the circuit court or county court
454 to require persons to appear before the office at a reasonable
455 time and place to be ~~therein~~ named and to bring such books,
456 records, and documents for inspection as may be ~~therein~~
457 designated. Such subpoenas may be served by a representative of
458 the office or ~~may be served~~ as otherwise provided ~~for~~ by law for
459 the service of subpoenas.

460 (c) ~~In connection with any such investigation or~~
461 ~~examination,~~ The office may allow ~~permit~~ a person to file a

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462 statement in writing, under oath, or otherwise ~~as the office~~
463 ~~determines,~~ as to facts and circumstances specified by the
464 office.

465 (5)(3)(a) ~~If a person does not comply~~ In the event of
466 ~~noncompliance~~ with a subpoena issued or caused to be issued by
467 the office pursuant to this section, the office may petition a
468 court of competent jurisdiction ~~the circuit court of the county~~
469 ~~in which the person subpoenaed resides or has its principal place~~
470 ~~of business~~ for an order requiring the subpoenaed person to
471 appear and testify and to produce such ~~books, records, and~~
472 ~~documents~~ as are ~~are~~ specified in the ~~such~~ subpoena duces tecum. The
473 office is entitled to the summary procedure provided in s.
474 51.011, and the court shall advance the cause on its calendar.

475 (a)(b) A copy of the petition shall be served upon the
476 person subpoenaed by any person authorized by this section to
477 serve subpoenas, who shall make and file with the court an
478 affidavit showing the time, place, and date of service.

479 (b)(c) At a ~~any~~ hearing on the ~~any such~~ petition, the
480 person subpoenaed, or any person whose interests are ~~will be~~
481 substantially affected by the investigation, examination, or
482 subpoena, may appear and object to the subpoena and to the
483 granting of the petition. The court may make any order that
484 justice requires ~~in order~~ to protect a party or other person and
485 her or his personal and property rights, including, but not
486 limited to, protection from ~~annoyance, embarrassment,~~ oppression,
487 ~~or~~ undue burden, or expense.

488 (c)(d) Failure to comply with an order granting, in whole
489 or in part, a petition for enforcement of a subpoena is a
490 contempt of the court.

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491 (6)~~(4)~~ Witnesses are entitled to the same fees and mileage
492 ~~to which they would be entitled by law for attending~~ as witnesses
493 in the circuit court, except that ~~no~~ fees or mileage is not
494 allowed for the testimony of a person taken at the person's
495 principal office or residence.

496 (7)~~(5)~~ Reasonable and necessary costs incurred by the
497 office or third parties authorized by the office in connection
498 ~~and payable to persons involved~~ with examinations or
499 investigations may be assessed against any person subject to this
500 chapter on the basis of actual costs incurred. Assessable
501 expenses include, but are not limited to, ÷ expenses for:
502 interpreters; certified translations of documents into the
503 English language required by this chapter or related rules;
504 ~~expenses for~~ communications; ~~expenses for~~ legal representation;
505 ~~expenses for~~ economic, legal, or other research, analyses, and
506 testimony; and fees and expenses for witnesses. The failure to
507 reimburse the office is a ground for denial of a license ~~the~~
508 ~~registration~~ application, denial of a license renewal, or for
509 revocation of any approval thereof. Except for examinations
510 authorized under s. 560.109, ~~No such costs may not shall~~ be
511 assessed against a person unless the office determines ~~has~~
512 ~~determined~~ that the person has operated or is operating in
513 violation of this chapter ~~the code~~.

514 (8) The office shall report any violation of law that may
515 be a felony to the appropriate criminal investigatory agency
516 having jurisdiction with respect to such violation.

517 (9) The office shall prepare and submit a report to the
518 President of the Senate and the Speaker of the House of
519 Representatives by January 1 of each year which includes:

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520 (a) The total number of examinations and investigations
521 that resulted in a referral to a state or federal agency and the
522 disposition of each of those referrals by agency.

523 (b) The total number of initial referrals received from
524 another state or federal agency, the total number of examinations
525 and investigations opened as a result of referrals, and the
526 disposition of each of those cases.

527 (c) The number of examinations or investigations undertaken
528 by the office which were not the result of a referral from
529 another state agency or a federal agency.

530 (d) The total amount of fines assessed and collected by the
531 office as a result of an examination or investigation of
532 activities regulated under parts II and III of this chapter.

533 Section 6. Section 560.1091, Florida Statutes, is created
534 to read:

535 560.1091 Contracted examinations.--The office may contract
536 with third parties to conduct examinations under this chapter.

537 (1) The person or firm selected by the office may not have
538 a conflict of interest that might affect its ability to
539 independently perform its responsibilities with respect to an
540 examination.

541 (2) An examination under this section may be conducted by
542 an independent certified public accountant, information
543 technology specialist, or other specialist specified by rule who
544 meets criteria specified by rule. The rules shall also provide
545 that:

546 (a) The rates charged to the licensee examined are
547 consistent with rates charged by other firms in similar

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548 professions and are comparable with the rates charged for
549 comparable examinations.

550 (b) The licensee make payment for the examination pursuant
551 to s. 560.1092 and in accordance with the rates and terms
552 established by the office and the person or firm performing the
553 examination.

554 Section 7. Section 560.1092, Florida Statutes, is created
555 to read:

556 560.1092 Examination expenses.--

557 (1) Each licensee examined shall pay to the office the
558 expenses of the examination at the rates adopted by the office by
559 rule. Such expenses shall include actual travel expenses,
560 reasonable living expense allowance, compensation of the examiner
561 or other person making the examination, and necessary attendant
562 administrative costs of the office directly related to the
563 examination. Travel expense and living expense allowance are
564 limited to those expenses incurred on account of the examination
565 and shall be paid by the examined licensee together with
566 compensation upon presentation by the office to the licensee of a
567 detailed account of the charges and expenses after a detailed
568 statement has been filed by the examiner and approved by the
569 office.

570 (2) All moneys collected from licensees for examinations
571 shall be deposited into the Regulatory Trust Fund, and the office
572 may make deposits from time to time into such fund from moneys
573 appropriated for the operation of the office.

574 (3) Notwithstanding s. 112.061, the office may pay to the
575 examiner or person making the examination out of the trust fund
576 the actual travel expenses, reasonable living expense allowance,

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577 and compensation in accordance with the statement filed with the
578 office by the examiner or other person, as provided in subsection
579 (1) upon approval by the office.

580 (4) When not examining a licensee, the travel expenses, per
581 diem, and compensation for the examiners and other persons
582 employed to make examinations, if approved, shall be paid out of
583 moneys budgeted for such purpose as regular employees, and
584 reimbursement for travel expenses and per diem shall be at rates
585 as provided in s. 112.061.

586 Section 8. Section 560.110, Florida Statutes, is created to
587 read:

588 560.110 Records retention.--Each licensee and its
589 authorized agents must maintain all books, accounts, documents,
590 files, and information necessary for determining compliance with
591 this chapter and related rules for 5 years unless a longer period
592 is required by other state or federal law.

593 (1) The records required under this chapter may be
594 maintained by the licensee at any location identified in its
595 license application or by amendment to the application. The
596 licensee must make such records available to the office for
597 examination and investigation in this state within 3 business
598 days after receipt of a written request.

599 (2) The original of any record of a licensee or authorized
600 agent includes a record stored or transmitted by electronic,
601 computerized, mechanized, or other information storage or
602 retrieval or transmission system or device that can generate,
603 regenerate, or transmit the precise data or other information
604 comprising the record. An original also includes the visible data
605 or other information so generated, regenerated, or transmitted if

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606 it is legible or can be made legible by enlargement or other
607 process.

608 (3) The commission may adopt rules to administer this
609 section and ss. 560.211 and 560.310. In adopting rules, the
610 commission shall take into consideration federal regulations,
611 rulings, and guidance issued by an appropriate regulator.

612 (4) Any person who willfully fails to comply with this
613 section or ss. 560.211 and 560.310 commits a felony of the third
614 degree, punishable as provided in s. 775.082, s. 775.083, or s.
615 775.084.

616 Section 9. Section 560.111, Florida Statutes, is amended to
617 read:

618 560.111 Prohibited acts ~~and practices.~~--

619 (1) A money services business, authorized agent, or
620 affiliated party may not ~~It is unlawful for any money transmitter~~
621 ~~or money transmitter affiliated party to:~~

622 (a) Receive or possess ~~itself of~~ any property except
623 ~~otherwise than~~ in payment of a just demand, and, with intent to
624 deceive or defraud, to omit to make or to cause to be made a full
625 and true entry thereof in its books and accounts, or to concur in
626 omitting to make any material entry thereof.~~;~~

627 (b) Embezzle, abstract, or misapply any money, property, or
628 thing of value belonging to the money services business, its
629 authorized agent, or customer ~~of the money transmitter or~~
630 ~~authorized vendor~~ with intent to deceive or defraud. ~~such money~~
631 ~~transmitter or authorized vendor;~~

632 (c) Make any false entry in its books, accounts, reports,
633 files, or documents ~~any book, report, or statement of such money~~
634 ~~transmitter or authorized vendor~~ with intent to deceive or

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635 ~~defraud such money transmitter, authorized vendor, or another~~
636 ~~person, or with intent to deceive the office, any appropriate~~
637 ~~regulator ~~other state or federal regulatory agency,~~ or any~~
638 ~~authorized third party representative appointed by the office to~~
639 ~~examine or investigate the affairs of the money services business~~
640 ~~or its authorized agent. ~~such money transmitter or authorized~~~~
641 ~~vendor.~~

642 (d) Engage in an act that violates 18 U.S.C. s. 1956, 18
643 U.S.C. s. 1957, 18 U.S.C. s. 1960, 31 U.S.C. s. 5324, or any
644 other law, rule, or regulation of another state or ~~of~~ the United
645 States relating to a money services business, deferred
646 presentment provider, ~~the business of money transmission~~ or usury
647 which may cause the denial or revocation of a money services
648 business or deferred presentment provider transmitter license or
649 the equivalent registration in that such jurisdiction.~~;~~

650 (e) File with the office, sign as a duly authorized
651 representative, or deliver or disclose, by any means, to the
652 office or any of its employees any examination report, report of
653 condition, report of income and dividends, audit, account,
654 statement, file, or document known by it to be fraudulent or
655 false as to any material matter.~~;~~~~or~~

656 (f) Place among the assets of a money services business or
657 its authorized agent ~~such money transmitter or authorized vendor~~
658 any note, obligation, or security that the money services
659 business or its authorized agent transmitter or authorized
660 ~~vendor~~ does not own or is known to be ~~that to the person's~~
661 ~~knowledge is~~ fraudulent or otherwise worthless, or ~~for any such~~
662 ~~person~~ to represent to the office that any note, obligation, or
663 security ~~carried as an asset of such money transmitter or~~

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664 ~~authorized vendor~~ is the property of the money services business
665 or its authorized agent transmitter or authorized vendor and is
666 genuine if it is known to be such person that such representation
667 ~~is false or that such note, obligation, or security is~~ fraudulent
668 or otherwise worthless.

669 (2) A ~~It is unlawful for any person may not to~~ knowingly
670 execute, or attempt to execute, a scheme or artifice to defraud a
671 money services business or its authorized agent transmitter or
672 ~~authorized vendor, or to~~ obtain any of the moneys, funds,
673 credits, assets, securities, or other property owned by, or under
674 the custody or control of, a money services business or its
675 authorized agent transmitter or authorized vendor, by means of
676 false or fraudulent pretenses, representations, or promises.

677 (3) Any person who violates any provision of this section
678 commits a felony of the third degree, punishable as provided in
679 s. 775.082, s. 775.083, or s. 775.084.

680 (4) Any person who willfully violates any provision of s.
681 560.403, s. 560.404, s. 560.405, or s. 560.407 commits a felony
682 of the third degree, punishable as provided in s. 775.082, s.
683 775.083, or s. 775.084.

684 Section 10. Section 560.113, Florida Statutes, is amended
685 to read:

686 560.113 Injunctions; receiverships; restitution. ~~Whenever~~
687 ~~a violation of the code is threatened or impending and such~~
688 ~~violation will cause substantial injury to any person, the~~
689 ~~circuit court has jurisdiction to hear any complaint filed by the~~
690 ~~office and, upon proper showing, to issue an injunction~~
691 ~~restraining such violation or granting other such appropriate~~
692 ~~relief.~~

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693 (1) If the office determines that any person has engaged in
694 or is about to engage in any action that is a violation of this
695 chapter or related rules, the office may, in addition to or in
696 lieu of other remedies, bring an action on behalf of the state in
697 the circuit court against the person and any other person acting
698 in concert with such person to enjoin such person from engaging
699 in such act. The office may apply for, and on due showing be
700 entitled to have issued, the court's subpoena requiring the
701 appearance of the person and her or his employees, associated
702 persons, or agents and the production of any documents, books, or
703 records that may appear necessary for the hearing of the
704 petition, and to testify or give evidence concerning the acts
705 complained of.

706 (2) In addition to, or in lieu of, the enforcement of a
707 temporary restraining order, temporary injunction, or permanent
708 injunction against the person, the court may, upon application of
709 the office, impound and appoint a receiver or administrator for
710 the property, assets, and business of the defendant, including,
711 but not limited to, any related books, records, documents, or
712 papers. The receiver or administrator shall have all powers and
713 duties conferred by the court as to the custody, collection,
714 administration, winding up, and liquidation of the property and
715 business. The court may issue orders and decrees staying all
716 pending suits and enjoining any further suits affecting the
717 receiver's or administrator's custody or possession of the
718 property, assets, and business or may, with the consent of the
719 presiding judge of the circuit, require that all such suits be
720 assigned to the judge appointing the receiver or administrator.

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721 (3) In addition to, or in lieu of, any other remedies
722 provided under this chapter, the office may apply to the court
723 hearing the matter for an order directing the defendant to make
724 restitution of those sums shown by the office to have been
725 obtained in violation of this chapter. Such restitution shall, at
726 the option of the court, be payable to the administrator or
727 receiver appointed under this section or directly to the persons
728 whose assets were obtained in violation of this chapter.

729 Section 11. Section 560.114, Florida Statutes, is amended
730 to read:

731 560.114 Disciplinary actions; penalties.--

732 (1) The following actions by a money services business,
733 authorized agent, or affiliated party ~~transmitter or money~~
734 ~~transmitter-affiliated party are violations of the code and~~
735 constitute grounds for the issuance of a cease and desist order,
736 the issuance of a removal order, the denial, ~~of a registration~~
737 ~~application or the suspension,~~ or revocation of a license any
738 ~~registration previously issued pursuant to the code, or the~~
739 ~~taking of any other action within the authority of the office~~
740 pursuant to this chapter ~~the code~~:

741 (a) Failure to comply with any provision of this chapter or
742 related ~~the code, any rule or order adopted pursuant thereto, or~~
743 any written agreement entered into with the office.

744 (b) Fraud, misrepresentation, deceit, or gross negligence
745 in any transaction by a involving money services business
746 ~~transmission, regardless of reliance thereon by, or damage to, a~~
747 ~~money transmitter customer.~~

748 (c) Fraudulent misrepresentation, circumvention, or
749 concealment of any matter that must ~~required to~~ be stated or

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750 furnished to a ~~money transmitter~~ customer pursuant to this
751 chapter ~~the code~~, regardless of reliance thereon by, or damage
752 to, such customer.

753 (d) False, deceptive, or misleading advertising.

754 (e) Failure to maintain, preserve, ~~and~~ keep available for
755 examination, and produce all books, accounts, files, or other
756 documents required by this chapter or related rules or orders ~~the~~
757 ~~code, by any rule or order adopted pursuant to the code, by 31~~
758 C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29,
759 103.33, 103.37, 103.41, and 103.125 ~~as they existed on March 31,~~
760 ~~2004, or by any agreement entered into with the office.~~

761 (f) Refusing to allow ~~Refusal to permit~~ the examination or
762 inspection of books, accounts, files, or other documents ~~and~~
763 ~~records in an investigation or examination by the office,~~
764 pursuant to this chapter ~~the provisions of the code~~, or to comply
765 with a subpoena issued by the office.

766 (g) Failure to pay a judgment recovered in any court ~~in~~
767 ~~this state~~ by a claimant in an action arising out of a money
768 transmission transaction within 30 days after the judgment
769 becomes final.

770 (h) Engaging in an act prohibited under ~~or practice~~
771 ~~proscribed by s. 560.111.~~

772 (i) Insolvency ~~or operating in an unsafe and unsound~~
773 ~~manner.~~

774 (j) Failure by a money services business ~~transmitter~~ to
775 remove an affiliated ~~a money transmitter-affiliated~~ party after
776 the office has issued and served upon the money services business
777 ~~transmitter~~ a final order setting forth a finding that the

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778 ~~affiliated money transmitter-affiliated~~ party has violated a any
779 provision of this chapter ~~the code~~.

780 (k) Making a any material misstatement, ~~or~~
781 misrepresentation, or omission ~~or committing any fraud~~ in an
782 ~~initial or renewal~~ application for licensure, any amendment to
783 such application, or application for the appointment of an
784 authorized agent registration.

785 (l) Committing any act that results ~~resulting~~ in a license
786 ~~an application for registration, or a registration~~ or its
787 equivalent, to practice any profession or occupation being
788 denied, suspended, revoked, or otherwise acted against by a
789 licensing ~~registering~~ authority in any jurisdiction ~~or a finding~~
790 ~~by an appropriate regulatory body of engaging in unlicensed~~
791 ~~activity as a money transmitter within any jurisdiction~~.

792 (m) Being the subject of final agency action or its
793 equivalent, issued by an appropriate regulator, for engaging in
794 unlicensed activity as a money services business or deferred
795 presentment provider in any jurisdiction.

796 (n) ~~(m)~~ Committing any act resulting in a license
797 ~~registration~~ or its equivalent, ~~or an application for~~
798 ~~registration~~, to practice any profession or occupation being
799 denied, suspended, revoked, or otherwise acted against by a
800 licensing ~~registering~~ authority in any jurisdiction for a
801 violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s.
802 1960, 31 U.S.C. s. 5324, or any other law ~~or, rule, or regulation~~
803 of another state or of the United States relating to a money
804 services business, deferred presentment provider, the business of
805 ~~money transmission~~ or usury that ~~which~~ may cause the denial,
806 suspension, or revocation of a money services business or

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807 deferred presentment provider transmitter license or its
808 equivalent ~~or registration~~ in such jurisdiction.

809 ~~(o)(n)~~ Having been convicted of ~~or found guilty of~~, or
810 entered a plea of having pleaded guilty or nolo contendere to,
811 any felony or crime punishable by imprisonment of 1 year or more
812 under the law of any state or ~~of~~ the United States which involves
813 fraud, moral turpitude, or dishonest dealing, regardless of
814 adjudication without regard to whether a judgment of conviction
815 has been entered by the court.

816 ~~(p)(e)~~ Having been convicted of ~~or found guilty of~~, or
817 entered a plea of having pleaded guilty or nolo contendere to, a
818 crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5324, regardless of
819 adjudication without regard to whether a judgment of conviction
820 has been entered by the court.

821 ~~(q)(p)~~ Having been convicted of ~~or found guilty of~~, or
822 entered a plea of having pleaded guilty or nolo contendere to,
823 misappropriation, conversion, or unlawful withholding of moneys
824 belonging that belong to others, regardless of adjudication and
825 were received in the conduct of the business of the money
826 transmitter.

827 ~~(r)(q)~~ Failure to inform the office in writing within 30 ~~15~~
828 days after having pled ~~pleading~~ guilty or nolo contendere to, or
829 being convicted ~~or found guilty of~~, any felony or crime
830 punishable by imprisonment of 1 year or more under the law of any
831 state or ~~of~~ the United States, or ~~of~~ any crime involving fraud,
832 moral turpitude, or dishonest dealing, ~~without regard to whether~~
833 ~~a judgment of conviction has been entered by the court.~~

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834 ~~(s)(r)~~ Aiding, assisting, procuring, advising, or abetting
835 any person in violating a provision of this chapter code or any
836 order or rule of the office or commission.

837 ~~(t)(s)~~ Failure to ~~timely~~ pay any fee, charge, or cost
838 imposed or assessed fine under this chapter ~~the code~~.

839 (u) Failing to pay a fine assessed by the office within 30
840 days after the due date as stated in a final order.

841 ~~(v)(t)~~ Failure to pay any judgment entered by any court
842 within 30 days after the judgment becomes final.

843 ~~(u) Engaging or holding oneself out to be engaged in the~~
844 ~~business of a money transmitter without the proper registration.~~

845 ~~(v) Any action that would be grounds for denial of a~~
846 ~~registration or for revocation, suspension, or restriction of a~~
847 ~~registration previously granted under part III of this chapter.~~

848 ~~(w) Failure to pay any fee, charge, or fine under the code.~~

849 (w)(*) Engaging or advertising engagement in the business
850 of a money services business or deferred presentment provider
851 transmitter without a license registration, unless the person is
852 exempted from licensure the registration requirements of the
853 code.

854 (x)(y) Payment to the office for a license or other fee,
855 charge, cost, or fine permit with a check or electronic
856 transmission of funds that is dishonored by the applicant's or
857 licensee's financial institution.

858 (y) Violations of 31 C.F.R. ss. 103.20, 103.22, 103.23,
859 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and 103.125, and
860 United States Treasury Interpretative Release 2004-1.

861 (z) Any practice or conduct that creates the likelihood of
862 a material loss, insolvency, or dissipation of assets of a money

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863 services business or otherwise materially prejudices the
864 interests of its customers.

865 (2) The office may deny licensure if the applicant or an
866 affiliated party is the subject of a pending criminal prosecution
867 or governmental enforcement action in any jurisdiction until the
868 conclusion of the prosecution or action.

869 (3)~~(2)~~ The office may issue a cease and desist order or
870 removal order, suspend or revoke a license ~~any previously issued~~
871 ~~registration~~, or take any other action within the authority of
872 the office against a licensee ~~money transmitter~~ based on any fact
873 or condition that exists and that, if it had existed or been
874 known to exist at the time of license application ~~the money~~
875 ~~transmitter applied for registration~~, would have been grounds for
876 license denial ~~of registration~~.

877 (4)~~(3)~~ A ~~Each~~ money services business licensed under part
878 II of this chapter ~~transmitter~~ is responsible for any act of its
879 authorized agents ~~vendors~~ if the money services business
880 ~~transmitter~~ should have known of the act or had ~~if the money~~
881 ~~transmitter has~~ actual knowledge that such act is a violation of
882 this chapter, ~~the code~~ and the money services business
883 ~~transmitter willfully~~ allowed the ~~such~~ act to continue. Such
884 responsibility is limited to conduct engaged in by the authorized
885 agent ~~vendor~~ pursuant to the authority granted to it by the money
886 services business ~~transmitter~~.

887 (5)~~(4)~~ If a license ~~registration~~ granted under this chapter
888 ~~code~~ expires or is surrendered by the licensee ~~registrant~~ during
889 the pendency of an administrative action ~~under this code~~, the
890 proceeding may continue as if the license is ~~registration were~~
891 still in effect.

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892 (6) The office may, in addition to or in lieu of the
893 denial, suspension, or revocation of a license, impose a fine of
894 up to \$10,000 for each violation of this chapter.

895 (7) In addition to any other provision of this chapter, the
896 office may impose a fine of up to \$1,000 per day for each day
897 that a person engages in the business of a money services
898 business or deferred presentment provider without being licensed.

899 (8) In imposing any administrative remedy or penalty under
900 this chapter, the office shall take into account the
901 appropriateness of the penalty with respect to the gravity of the
902 violation, the history of previous violations, and other matters
903 as justice may require.

904 Section 12. Section 560.115, Florida Statutes, is amended
905 to read:

906 560.115 Surrender of license registration.--A licensee ~~Any~~
907 ~~money transmitter registered pursuant to the code~~ may voluntarily
908 surrender its license registration at any time by giving written
909 notice to the office.

910 Section 13. Section 560.116, Florida Statutes, is amended
911 to read:

912 560.116 Civil immunity.--Any person having reason to
913 believe that a provision of this chapter ~~the code~~ is being
914 violated, ~~or~~ has been violated, or is about to be violated, may
915 file a complaint with the office setting forth the details of the
916 alleged violation. Such person is immune ~~An Immunity~~ from civil
917 liability ~~is hereby granted to any person who furnishes such~~
918 ~~information,~~ unless the information provided is false and has
919 been provided ~~the person providing the information does so~~ with
920 reckless disregard for the truth.

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921 Section 14. Section 560.118, Florida Statutes, is amended
922 to read:

923 560.118 ~~Examinations, Reports, and internal audits,~~
924 ~~penalty.--~~

925 (1) ~~(a) The office may conduct an examination of a money~~
926 ~~transmitter or authorized vendor by providing not less than 15~~
927 ~~days' advance notice to the money transmitter or authorized~~
928 ~~vendor. However, if the office suspects that the money~~
929 ~~transmitter or authorized vendor has violated any provisions of~~
930 ~~this code or any criminal laws of this state or of the United~~
931 ~~States or is engaging in an unsafe and unsound practice, the~~
932 ~~office may, at any time without advance notice, conduct an~~
933 ~~examination of all affairs, activities, transactions, accounts,~~
934 ~~business records, and assets of any money transmitter or any~~
935 ~~money transmitter-affiliated party for the protection of the~~
936 ~~public. For the purpose of examinations, the office may~~
937 ~~administer oaths and examine a money transmitter or any of its~~
938 ~~affiliated parties concerning their operations and business~~
939 ~~activities and affairs. The office may accept an audit or~~
940 ~~examination from any appropriate regulatory agency or from an~~
941 ~~independent third party with respect to the operations of a money~~
942 ~~transmitter or an authorized vendor. The office may also make a~~
943 ~~joint or concurrent examination with any state or federal~~
944 ~~regulatory agency. The office may furnish a copy of all~~
945 ~~examinations made of such money transmitter or authorized vendor~~
946 ~~to the money transmitter and any appropriate regulatory agency~~
947 ~~provided that such agency agrees to abide by the confidentiality~~
948 ~~provisions as set forth in chapter 119.~~

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949 ~~(b) Persons subject to this chapter who are examined shall~~
950 ~~make available to the office or its examiners the accounts,~~
951 ~~records, documents, files, information, assets, and matters which~~
952 ~~are in their immediate possession or control and which relate to~~
953 ~~the subject of the examination. Those accounts, records,~~
954 ~~documents, files, information, assets, and matters not in their~~
955 ~~immediate possession shall be made available to the office or the~~
956 ~~office's examiners within 10 days after actual notice is served~~
957 ~~on such persons.~~

958 ~~(c) The audit of a money transmitter required under this~~
959 ~~section may be performed by an independent third party that has~~
960 ~~been approved by the office or by a certified public accountant~~
961 ~~authorized to do business in the United States. The examination~~
962 ~~of a money transmitter or authorized vendor required under this~~
963 ~~section may be performed by an independent third party that has~~
964 ~~been approved by the office or by a certified public accountant~~
965 ~~authorized to do business in the United States. The cost of such~~
966 ~~an independent examination or audit shall be directly borne by~~
967 ~~the money transmitter or authorized vendor.~~

968 ~~(2)(a) Annual financial audit reports must that are~~
969 ~~required to be filed with the office pursuant to this chapter or~~
970 ~~related rules under the code or any rules adopted thereunder must~~
971 ~~be audited by an independent third party that has been approved~~
972 ~~by the office or by a certified public accountant authorized to~~
973 ~~do business in the United States. The licensee money transmitter~~
974 ~~or authorized vendor shall directly bear the cost of the audit.~~
975 ~~This paragraph does not apply to any seller of payment~~
976 ~~instruments who can prove to the satisfaction of the office that~~
977 ~~it has a combined total of fewer than 50 employees and authorized~~

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978 ~~vendors or that its annual payment instruments issued from its~~
979 ~~activities as a payment instrument seller are less than \$200,000.~~

980 (2) (b) Each licensee must submit ~~The commission may, by~~
981 ~~rule, require each money transmitter or authorized vendor to~~
982 ~~submit~~ quarterly reports to the office in a format and include
983 information as specified by rule. ~~The~~ rule ~~commission~~ may require
984 the ~~that~~ each report to contain a declaration by an officer, or
985 any other responsible person authorized to make such declaration,
986 that the report is true and correct to the best of her or his
987 knowledge and belief. ~~Such report must include such information~~
988 ~~as the commission by rule requires for that type of money~~
989 ~~transmitter.~~

990 ~~(c) The office may levy an administrative fine of up to~~
991 ~~\$100 per day for each day the report is past due, unless it is~~
992 ~~excused for good cause. In excusing any such administrative fine,~~
993 ~~the office may consider the prior payment history of the money~~
994 ~~transmitter or authorized vendor.~~

995 ~~(3) Any person who willfully violates this section or fails~~
996 ~~to comply with any lawful written demand or order of the office~~
997 ~~made under this section commits a felony of the third degree,~~
998 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

999 Section 15. Section 560.119, Florida Statutes, is
1000 transferred, renumbered as section 560.144, Florida Statutes, and
1001 amended to read:

1002 560.144 ~~560.119~~ Deposit of fees and assessments.--License
1003 ~~The~~ application fees, license ~~registration~~ renewal fees, late
1004 payment penalties, civil penalties, administrative fines, and
1005 other fees, costs, or penalties provided for in this chapter ~~the~~
1006 ~~code~~ shall, ~~in all cases,~~ be paid directly to the office, which

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1007 shall deposit such proceeds into the Regulatory Trust Fund, and
1008 use the proceeds to pay the costs of the office as necessary to
1009 carry out its responsibilities under this chapter. ~~Each year, the~~
1010 ~~Legislature shall appropriate from the trust fund to the office~~
1011 ~~sufficient moneys to pay the office's costs for administration of~~
1012 ~~the code. The Regulatory Trust Fund is subject to the service~~
1013 ~~charge imposed pursuant to chapter 215.~~

1014 Section 16. Section 560.121, Florida Statutes, is amended
1015 to read:

1016 560.121 Access to records; record retention; penalties
1017 ~~limited restrictions upon public access.--~~

1018 (1) ~~(a)~~ Orders of courts or of administrative law judges for
1019 the production of confidential records or information must ~~shall~~
1020 provide for inspection in camera by the court or the
1021 administrative law judge; and, if after ~~the~~ court or
1022 administrative law judge determines ~~has made a determination~~ that
1023 the documents requested are relevant or would likely lead to the
1024 discovery of admissible evidence, ~~said documents shall be subject~~
1025 ~~to further orders by~~ the court or the administrative law judge
1026 must issue further orders to protect the confidentiality of the
1027 documents thereof. Any order directing the release of information
1028 is ~~shall be~~ immediately reviewable, and a petition by the office
1029 for review of the ~~such~~ order shall automatically stay further
1030 proceedings in the trial court or the administrative hearing
1031 until the disposition of the ~~such~~ petition by the reviewing
1032 court. ~~If any other party files such~~ A petition for review of the
1033 order filed by any other party shall, ~~it will~~ operate as a stay
1034 of the ~~such~~ proceedings only upon order of the reviewing court.

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1035 ~~(2)(b)~~ Confidential records and information furnished
1036 pursuant to a legislative subpoena must ~~shall~~ be kept
1037 confidential ~~by the legislative body or committee which receives~~
1038 ~~the records or information,~~ except in cases ~~a case~~ involving the
1039 investigation of charges against a public official subject to
1040 impeachment or removal, and then disclosure of such information
1041 shall be only to the extent determined to be necessary by the
1042 legislative body or committee ~~to be necessary~~.

1043 ~~(3)(2)~~ ~~The commission may prescribe by rule the minimum~~
1044 ~~information that must be shown in the books, accounts, records,~~
1045 ~~and documents of licensees for purposes of enabling the office to~~
1046 ~~determine the licensee's compliance with this chapter. In~~
1047 ~~addition, the commission may prescribe by rule requirements for~~
1048 ~~the destruction of books, accounts, records, and documents~~
1049 ~~retained by the licensee after completion of the time period~~
1050 ~~specified in this subsection. Examination reports, investigatory~~
1051 ~~records, applications, and related information compiled by the~~
1052 ~~office, or photographic copies thereof, must ~~shall~~ be retained by~~
1053 ~~the office for a period of at least 5 ~~3~~ years after ~~following~~ the~~
1054 ~~date that the examination or investigation ceases to be active.~~
1055 ~~Application records, and related information compiled by the~~
1056 ~~office, or photographic copies thereof, must ~~shall~~ be retained by~~
1057 ~~the office for a period of at least 5 ~~2~~ years after ~~following~~ the~~
1058 ~~date that the license ~~registration~~ ceases to be active.~~

1059 ~~(3)~~ ~~A copy of any document on file with the office which is~~
1060 ~~certified by the office as being a true copy may be introduced in~~
1061 ~~evidence as if it were the original. The commission shall~~
1062 ~~establish a schedule of fees for preparing true copies of~~
1063 ~~documents.~~

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1064 (4) Any person who willfully discloses information made
 1065 confidential by this section commits a felony of the third
 1066 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1067 775.084.

1068 Section 17. Section 560.123, Florida Statutes, is amended
 1069 to read:

1070 560.123 Florida Control of Money Laundering in ~~the~~ Money
 1071 Services Business Act Transmitters' Code; reports of transactions
 1072 involving currency or monetary instruments; when required;
 1073 purpose; definitions; penalties; corpus delicti.--

1074 (1) This section may be cited as the "Florida Control of
 1075 Money Laundering in Money Services Business Transmitters Act."

1076 (2) ~~It is~~ The purpose of this section is to require the
 1077 ~~submission to the office of reports and the~~ maintenance of
 1078 certain records of transactions involving currency or payment
 1079 ~~monetary instruments in order to which reports and records~~ deter
 1080 the use of a money services business money transmitters to
 1081 conceal proceeds from criminal activity and to ensure the
 1082 availability of such records for ~~are useful in~~ criminal, tax, or
 1083 regulatory investigations or proceedings.

1084 (3) ~~(a)~~ A ~~Every~~ money services business must transmitter
 1085 ~~shall~~ keep a record of every each financial transaction ~~occurring~~
 1086 ~~in this state~~ known to it which occurs in this state; involves to
 1087 ~~involve~~ currency or other payment monetary instrument, as
 1088 prescribed the commission prescribes by rule, having of a value
 1089 greater than in excess of \$10,000; and involves, to involve the
 1090 proceeds of ~~specified~~ unlawful activity, ~~or is to be~~ designed to
 1091 evade the reporting requirements of this section or chapter 896.
 1092 The money services business must and shall maintain appropriate

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1093 | procedures to ensure compliance with this section and chapter
1094 | 896.

1095 | ~~(a)-(b)~~ Multiple financial transactions shall be treated as
1096 | a single transaction if the money services business ~~transmitter~~
1097 | has knowledge that they are made by or on behalf of any one
1098 | person and result in ~~either~~ cash in or cash out totaling more
1099 | than \$10,000 during any day.

1100 | ~~(b)-(c)~~ A ~~Any~~ money services business ~~transmitter~~ may keep a
1101 | record of any financial transaction occurring in this state,
1102 | regardless of the value, if it suspects that the transaction
1103 | involves the proceeds of ~~specified~~ unlawful activity.

1104 | ~~(c)~~ The money services business must file a report with the
1105 | office of any records required by this subsection, at such time
1106 | and containing such information as required by rule. The timely
1107 | filing of the report required by 31 U.S.C. s. 5313 with the
1108 | appropriate federal agency shall be deemed compliance with the
1109 | reporting requirements of this subsection unless the reports are
1110 | not regularly and comprehensively transmitted by the federal
1111 | agency to the office.

1112 | ~~(d)~~ A money services business ~~transmitter~~, or officer,
1113 | employee, or agent thereof, that files a report in good faith
1114 | pursuant to this section is not liable to any person for loss or
1115 | damage caused in whole or in part by the making, filing, or
1116 | governmental use of the report, or any information contained
1117 | therein.

1118 | ~~(4)-(3)~~ A money services business ~~transmitters~~ must comply
1119 | with ~~adhere to~~ the money laundering, enforcement, and reporting
1120 | provisions of s. 655.50~~7~~ relating to reports of transactions
1121 | involving currency transactions and payment ~~monetary~~ instruments,

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1122 and of chapter 896~~7~~ concerning offenses relating to financial
1123 transactions.

1124 ~~(5) (4)~~ In enforcing this section, the ~~commission and~~ office
1125 shall acknowledge and take into consideration the requirements of
1126 Title 31, United States Code, in order ~~both~~ to reduce the burden
1127 of ~~fulfilling~~ duplicate requirements and to acknowledge the
1128 economic advantage of having similar reporting and recordkeeping
1129 requirements between state and federal regulatory authorities.

1130 ~~(5) (a) Each money transmitter must file a report with the~~
1131 ~~office of the record required by this section. Each record filed~~
1132 ~~pursuant to this section must be filed at such time and contain~~
1133 ~~such information as the commission requires by rule.~~

1134 ~~(b) The timely filing of the report required by 31 U.S.C.~~
1135 ~~s. 5313, with the appropriate federal agency is deemed compliance~~
1136 ~~with the reporting requirements of this subsection unless the~~
1137 ~~reports are not regularly and comprehensively transmitted by the~~
1138 ~~federal agency to the office.~~

1139 (6) The office must retain a copy of all reports received
1140 under subsection (3) ~~(5)~~ for a minimum of 5 ~~3~~ ~~calendar~~ years
1141 after receipt of the report. However, if a report or information
1142 contained in a report is known by the office to be the subject of
1143 an existing criminal proceeding, the report must be retained for
1144 a minimum of 10 ~~calendar~~ years after ~~from~~ the date of receipt.

1145 (7) In addition to any other powers conferred upon the
1146 office to enforce and administer this chapter ~~the code~~, the
1147 office may:

1148 (a) Bring an action in any court of competent jurisdiction
1149 to enforce or administer this section. In such action, the office

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1150 may seek award of any civil penalty authorized by law and any
1151 other appropriate relief at law or equity.

1152 (b) Issue and serve upon a person an order requiring the
1153 ~~such~~ person to cease and desist and take corrective action if
1154 ~~whenever~~ the office finds that the ~~such~~ person is violating, has
1155 violated, or is about to violate any provision of this section or
1156 chapter 896; any rule or order adopted under this section or
1157 chapter 896; or any written agreement related to this section or
1158 chapter 896 which is entered into with the office.

1159 (c) Issue and serve upon a person an order suspending or
1160 revoking the ~~such~~ person's money services business license if
1161 ~~transmitter registration whenever~~ the office finds that the ~~such~~
1162 person is violating, has violated, or is about to violate any
1163 provision of this section or chapter 896; any rule or order
1164 adopted under this section or chapter 896; or any written
1165 agreement related to this section or chapter 896 which is entered
1166 into with the office.

1167 (d) Issue and serve upon any person an order of removal
1168 whenever the office finds that the ~~such~~ person is violating, has
1169 violated, or is about to violate any provision of this section or
1170 chapter 896; any rule or order adopted under this section or
1171 chapter 896; or any written agreement related to this section or
1172 chapter 896 which is entered into with the office.

1173 (e) Impose and collect an administrative fine against any
1174 person found to have violated any provision of this section or
1175 chapter 896; any rule or order adopted under this section or
1176 chapter 896; or any written agreement related to this section or
1177 chapter 896 which is entered into with the office, of up to ~~in an~~

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1178 ~~amount not exceeding~~ \$10,000 per a day for each willful violation
1179 or \$500 per a day for each negligent violation.

1180 (8) (a) Except as provided in paragraph (b), a person who
1181 willfully violates any provision of this section commits a
1182 misdemeanor of the first degree, punishable as provided in s.
1183 775.082 or s. 775.083.

1184 (b) A person who willfully violates any provision of this
1185 section, if the violation involves:

1186 1. Currency or payment instruments exceeding \$300 but less
1187 than \$20,000 in any 12-month period, commits a felony of the
1188 third degree, punishable as provided in s. 775.082, s. 775.083,
1189 or s. 775.084.

1190 2. Currency or payment instruments totaling or exceeding
1191 \$20,000 but less than \$100,000 in any 12-month period, commits a
1192 felony of the second degree, punishable as provided in s.
1193 775.082, s. 775.083, or s. 775.084.

1194 3. Currency or payment instruments totaling or exceeding
1195 \$100,000 in any 12-month period, commits a felony of the first
1196 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1197 775.084.

1198 (c) In addition to the penalties ~~otherwise~~ authorized by s.
1199 775.082, s. 775.083, or s. 775.084, a person who has been
1200 convicted of, or entered a plea of ~~who has pleaded~~ guilty or nolo
1201 contendere, regardless of adjudication, to having violated
1202 paragraph (b) may be sentenced to pay a fine of up to ~~not~~
1203 ~~exceeding~~ \$250,000 or twice the value of the currency or payment
1204 instruments, whichever is greater, except that on a second or
1205 subsequent conviction for or plea of guilty or nolo contendere,
1206 regardless of adjudication, to a violation of paragraph (b), the

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1207 fine may be up to \$500,000 or quintuple the value of the currency
1208 or payment instruments, whichever is greater.

1209 (d) A person who violates this section is also liable for a
1210 civil penalty of not more than the greater of the value of the
1211 currency or payment instruments involved or \$25,000.

1212 (9) In any prosecution brought pursuant to this section,
1213 the common law corpus delicti rule does not apply. The
1214 defendant's confession or admission is admissible during trial
1215 without the state having to prove the corpus delicti if the court
1216 finds in a hearing conducted outside the presence of the jury
1217 that the defendant's confession or admission is trustworthy.
1218 Before the court admits the defendant's confession or admission,
1219 the state must prove by a preponderance of the evidence that
1220 there is sufficient corroborating evidence that tends to
1221 establish the trustworthiness of the statement by the defendant.
1222 Hearsay evidence is admissible during the presentation of
1223 evidence at the hearing. In making its determination, the court
1224 may consider all relevant corroborating evidence, including the
1225 defendant's statements.

1226 Section 18. Section 560.1235, Florida Statutes, is created
1227 to read:

1228 560.1235 Anti-money laundering requirements.--

1229 (1) A licensee and authorized agent must comply with all
1230 state and federal laws and rules relating to the detection and
1231 prevention of money laundering, including, as applicable, s.
1232 560.123, and 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27.
1233 103.28, 103.29, 103.33, 103.37, and 103.41.

1234 (2) A licensee and authorized agent must maintain an anti-
1235 money laundering program in accordance with 31 C.F.R. s. 103.125.

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1236 The program must be reviewed and updated as necessary to ensure
1237 that the program continues to be effective in detecting and
1238 detering money laundering activities.

1239 (3) A licensee must comply with United States Treasury
1240 Interpretive Release 2004-1.

1241 Section 19. Section 560.124, Florida Statutes, is amended
1242 to read:

1243 560.124 Sharing of information.--

1244 ~~(1) It is not unlawful for Any person may to provide~~
1245 ~~information to a money services business, its transmitter,~~
1246 ~~authorized agent, law enforcement agency, prosecutorial agency~~
1247 ~~vendor, or appropriate regulator, or for any money services~~
1248 ~~business, its transmitter, authorized agent, law enforcement~~
1249 ~~agency, prosecutorial agency vendor, or appropriate regulator may~~
1250 ~~to provide information to any person, information about any ~~other~~~~
1251 ~~person's known or suspected involvement in a violation of any~~
1252 ~~state, federal, or foreign law, rule, or regulation relating to~~
1253 ~~the business of a money services business or deferred present~~
1254 ~~provider transmitter which has been reported to state, federal,~~
1255 ~~or foreign authorities, and is not.~~

1256 ~~(2) No person shall be liable in any civil action for~~
1257 ~~providing such information.~~

1258 Section 20. Section 560.125, Florida Statutes, is amended
1259 to read:

1260 560.125 Unlicensed activity ~~Money transmitter business by~~
1261 ~~unauthorized persons; penalties.--~~

1262 (1) A person ~~other than a registered money transmitter or~~
1263 ~~authorized vendor~~ may not engage in the business of a money
1264 services business or deferred presentment provider transmitter in

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1265 | this state unless the person is licensed or exempted from
1266 | licensure under this chapter ~~from the registration requirements~~
1267 | ~~of the code.~~

1268 | (2) Only a money services business licensed under part II
1269 | of this chapter may appoint an authorized agent. ~~No person shall~~
1270 | ~~act as a vendor of a money transmitter when such money~~
1271 | ~~transmitter is subject to registration under the code but has not~~
1272 | ~~registered.~~ Any such person acting as the agent of an unlicensed
1273 | money transmitter or payment instrument issuer becomes the
1274 | principal thereof, and no longer merely acts as an agent a
1275 | ~~vendor,~~ and ~~such person~~ is liable to the holder or remitter as a
1276 | principal money transmitter or payment instrument seller.

1277 | (3) Any person whose substantial interests are affected by
1278 | a proceeding brought by the office pursuant to this chapter ~~the~~
1279 | ~~code~~ may, pursuant to s. 560.113, petition any court of competent
1280 | jurisdiction to enjoin the person or activity that is the subject
1281 | of the proceeding from violating any of the provisions of this
1282 | section. For the purpose of this subsection, any money services
1283 | business licensed under this chapter ~~transmitter registered~~
1284 | ~~pursuant to the code,~~ any person residing in this state, and any
1285 | person whose principal place of business is in this state are
1286 | presumed to be substantially affected. In addition, the interests
1287 | of a trade organization or association are deemed substantially
1288 | affected if the interests of any of its members are ~~so~~ affected.

1289 | (4) The office may issue and serve upon any person who
1290 | violates any of the provisions of this section a complaint
1291 | seeking a cease and desist order or impose an administrative fine
1292 | as provided in s. 560.114 ~~in accordance with the procedures and~~
1293 | ~~in the manner prescribed by s. 560.112.~~ ~~The office may also~~

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1294 ~~impose an administrative fine pursuant to s. 560.117(3) against~~
1295 ~~any person who violates any of the provisions of this section.~~

1296 (5) A person who violates this section, if the violation
1297 involves:

1298 (a) Currency or payment instruments exceeding \$300 but less
1299 than \$20,000 in any 12-month period, commits a felony of the
1300 third degree, punishable as provided in s. 775.082, s. 775.083,
1301 or s. 775.084.

1302 (b) Currency or payment instruments totaling or exceeding
1303 \$20,000 but less than \$100,000 in any 12-month period, commits a
1304 felony of the second degree, punishable as provided in s.
1305 775.082, s. 775.083, or s. 775.084.

1306 (c) Currency or payment instruments totaling or exceeding
1307 \$100,000 in any 12-month period, commits a felony of the first
1308 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1309 775.084.

1310 (6) In addition to the penalties authorized by s. 775.082,
1311 s. 775.083, or s. 775.084, a person who has been convicted of, or
1312 entered a plea of ~~found guilty of or who has pleaded~~ guilty or
1313 nolo contendere, to having violated this section may be sentenced
1314 to pay a fine of up to ~~not exceeding~~ \$250,000 or twice the value
1315 of the currency or payment instruments, whichever is greater,
1316 except that on a second or subsequent violation of this section,
1317 the fine may be up to \$500,000 or quintuple the value of the
1318 currency or payment instruments, whichever is greater.

1319 (7) A person who violates this section is also liable for a
1320 civil penalty of not more than the value of the currency or
1321 payment instruments involved or \$25,000, whichever is greater.

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1322 (8) In any prosecution brought pursuant to this section,
1323 the common law corpus delicti rule does not apply. The
1324 defendant's confession or admission is admissible during trial
1325 without the state having to prove the corpus delicti if the court
1326 finds in a hearing conducted outside the presence of the jury
1327 that the defendant's confession or admission is trustworthy.
1328 Before the court admits the defendant's confession or admission,
1329 the state must prove by a preponderance of the evidence that
1330 there is sufficient corroborating evidence that tends to
1331 establish the trustworthiness of the statement by the defendant.
1332 Hearsay evidence is admissible during the presentation of
1333 evidence at the hearing. In making its determination, the court
1334 may consider all relevant corroborating evidence, including the
1335 defendant's statements.

1336 Section 21. Section 560.126, Florida Statutes, is amended
1337 to read:

1338 560.126 ~~Significant events; notice~~ Required notice by
1339 licensee.--

1340 (1) A licensee ~~Unless exempted by the office, every money~~
1341 ~~transmitter~~ must provide the office with a written notice sent by
1342 registered mail within 30 days after the occurrence or knowledge
1343 of, whichever period of time is greater, any of the following
1344 events:

1345 (a) The filing of a petition under the United States
1346 Bankruptcy Code for bankruptcy or reorganization by the licensee
1347 ~~money transmitter~~.

1348 (b) The commencement of an administrative or judicial
1349 license ~~any registration~~ suspension or revocation proceeding,
1350 ~~either administrative or judicial,~~ or the denial of a license ~~any~~

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1351 ~~original registration request or a registration renewal, by any~~
1352 ~~state, the District of Columbia, any United States territory, or~~
1353 ~~any foreign country,~~ in which the licensee ~~money transmitter~~
1354 ~~operates, or plans to operate, or is licensed or has registered~~
1355 ~~to operate.~~

1356 (c) A felony indictment relating to a the money services
1357 ~~transmission business or deferred presentment provider~~ involving
1358 the licensee, its authorized agent, or an affiliated ~~money~~
1359 ~~transmitter or a money transmitter-affiliated party of the money~~
1360 ~~transmitter.~~

1361 (d) The felony conviction, guilty plea, or plea of nolo
1362 contendere, regardless of adjudication, of the licensee, its
1363 authorized agent, or an affiliated ~~if the court adjudicates the~~
1364 ~~nolo contendere pleader guilty, or the adjudication of guilt of a~~
1365 ~~money transmitter or money transmitter-affiliated party.~~

1366 (e) The interruption of any corporate surety bond required
1367 under this chapter ~~by the code.~~

1368 (f) Any suspected criminal act, ~~as defined by the~~
1369 ~~commission by rule,~~ perpetrated in this state relating to
1370 activities regulated under this chapter by an affiliated party
1371 against a money services business or its authorized agent
1372 ~~transmitter or authorized vendor.~~

1373 (g) Notification by a law enforcement or prosecutorial
1374 agency that the licensee or its authorized agent is under
1375 criminal investigation including, but not limited to, subpoenas
1376 to produce records or testimony and warrants issued by a court of
1377 competent jurisdiction which authorize the search and seizure of
1378 any records relating to a business activity regulated under this
1379 chapter.

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1380
1381 ~~However, a person does not incur liability as a result of making~~
1382 ~~a good faith effort to fulfill this disclosure requirement.~~

1383 (2) ~~(a)~~ A licensee must ~~Each registrant under this code~~
1384 ~~shall report, on a form adopted prescribed by rule of the~~
1385 ~~commission, any change in the information contained in an any~~
1386 ~~initial license application form, or any amendment to such~~
1387 ~~application, or the appointment of an authorized agent within~~
1388 ~~thereto not later than 30 days after the change is effective.~~

1389 (3) ~~(b)~~ Each licensee must ~~registrant under the code shall~~
1390 ~~report any change changes in the partners, officers, members,~~
1391 ~~joint venturers, directors, controlling shareholders, or~~
1392 ~~responsible persons of the licensee any registrant or changes in~~
1393 ~~the form of business organization by written amendment in such~~
1394 ~~form and at such time as specified the commission specifies by~~
1395 ~~rule.~~

1396 (a) 1. ~~If In any case in which a person or a group of~~
1397 ~~persons, directly or indirectly or acting by or through one or~~
1398 ~~more persons, proposes to purchase or acquire a controlling~~
1399 ~~interest in a licensee, such person or group must submit an~~
1400 ~~initial application for licensure registration as a money~~
1401 ~~services business or deferred presentment provider transmitter~~
1402 ~~before such purchase or acquisition at such time and in such form~~
1403 ~~as prescribed the commission prescribes by rule.~~

1404 2. ~~As used in this subsection, the term "controlling~~
1405 ~~interest" means the same as described in s. 560.127 possession of~~
1406 ~~the power to direct or cause the direction of the management or~~
1407 ~~policies of a company whether through ownership of securities, by~~
1408 ~~contract, or otherwise. Any person who directly or indirectly has~~

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1409 ~~the right to vote 25 percent or more of the voting securities of~~
1410 ~~a company or is entitled to 25 percent or more of its profits is~~
1411 ~~presumed to possess a controlling interest.~~

1412 (b)3. ~~The~~ Any addition of a partner, officer, member, joint
1413 venturer, director, controlling shareholder, or responsible
1414 person of the applicant who does not have a controlling interest
1415 and who has not previously complied with the applicable
1416 provisions of ss. 560.140 and 560.141 is ~~ss. 560.205 and 560.306~~
1417 ~~shall be subject to such provisions unless required to file an~~
1418 ~~initial application in accordance with subparagraph 1.~~ If the
1419 office determines that the licensee registrant does not continue
1420 to meet the licensure registration requirements, the office may
1421 bring an administrative action in accordance with s. 560.114 to
1422 enforce the provisions of this chapter ~~code~~.

1423 (c)4. The commission shall adopt rules ~~pursuant to ss.~~
1424 ~~120.536(1) and 120.54~~ providing for the waiver of the license
1425 application required by this subsection if the person or group of
1426 persons proposing to purchase or acquire a controlling interest
1427 in a licensee registrant has previously complied with the
1428 applicable provisions of ss. 560.140 and 560.141 under ~~ss.~~
1429 ~~560.205 and 560.306 with~~ the same legal entity or is currently
1430 licensed ~~registered with the office~~ under this chapter ~~code~~.

1431 Section 22. Section 560.127, Florida Statutes, is amended
1432 to read:

1433 560.127 Control of a money services business
1434 ~~transmitter.~~--A person has a controlling interest in control over
1435 a money services business ~~transmitter~~ if the person:

1436 ~~(1) the individual, partnership, corporation, trust, or~~
1437 ~~other organization~~ possesses the power, directly or indirectly,

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1438 to direct the management or policies of the money services
1439 business ~~a company~~, whether through ownership ~~of securities~~, by
1440 contract, or otherwise. A person is presumed to have control ~~a~~
1441 ~~company~~ if ~~the~~, with respect to a particular company, that
1442 person:

1443 (1)(a) Is a director, general partner, managing member, or
1444 officer ~~exercising executive responsibility or having similar~~
1445 ~~status or functions~~;

1446 (2)(b) Directly or indirectly may vote 25 percent or more
1447 of a class of a voting security or sell or direct the sale of 25
1448 percent or more of a class of voting securities; or

1449 (3)(e) In the case of a partnership, may receive upon
1450 dissolution or has contributed 25 percent or more of the capital.

1451 ~~(2) The office determines, after notice and opportunity for~~
1452 ~~hearing, that the person directly or indirectly exercises a~~
1453 ~~controlling influence over the activities of the money~~
1454 ~~transmitter.~~

1455 Section 23. Section 560.128, Florida Statutes, is amended
1456 to read:

1457 560.128 Customer contacts; license display ~~Consumer~~
1458 ~~disclosure.--~~

1459 (1) A money services business or its authorized agent must
1460 provide each customer with ~~Every money transmitter and authorized~~
1461 ~~vendor shall provide each consumer of a money transmitter~~
1462 ~~transaction~~ a toll-free telephone number for the purpose of
1463 contacting the money services business or its authorized agent
1464 or, consumer contacts; However, in lieu of a such toll-free
1465 telephone number, ~~the money transmitter or authorized vendor may~~
1466 ~~provide~~ the address and telephone number of the office may be

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1467 ~~provided and the Division of Consumer Services of the Department~~
1468 ~~of Financial Services.~~

1469 (2) The commission may by rule require a licensee ~~every~~
1470 ~~money transmitter~~ to display its license ~~registration~~ at each
1471 location, ~~including the location of each person designated by the~~
1472 ~~registrant as an authorized vendor,~~ where the licensee ~~the money~~
1473 ~~transmitter~~ engages in the activities authorized by the license
1474 ~~registration.~~

1475 Section 24. Section 560.129, Florida Statutes, is amended
1476 to read:

1477 560.129 Confidentiality.--

1478 (1) ~~(a)~~ Except as otherwise provided in this section, all
1479 information concerning an investigation or examination conducted
1480 by the office pursuant to this chapter, including any customer
1481 ~~consumer~~ complaint received by the office, the commission, or the
1482 Department of Financial Services, is confidential and exempt from
1483 s. 119.07(1) and s. 24(a), Art. I of the State Constitution until
1484 the investigation or examination ceases to be active. For
1485 purposes of this section, an investigation or examination is
1486 considered "active" so long as the office or any other
1487 administrative, regulatory, or law enforcement agency of any
1488 jurisdiction is proceeding with reasonable dispatch and has a
1489 reasonable good faith belief that action may be initiated by the
1490 office or other administrative, regulatory, or law enforcement
1491 agency.

1492 (2) ~~(b)~~ ~~Notwithstanding paragraph (a),~~ All information
1493 obtained by the office in the course of its investigation or
1494 examination which is a trade secret, as defined in s. 688.002, or
1495 which is personal financial information shall remain confidential

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1496 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1497 Constitution. If any administrative, civil, or criminal
1498 proceeding against a the money services business, its authorized
1499 agent, transmitter or an affiliated a money transmitter-
1500 affiliated party is initiated and the office seeks to use matter
1501 that a licensee registrant believes to be a trade secret or
1502 personal financial information, such records shall be subject to
1503 an in camera review by the administrative law judge, if the
1504 matter is before the Division of Administrative Hearings, or a
1505 judge of any court of this state, any other state, or the United
1506 States, as appropriate, for the purpose of determining if the
1507 matter is a trade secret or is personal financial information. If
1508 it is determined that the matter is a trade secret, the matter
1509 shall remain confidential. If it is determined that the matter is
1510 personal financial information, the matter shall remain
1511 confidential unless the administrative law judge or judge
1512 determines that, in the interests of justice, the matter should
1513 become public.

1514 (3)(e) If an any administrative, civil, or criminal
1515 proceeding against a the money services business, its authorized
1516 agent, transmitter or an affiliated a money transmitter-
1517 affiliated party results in an acquittal or the dismissal of all
1518 of the allegations against the money transmitter or a money
1519 transmitter-affiliated party, upon the request of any party, the
1520 administrative law judge or the judge may order all or a portion
1521 of the record of the proceeding to be sealed, and it shall
1522 thereafter be confidential and exempt from s. 119.07(1) and s.
1523 24(a), Art. I of the State Constitution.

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1524 ~~(4)(d)~~ Except as necessary for the office or any other
1525 administrative, regulatory, or law enforcement agency of any
1526 jurisdiction to enforce the provisions of this chapter or the law
1527 of any other state or the United States, a consumer complaint and
1528 other information concerning an investigation or examination
1529 shall remain confidential and exempt from s. 119.07(1) and s.
1530 24(a), Art. I of the State Constitution after the investigation
1531 or examination ceases to be active to the extent that disclosure
1532 would:

1533 ~~(a)1.~~ Jeopardize the integrity of another active
1534 investigation;

1535 ~~(b)2.~~ Reveal personal financial information;

1536 ~~(c)3.~~ Reveal the identity of a confidential source; or

1537 ~~(d)4.~~ Reveal investigative techniques or procedures.

1538 ~~(5)(2)~~ This section does not prevent or restrict:

1539 (a) Furnishing records or information to any appropriate
1540 regulatory, prosecutorial, ~~agency~~ or law enforcement agency if
1541 such agency adheres to the confidentiality provisions of this
1542 chapter ~~the code~~;

1543 (b) Furnishing records or information to an appropriate
1544 regulator or independent third party ~~or a certified public~~
1545 ~~accountant~~ who has been approved by the office to conduct an
1546 examination under s. 560.1091 ~~s. 560.118(1)(b)~~, if the
1547 independent third party ~~or certified public accountant~~ adheres to
1548 the confidentiality provisions of this chapter ~~the code~~; or

1549 (c) Reporting any suspicious ~~suspected criminal~~ activity,
1550 with supporting documents and information, to appropriate
1551 regulatory, law enforcement, or prosecutorial agencies.

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1552 ~~(6)(3)~~ All quarterly reports submitted by a money
1553 ~~transmitter~~ to the office under s. 560.118(2) ~~s. 560.118(2)(b)~~
1554 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
1555 I of the State Constitution.

1556 ~~(4)~~ ~~Examination reports, investigatory records,~~
1557 ~~applications, and related information compiled by the office, or~~
1558 ~~photographic copies thereof, shall be retained by the office for~~
1559 ~~a period of at least 3 years following the date that the~~
1560 ~~examination or investigation ceases to be active. Application~~
1561 ~~records, and related information compiled by the office, or~~
1562 ~~photographic copies thereof, shall be retained by the office for~~
1563 ~~a period of at least 2 years following the date that the~~
1564 ~~registration ceases to be active.~~

1565 ~~(7)(5)~~ Any person who willfully discloses information made
1566 confidential by this section commits a felony of the third
1567 degree, punishable as provided in s. 775.082 or s. 775.083.

1568 Section 25. Section 560.140, Florida Statutes, is created
1569 to read:

1570 560.140 Licensing standards.--To qualify for licensure as a
1571 money services business under this chapter, an applicant must:

1572 (1) Demonstrate to the office the character and general
1573 fitness necessary to command the confidence of the public and
1574 warrant the belief that the money services business or deferred
1575 presentment provider shall be operated lawfully and fairly.

1576 (2) Be legally authorized to do business in this state.

1577 (3) Be registered as a money services business with the
1578 Financial Crimes Enforcement Network as required by 31 C.F.R. s.
1579 103.41, if applicable.

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1580 (4) Have an anti-money laundering program in place which
1581 meets the requirements of 31 C.F.R. s. 103.125.

1582 (5) Provide the office with all the information required
1583 under this chapter and related rules.

1584 Section 26. Section 560.141, Florida Statutes, is created
1585 to read:

1586 560.141 License application.--

1587 (1) To apply for a license as a money services business
1588 under this chapter the applicant must:

1589 (a) Submit an application to the office on forms prescribed
1590 by rule which includes the following information:

1591 1. The legal name and address of the applicant, including
1592 any fictitious or trade names used by the applicant in the
1593 conduct of its business.

1594 2. The date of the applicant's formation and the state in
1595 which the applicant was formed, if applicable.

1596 3. The name, social security number, alien identification
1597 or taxpayer identification number, business and residence
1598 addresses, and employment history for the past 5 years for each
1599 officer, director, responsible person, the compliance officer,
1600 each controlling shareholder, any other person who has a
1601 controlling interest in the money services business as provided
1602 in s. 560.127.

1603 4. A description of the organizational structure of the
1604 applicant, including the identity of any parent or subsidiary of
1605 the applicant, and the disclosure of whether any parent or
1606 subsidiary is publicly traded.

1607 5. The applicant's history of operations in other states if
1608 applicable and a description of the money services business or

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1609 deferred presentment provider activities proposed to be conducted
1610 by the applicant in this state.

1611 6. If the applicant or its parent is a publicly traded
1612 company, copies of all filings made by the applicant with the
1613 United States Securities and Exchange Commission, or with a
1614 similar regulator in a country other than the United States,
1615 within the preceding year.

1616 7. The location at which the applicant proposes to
1617 establish its principal place of business and any other location,
1618 including branch offices and authorized agents operating in this
1619 state. For each branch office identified and each authorized
1620 agent appointed, the applicant shall include the nonrefundable
1621 fee required by s. 560.143.

1622 8. The name and address of the clearing financial
1623 institution or financial institutions through which the
1624 applicant's payment instruments are drawn or through which the
1625 payment instruments are payable.

1626 8. The history of the applicant's material litigation,
1627 criminal convictions, pleas of nolo contendere, and cases of
1628 adjudication withheld.

1629 9. The history of material litigation, arrests, criminal
1630 convictions, pleas of nolo contendere, and cases of adjudication
1631 withheld for each executive officer, director, controlling
1632 shareholder, and responsible person.

1633 10. The name of the registered agent in this state for
1634 service of process unless the applicant is a sole proprietor.

1635 11. Any other information specified in this chapter or by
1636 rule.

1637 (b) In addition to the application form, submit:

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1638 1. A nonrefundable application fee as provided in s.
1639 560.143.

1640 2. A fingerprint card for each of the persons listed in
1641 subparagraph (a)3. unless the applicant is a publicly traded
1642 corporation, or is exempted from this chapter under s.
1643 560.104(1). The fingerprints must be taken by an authorized law
1644 enforcement agency. The office shall submit the fingerprints to
1645 the Department of Law Enforcement for state processing and the
1646 Department of Law Enforcement shall forward the fingerprints to
1647 the Federal Bureau of Investigations for federal processing. The
1648 cost of the fingerprint processing may be borne by the office,
1649 the employer, or the person subject to the criminal records
1650 background check. The office shall screen the background results
1651 to determine if the applicant meets licensure requirements. As
1652 used in this section, the term "publicly traded" means a stock is
1653 currently traded on a national securities exchange registered
1654 with the federal Securities and Exchange Commission or traded on
1655 an exchange in a country other than the United States regulated
1656 by a regulator equivalent to the Securities and Exchange
1657 Commission and the disclosure and reporting requirements of such
1658 regulator are substantially similar to those of the commission.

1659 3. A copy of the applicant's written anti-money laundering
1660 program required under 31 C.F.R. s. 103.125.

1661 4. Within the time allotted by rule, any information needed
1662 to resolve any deficiencies found in the application.

1663 (2) If the office determines that the applicant meets the
1664 qualifications and requirements of this chapter, the office shall
1665 issue a license to the applicant. A license may not be issued for
1666 more than 2 years.

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1667 (a) A license issued under part II of this chapter shall
1668 expire on April 30 of the second year following the date of
1669 issuance of the license unless during such period the license is
1670 surrendered, suspended, or revoked.

1671 (b) A license issued under part III of this chapter shall
1672 expire on December 31 of the second year following the date of
1673 issuance of the license unless during such period the license is
1674 surrendered, suspended, or revoked.

1675 Section 27. Section 560.142, Florida Statutes, is created
1676 to read:

1677 560.142 License renewal.--

1678 (1) A license may be renewed for a subsequent 2-year period
1679 by furnishing such application as required by rule, together with
1680 the payment of a nonrefundable renewal fee as provided under s.
1681 560.143, on or before the license expiration date, or for the
1682 remainder of any such period without proration following the date
1683 of license expiration.

1684 (2) In addition to the renewal fee, each part II licensee
1685 must pay a 2-year nonrefundable renewal fee as provided in s.
1686 560.143 for each authorized agent or location operating within
1687 this state.

1688 (3) A licensee who has on file with the office a
1689 declaration of intent to engage in deferred presentment
1690 transactions may renew a declaration upon license renewal by
1691 submitting a nonrefundable deferred presentment provider renewal
1692 fee as provided in s. 560.143.

1693 (4) If a license or declaration of intent to engage in
1694 deferred presentment transactions expires, the license or
1695 declaration of intent may be reinstated only if a renewal

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1696 application or declaration of intent, all required renewal fees,
 1697 and any applicable late fees are received by the office within 60
 1698 days after expiration. If not submitted within 60 days, the
 1699 license or declaration on intent expires and a new license
 1700 application or declaration of intent must be filed with the
 1701 office pursuant to this chapter.

1702 (5) The commission may adopt rules to administer this
 1703 section.

1704 Section 28. Section 560.143, Florida Statutes, is created
 1705 to read:

1706 560.143 Fees.--

1707 (1) LICENSE APPLICATION FEES.--The applicable non-
 1708 refundable fees must accompany an application for licensure:

1709 (a) Under part II \$500.

1710 (b) Part III \$250.

1711 (c) Per branch office \$50.

1712 (d) For each appointment of an authorized agent \$50.

1713 (e) Declaration as a deferred presentment provider \$1,000.

1714 (f) Fingerprint fees as prescribed by rule.

1715 (2) LICENSE RENEWAL FEES.--The applicable non-refundable
 1716 license renewal fees must accompany a renewal of licensure:

1717 (a) Part II 1,000.

1718 (b) Part III \$500.

1719 (c) Per branch office \$50.

1720 (d) For each appointment of an authorized agents \$50.

1721 (e) Declaration as a deferred presentment provider \$1,000.

1722 (f) Renewal fees for branch offices and authorized agents

1723 are limited to \$20,000 biennially.

1724 (3) LATE LICENSE RENEWAL FEES.--

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1725	<u>(a) Part II</u>	<u>\$500.</u>
1726	<u>(b) Part III</u>	<u>\$250.</u>
1727	<u>(c) Declaration as a deferred presentment provider</u>	<u>\$500.</u>

1728 Section 29. Section 560.203, Florida Statutes, is amended
 1729 to read:

1730 560.203 Exemptions from licensure.--Authorized agents
 1731 ~~vendors~~ of a licensee registrant acting within the scope of
 1732 authority conferred by the licensee are registrant shall be
 1733 exempt from licensure but are having to register pursuant to the
 1734 ~~code but shall~~ otherwise be subject to the its provisions of this
 1735 chapter.

1736 Section 30. Section 560.204, Florida Statutes, is amended
 1737 to read:

1738 560.204 License required ~~Requirement of registration.~~--

1739 (1) Unless exempted, a ~~No~~ person may not shall engage in
 1740 ~~for consideration, or nor~~ in any manner advertise that they
 1741 engage~~r~~ in, the selling or issuing of payment instruments or in
 1742 the activity of a money funds transmitter, for compensation,
 1743 without first obtaining a license registration under the
 1744 ~~provisions of~~ this part. For purposes of this section,
 1745 "compensation" includes profit or loss on the exchange of
 1746 currency.

1747 (2) A licensee under this part ~~person registered pursuant~~
 1748 ~~to this part is permitted to engage in the activities authorized~~
 1749 ~~by this part. A person registered pursuant to this part may also~~
 1750 engage in the activities authorized under part III of this
 1751 chapter without the imposition of any additional licensing fees
 1752 ~~and is exempt from the registration fee required by s. 560.307.~~

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1753 Section 31. Section 560.205, Florida Statutes, is amended
1754 to read:

1755 560.205 Additional license application requirements
1756 ~~Qualifications of applicant for registration; contents.--In~~
1757 addition to the license application requirements under part I of
1758 this chapter, an applicant seeking a license under this part must
1759 also submit to the office:

1760 (1) A sample authorized agent contract, if applicable.

1761 (2) A sample form of payment instrument, if applicable.

1762 (3) Documents demonstrating that the net worth and bonding
1763 requirements specified in s. 560.209 have been fulfilled.

1764 (4) A copy of the applicant's financial audit report for
1765 the most recent fiscal year.

1766 ~~(1) To qualify for registration under this part, an~~
1767 ~~applicant must demonstrate to the office such character and~~
1768 ~~general fitness as to command the confidence of the public and~~
1769 ~~warrant the belief that the registered business will be operated~~
1770 ~~lawfully and fairly. The office may investigate each applicant to~~
1771 ~~ascertain whether the qualifications and requirements prescribed~~
1772 ~~by this part have been met. The office's investigation may~~
1773 ~~include a criminal background investigation of all controlling~~
1774 ~~shareholders, principals, officers, directors, members, and~~
1775 ~~responsible persons of a funds transmitter and a payment~~
1776 ~~instrument seller and all persons designated by a funds~~
1777 ~~transmitter or payment instrument seller as an authorized vendor.~~
1778 ~~Each controlling shareholder, principal, officer, director,~~
1779 ~~member, and responsible person of a funds transmitter or payment~~
1780 ~~instrument seller, unless the applicant is a publicly traded~~
1781 ~~corporation as defined by the commission by rule, a subsidiary~~

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1782 ~~thereof, or a subsidiary of a bank or bank holding company~~
1783 ~~organized and regulated under the laws of any state or the United~~
1784 ~~States, shall file a complete set of fingerprints. A fingerprint~~
1785 ~~card submitted to the office must be taken by an authorized law~~
1786 ~~enforcement agency. The office shall submit the fingerprints to~~
1787 ~~the Department of Law Enforcement for state processing, and the~~
1788 ~~Department of Law Enforcement shall forward the fingerprints to~~
1789 ~~the Federal Bureau of Investigation for state and federal~~
1790 ~~processing. The cost of the fingerprint processing may be borne~~
1791 ~~by the office, the employer, or the person subject to the~~
1792 ~~background check. The Department of Law Enforcement shall submit~~
1793 ~~an invoice to the office for the fingerprints received each~~
1794 ~~month. The office shall screen the background results to~~
1795 ~~determine if the applicant meets licensure requirements. The~~
1796 ~~commission may waive by rule the requirement that applicants file~~
1797 ~~a set of fingerprints or the requirement that such fingerprints~~
1798 ~~be processed by the Department of Law Enforcement or the Federal~~
1799 ~~Bureau of Investigation.~~

1800 ~~(2) Each application for registration must be submitted~~
1801 ~~under oath to the office on such forms as the commission~~
1802 ~~prescribes by rule and must be accompanied by a nonrefundable~~
1803 ~~application fee. Such fee may not exceed \$500 for each payment~~
1804 ~~instrument seller or funds transmitter and \$50 for each~~
1805 ~~authorized vendor or location operating within this state. The~~
1806 ~~application must contain such information as the commission~~
1807 ~~requires by rule, including, but not limited to:~~

1808 ~~(a) The name and address of the applicant, including any~~
1809 ~~fictitious or trade names used by the applicant in the conduct of~~
1810 ~~its business.~~

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1811 ~~(b) The history of the applicant's material litigation,~~
1812 ~~criminal convictions, pleas of nolo contendere, and cases of~~
1813 ~~adjudication withheld.~~

1814 ~~(c) A description of the activities conducted by the~~
1815 ~~applicant, the applicant's history of operations, and the~~
1816 ~~business activities in which the applicant seeks to engage in~~
1817 ~~this state.~~

1818 ~~(d) A sample authorized vendor contract, if applicable.~~

1819 ~~(e) A sample form of payment instrument, if applicable.~~

1820 ~~(f) The name and address of the clearing financial~~
1821 ~~institution or financial institutions through which the~~
1822 ~~applicant's payment instruments will be drawn or through which~~
1823 ~~such payment instruments will be payable.~~

1824 ~~(g) Documents revealing that the net worth and bonding~~
1825 ~~requirements specified in s. 560.209 have been or will be~~
1826 ~~fulfilled.~~

1827 ~~(3) Each application for registration by an applicant that~~
1828 ~~is a corporation shall contain such information as the commission~~
1829 ~~requires by rule, including, but not limited to:~~

1830 ~~(a) The date of the applicant's incorporation and state of~~
1831 ~~incorporation.~~

1832 ~~(b) A certificate of good standing from the state or~~
1833 ~~country in which the applicant was incorporated.~~

1834 ~~(c) A description of the corporate structure of the~~
1835 ~~applicant, including the identity of any parent or subsidiary of~~
1836 ~~the applicant, and the disclosure of whether any parent or~~
1837 ~~subsidiary is publicly traded on any stock exchange.~~

1838 ~~(d) The name, social security number, business and~~
1839 ~~residence addresses, and employment history for the past 5 years~~

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1840 ~~for each executive officer, each director, each controlling~~
1841 ~~shareholder, and the responsible person who will be in charge of~~
1842 ~~all the applicant's business activities in this state.~~

1843 ~~(c) The history of material litigation and criminal~~
1844 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
1845 ~~withheld for each officer, each director, each controlling~~
1846 ~~shareholder, and the responsible person who will be in charge of~~
1847 ~~the applicant's registered activities.~~

1848 ~~(f) Copies of the applicant's audited financial statements~~
1849 ~~for the current year and, if available, for the immediately~~
1850 ~~preceding 2-year period. In cases where the applicant is a wholly~~
1851 ~~owned subsidiary of another corporation, the parent's~~
1852 ~~consolidated audited financial statements may be submitted to~~
1853 ~~satisfy this requirement. An applicant who is not required to~~
1854 ~~file audited financial statements may satisfy this requirement by~~
1855 ~~filing unaudited financial statements verified under penalty of~~
1856 ~~perjury, as provided by the commission by rule.~~

1857 ~~(g) An applicant who is not required to file audited~~
1858 ~~financial statements may file copies of the applicant's~~
1859 ~~unconsolidated, unaudited financial statements for the current~~
1860 ~~year and, if available, for the immediately preceding 2-year~~
1861 ~~period.~~

1862 ~~(h) If the applicant is a publicly traded company, copies~~
1863 ~~of all filings made by the applicant with the United States~~
1864 ~~Securities and Exchange Commission, or with a similar regulator~~
1865 ~~in a country other than the United States, within the year~~
1866 ~~preceding the date of filing of the application.~~

1867 ~~(4) Each application for registration submitted to the~~
1868 ~~office by an applicant that is not a corporation shall contain~~

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1869 ~~such information as the commission requires by rule, including,~~
1870 ~~but not limited to:~~

1871 ~~(a) Evidence that the applicant is registered to do~~
1872 ~~business in this state.~~

1873 ~~(b) The name, business and residence addresses, personal~~
1874 ~~financial statement and employment history for the past 5 years~~
1875 ~~for each individual having a controlling ownership interest in~~
1876 ~~the applicant, and each responsible person who will be in charge~~
1877 ~~of the applicant's registered activities.~~

1878 ~~(c) The history of material litigation and criminal~~
1879 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
1880 ~~withheld for each individual having a controlling ownership~~
1881 ~~interest in the applicant and each responsible person who will be~~
1882 ~~in charge of the applicant's registered activities.~~

1883 ~~(d) Copies of the applicant's audited financial statements~~
1884 ~~for the current year, and, if available, for the preceding 2~~
1885 ~~years. An applicant who is not required to file audited financial~~
1886 ~~statements may satisfy this requirement by filing unaudited~~
1887 ~~financial statements verified under penalty of perjury, as~~
1888 ~~provided by the commission by rule.~~

1889 ~~(5) Each applicant shall designate and maintain an agent in~~
1890 ~~this state for service of process.~~

1891 Section 32. Effective January 1, 2009, section 560.208,
1892 Florida Statutes, is amended to read:

1893 560.208 Conduct of business.--In addition to the
1894 requirements specified in s. 560.140, a licensee under this part:

1895 (1) ~~A registrant~~ May conduct its business at one or more
1896 locations within this state through branches or by means of
1897 authorized agents ~~vendors~~, as designated by the licensee

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1898 ~~registrant~~, including the conduct of business through electronic
1899 transfer, such as by the telephone or the Internet.

1900 (2) Notwithstanding and without violating s. 501.0117, a
1901 ~~registrant~~ may charge a different price for a money transmitter
1902 ~~funds transmission~~ service based on the mode of transmission used
1903 in the transaction as, so long as the price charged for a service
1904 paid for with a credit card is not more ~~greater~~ than the price
1905 charged when the ~~that~~ service is paid for with currency or other
1906 similar means ~~accepted within the same mode of transmission.~~

1907 (3) Is responsible for the acts of its authorized agents in
1908 accordance with the terms of its written contract with the agent.

1909 (4) Shall place assets that are the property of a customer
1910 in a segregated account in a federally insured financial
1911 institution and shall maintain separate accounts for operating
1912 capital and the clearing of customer funds.

1913 (5) Shall, in the normal course of business, ensure that
1914 money transmitted is available to the designated recipient within
1915 10 business days after receipt.

1916 (6) Shall immediately upon receipt of currency or payment
1917 instrument provide a confirmation or sequence number to the
1918 customer verbally, by paper, or electronically.

1919 ~~(2) Within 60 days after the date a registrant either opens~~
1920 ~~a location within this state or authorizes an authorized vendor~~
1921 ~~to operate on the registrant's behalf within this state, the~~
1922 ~~registrant shall notify the office on a form prescribed by the~~
1923 ~~commission by rule. The notification shall be accompanied by a~~
1924 ~~nonrefundable \$50 fee for each authorized vendor or location.~~
1925 ~~Each notification shall also be accompanied by a financial~~
1926 ~~statement demonstrating compliance with s. 560.209(1), unless~~

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1927 ~~compliance has been demonstrated by a financial statement filed~~
1928 ~~with the registrant's quarterly report in compliance with s.~~
1929 ~~560.118(2). The financial statement must be dated within 90 days~~
1930 ~~of the date of designation of the authorized vendor or location.~~
1931 ~~This subsection shall not apply to any authorized vendor or~~
1932 ~~location that has been designated by the registrant before~~
1933 ~~October 1, 2001.~~

1934 ~~(3) Within 60 days after the date a registrant closes a~~
1935 ~~location within this state or withdraws authorization for an~~
1936 ~~authorized vendor to operate on the registrant's behalf within~~
1937 ~~this state, the registrant shall notify the office on a form~~
1938 ~~prescribed by the commission by rule.~~

1939 Section 33. Effective January 1, 2009, section 560.2085,
1940 Florida Statutes, is created to read:

1941 560.2085 Authorized agents.--A licensee under this part
1942 shall:

1943 (1) Within 60 days after an authorized agent commences
1944 business, file with the office such information as prescribed by
1945 rule together with the nonrefundable appointment fee as provided
1946 by s. 560.143. This requirement applies to agents who are also
1947 terminated within the 60-day period.

1948 (2) Enter into a written contract, signed by the licensee
1949 and the authorized agent, which:

1950 (a) Sets forth the nature and scope of the relationship
1951 between the licensee and the authorized agent, including the
1952 respective rights and responsibilities of the parties; and

1953 (b) Includes contract provisions that require the
1954 authorized agent to:

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1955 1. Report to the licensee, immediately upon discovery, the
1956 theft or loss of currency received for a transmission or payment
1957 instrument;

1958 2. Display a notice to the public, in such form as
1959 prescribed by rule, that the agent is the authorized agent of the
1960 licensee;

1961 3. Remit all amounts owed to the licensee for all
1962 transmissions accepted and all payment instruments sold in
1963 accordance with the contract between the licensee and the
1964 authorized agent;

1965 4. Hold in trust all currency or payment instruments
1966 received for transmissions or for the purchase of payment
1967 instruments from the time of receipt by the licensee or
1968 authorized agent until the time the transmission obligation is
1969 completed;

1970 5. Not commingle the money received for transmissions
1971 accepted or payment instruments sold on behalf of the licensee
1972 with the money or property of the authorized agent, except for
1973 making change in the ordinary course of the agent's business, and
1974 ensure that the money is accounted for at the end of the business
1975 day;

1976 6. Consent to examination or investigation by the office;

1977 7. Adhere to the applicable state and federal laws and
1978 rules pertaining to a money services business; and

1979 8. Provide such other information or disclosure as may be
1980 required by rule.

1981 (3) Develop and implement written policies and procedures
1982 to monitor compliance with applicable state and federal law by
1983 its authorized agents.

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1984 Section 34. Section 560.209, Florida Statutes, is amended
1985 to read:

1986 560.209 Net worth; corporate surety bond; collateral
1987 deposit in lieu of bond.--

1988 (1) A licensee must ~~Any person engaging in a registered~~
1989 ~~activity shall~~ have a net worth of at least \$100,000 ~~computed~~
1990 ~~according to generally accepted accounting principles.~~ A licensee
1991 operating in Applicants proposing to conduct registered
1992 activities at more than one location must shall have an
1993 additional net worth of \$10,000 ~~\$50,000~~ per location in this
1994 state, up as applicable, to a maximum of \$2 million ~~\$500,000~~. The
1995 required net worth must be maintained at all times.

1996 (2) A licensee must obtain an annual financial audit
1997 report, which must be submitted to the office within 120 days
1998 after the end of the licensee's fiscal year end, as disclosed to
1999 the office.

2000 (3) ~~(2)~~ Before the office may issue a license under this
2001 part registration, the applicant must provide to the office a
2002 corporate surety bond, issued by a bonding company or insurance
2003 company authorized to do business in this state.

2004 (a) The corporate surety bond shall be in an such amount as
2005 specified ~~may be determined by commission rule,~~ but may shall not
2006 be less than \$50,000 or exceed \$2 million ~~\$250,000~~. The rule
2007 shall provide allowances for the financial condition, number of
2008 locations, and anticipated volume of the licensee. ~~However, the~~
2009 ~~commission and office may consider extraordinary circumstances,~~
2010 ~~such as the registrant's financial condition, the number of~~
2011 ~~locations, and the existing or anticipated volume of outstanding~~

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2012 ~~payment instruments or funds transmitted, and require an~~
2013 ~~additional amount above \$250,000, up to \$500,000.~~

2014 (b) The corporate surety bond must ~~shall~~ be in a form
2015 satisfactory to the office and shall run to the state for the
2016 benefit of any claimants in this state against the applicant or
2017 its authorized agents ~~vendors~~ to secure the faithful performance
2018 of the obligations of the applicant and its agents ~~authorized~~
2019 ~~vendors~~ with respect to the receipt, handling, transmission, and
2020 payment of funds. The aggregate liability of the corporate surety
2021 bond may not ~~in no event shall~~ exceed the principal sum of the
2022 bond. ~~Such~~ Claimants against the applicant or its authorized
2023 agent ~~vendors~~ may ~~themselves~~ bring suit directly on the corporate
2024 surety bond, or the Department of Legal Affairs may bring suit
2025 ~~thereon~~ on behalf of the ~~such~~ claimants, ~~in either one action or~~
2026 ~~in successive actions.~~

2027 (c) The ~~A~~ corporate surety bond ~~filed with the office for~~
2028 ~~purposes of compliance with this section~~ may not be canceled by
2029 either the licensee ~~registrant~~ or the corporate surety except
2030 upon written notice to the office by registered ~~or certified~~ mail
2031 ~~with return receipt requested~~. A cancellation may ~~shall~~ not take
2032 effect until ~~less than~~ 30 days after receipt by the office of the
2033 ~~such~~ written notice.

2034 (d) The corporate surety must, within 10 days after it pays
2035 any claim ~~to any claimant~~, give written notice to the office by
2036 registered ~~or certified~~ mail of such payment with details
2037 sufficient to identify the claimant and the claim or judgment ~~so~~
2038 paid.

2039 (e) If ~~Whenever~~ the principal sum of the ~~such~~ bond is
2040 reduced by one or more recoveries or payments, the licensee

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2041 ~~registrant~~ must furnish a new or additional bond so that the
2042 total or aggregate principal sum of the ~~such~~ bond equals the sum
2043 required pursuant to paragraph (a) ~~by the commission~~.

2044 Alternatively, a licensee ~~registrant~~ may furnish an endorsement
2045 executed by the corporate surety reinstating the bond to the
2046 required principal sum ~~thereof~~.

2047 (4) ~~(3)~~ In lieu of a ~~such~~ corporate surety bond, or of any
2048 portion of the principal sum ~~thereof~~ required by this section,
2049 the applicant may deposit collateral cash, securities, or
2050 alternative security devices as provided by rule ~~approved by the~~
2051 ~~commission~~, with a ~~any~~ federally insured financial institution.

2052 (a) Acceptable collateral deposit items ~~in lieu of a bond~~
2053 include cash and interest-bearing stocks and bonds, notes,
2054 debentures, or other obligations of the United States or any
2055 agency or instrumentality thereof, or guaranteed by the United
2056 States, or of this state.

2057 (b) The collateral deposit must be in an aggregate amount,
2058 based upon principal amount or market value, whichever is lower,
2059 of at least ~~not less than~~ the amount of the required corporate
2060 surety bond or portion thereof.

2061 (c) Collateral deposits must ~~made under this subsection~~
2062 ~~shall~~ be pledged to the office and held by the insured financial
2063 institution to secure the same obligations as ~~would~~ the corporate
2064 surety bond, but the depositor is entitled to receive any ~~all~~
2065 interest and dividends thereon and may, with the approval of the
2066 office, substitute other securities or deposits for those
2067 deposited. The principal amount of the deposit shall be released
2068 only on written authorization of the office or on the order of a
2069 court of competent jurisdiction.

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2070 ~~(5)~~(4) A licensee ~~registrant~~ must at all times ~~have and~~
2071 maintain the bond or collateral deposit in the required amount
2072 ~~prescribed by the commission~~. If the office ~~at any time~~
2073 reasonably determines that the bond or elements of the collateral
2074 deposit are insecure, deficient in amount, or exhausted in whole
2075 or in part, the office may, by written order, require the filing
2076 of a new or supplemental bond or the deposit of new or additional
2077 collateral deposit items.

2078 ~~(6)~~(5) The bond and collateral deposit shall remain in
2079 place for 5 years after the licensee ~~registrant~~ ceases licensed
2080 ~~registered~~ operations in this state. The office may allow ~~permit~~
2081 the bond or collateral deposit to be reduced or eliminated prior
2082 to that time to the extent that the amount of the licensee's
2083 ~~registrant's~~ outstanding payment instruments or money funds
2084 transmitted in this state are reduced. The office may also allow
2085 a licensee ~~permit a registrant~~ to substitute a letter of credit
2086 or ~~such~~ other form of acceptable security for the bond or
2087 collateral deposit at the time the licensee ~~registrant~~ ceases
2088 licensed ~~money transmission~~ operations in this state.

2089 ~~(6)~~ The office may ~~waive or reduce a registrant's net worth~~
2090 ~~or bond or collateral deposit requirement~~. Such ~~waiver or~~
2091 ~~modification must be requested by the applicant or registrant,~~
2092 ~~and may be granted upon a showing by the applicant or registrant~~
2093 ~~to the satisfaction of the office that:~~

2094 ~~(a)~~ The ~~existing net worth, bond, or collateral deposit~~
2095 ~~requirement is sufficiently in excess of the registrant's highest~~
2096 ~~potential level of outstanding payment instruments or money~~
2097 ~~transmissions in this state;~~

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2098 ~~(b) The direct and indirect cost of meeting the net worth,~~
2099 ~~bond, or collateral deposit requirement will restrict the ability~~
2100 ~~of the money transmitter to effectively serve the needs of its~~
2101 ~~customers and the public; or~~

2102 ~~(c) The direct and indirect cost of meeting the net worth,~~
2103 ~~bond, or collateral requirement will not only have a negative~~
2104 ~~impact on the money transmitter but will severely hinder the~~
2105 ~~ability of the money transmitter to participate in and promote~~
2106 ~~the economic progress and welfare of this state or the United~~
2107 ~~States.~~

2108 Section 35. Section 560.210, Florida Statutes, is amended
2109 to read:

2110 560.210 Permissible investments.--

2111 (1) A licensee must ~~registrant shall~~ at all times possess
2112 permissible investments with an aggregate market value,
2113 calculated in accordance with ~~United States~~ generally accepted
2114 accounting principles, of at least ~~not less than~~ the aggregate
2115 face amount of all outstanding money funds ~~transmissions and~~
2116 payment instruments issued or sold by the licensee ~~registrant~~ or
2117 an authorized agent ~~vendor~~ in the United States. As used in this
2118 section,

2119 ~~(2) Acceptable~~ permissible investments include:

2120 (a) Cash.

2121 (b) Certificates of deposit or other deposit liabilities of
2122 a domestic or foreign financial institution, ~~either domestic or~~
2123 ~~foreign.~~

2124 (c) Bankers' acceptances eligible for purchase by member
2125 banks of the Federal Reserve System.

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2126 (d) An investment bearing a rating of one of the three
2127 highest grades as defined by a nationally recognized rating
2128 service of such securities.

2129 (e) Investment securities that are obligations of the
2130 United States, its agencies or instrumentalities, or obligations
2131 that are guaranteed fully as to principal and interest by the
2132 United States, or any obligations of any state or municipality,
2133 or any political subdivision thereof.

2134 (f) Shares in a money market mutual fund.

2135 (g) A demand borrowing agreement or agreements made to a
2136 corporation or a subsidiary of a corporation whose capital stock
2137 is listed on a national exchange.

2138 (h) Receivables that are due to a licensee ~~registrant~~ from
2139 the licensee's ~~registrant's~~ authorized agent ~~vendors~~ except those
2140 that are more than 90 ~~30~~ days past due or are doubtful of
2141 collection.

2142 (i) Any other investment approved by rule ~~the commission~~.

2143 ~~(2)(3)~~ Notwithstanding any other provision of this part,
2144 the office, with respect to any particular licensee ~~registrant~~ or
2145 all licensees ~~registrants~~, may limit the extent to which any
2146 class of permissible investments may be considered a permissible
2147 investment, except for cash and certificates of deposit.

2148 ~~(3)(4)~~ The office may waive the permissible investments
2149 requirement if the dollar value of a licensee's ~~registrant's~~
2150 outstanding payment instruments and money ~~funds~~ transmitted do
2151 not exceed the bond or collateral deposit posted by the licensee
2152 ~~registrant~~ under s. 560.209.

2153 Section 36. Section 560.211, Florida Statutes, is amended
2154 to read:

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2155 560.211 Required records.--

2156 (1) In addition to the record retention requirements under
2157 s. 560.110, each licensee under this part ~~Each registrant~~ must
2158 make, keep, and preserve the following books, accounts, records,
2159 and documents ~~other records~~ for 5 ~~a period of 3~~ years:

2160 (a) A daily record ~~or records~~ of payment instruments sold
2161 and money funds transmitted.

2162 (b) A general ledger containing all asset, liability,
2163 capital, income, and expense accounts, which ~~general ledger~~ shall
2164 be posted at least monthly.

2165 (c) Daily settlement records ~~sheets~~ received from
2166 authorized agents ~~vendors~~.

2167 (d) Monthly financial institution statements and
2168 reconciliation records.

2169 (e) Records of outstanding payment instruments and money
2170 ~~funds~~ transmitted.

2171 (f) Records of each payment instrument paid and money funds
2172 transmission delivered ~~within the 3-year period~~.

2173 (g) A list of the names and addresses of all of the
2174 licensee's ~~registrant's~~ authorized agents ~~vendors~~, ~~as well as~~
2175 ~~copies of each authorized vendor contract~~.

2176 (h) Records that document the establishment, monitoring,
2177 and termination of relationships with authorized agents and
2178 foreign affiliates.

2179 (i) Any additional records, as prescribed by rule, designed
2180 to detect and prevent money laundering.

2181 ~~(2) The records required to be maintained by the code may~~
2182 ~~be maintained by the registrant at any location if the registrant~~
2183 ~~notifies the office in writing of the location of the records in~~

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2184 ~~its application or otherwise by amendment as prescribed by~~
2185 ~~commission rule. The registrant shall make such records available~~
2186 ~~to the office for examination and investigation in this state, as~~
2187 ~~permitted by the code, within 7 days after receipt of a written~~
2188 ~~request.~~

2189 ~~(3) Registrants and authorized vendors need not preserve or~~
2190 ~~retain any of the records required by this section or copies~~
2191 ~~thereof for a period longer than 3 years unless a longer period~~
2192 ~~is expressly required by the laws of this state or federal law. A~~
2193 ~~registrant or authorized vendor may destroy any of its records or~~
2194 ~~copies thereof after the expiration of the retention period~~
2195 ~~required by this section.~~

2196 ~~(4) The original of any record of a registrant or~~
2197 ~~authorized vendor includes the data or other information~~
2198 ~~comprising a record stored or transmitted in or by means of any~~
2199 ~~electronic, computerized, mechanized, or other information~~
2200 ~~storage or retrieval or transmission system or device which can~~
2201 ~~upon request generate, regenerate, or transmit the precise data~~
2202 ~~or other information comprising the record; and an original also~~
2203 ~~includes the visible data or other information so generated,~~
2204 ~~regenerated, or transmitted if it is legible or can be made~~
2205 ~~legible by enlargement or other process.~~

2206 ~~(2)(5)~~ Any person who willfully fails to comply with this
2207 section commits a felony of the third degree, punishable as
2208 provided in s. 775.082, s. 775.083, or s. 775.084.

2209 Section 37. Section 560.212, Florida Statutes, is amended
2210 to read:

2211 560.212 Financial liability.--A licensee ~~Each registrant~~
2212 under this part is liable for the payment of all money ~~funds~~

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2213 transmitted and payment instruments that it sells, in whatever
2214 form and whether directly or through an authorized agent vendor,
2215 as the maker, drawer, or principal thereof, regardless of whether
2216 such item is negotiable or nonnegotiable.

2217 Section 38. Section 560.213, Florida Statutes, is amended
2218 to read:

2219 560.213 Payment instrument information.--Each payment
2220 instrument sold or issued by a licensee registrant, directly or
2221 through an authorized agent vendor, must shall bear the name of
2222 the licensee, and any other information as may be required by
2223 rule, registrant clearly imprinted thereon.

2224 Section 39. Section 560.303, Florida Statutes, is amended
2225 to read:

2226 560.303 License required ~~Requirement of registration~~--

2227 (1) A ~~No~~ person may not shall engage in, or in any manner
2228 advertise engagement in, the business of cashing payment
2229 instruments or ~~the~~ exchanging ~~of~~ foreign currency without being
2230 licensed ~~first registering~~ under ~~the provisions of~~ this part.

2231 (2) A person licensed under ~~registered pursuant to~~ this
2232 part may not engage ~~in the activities authorized by this part~~. ~~A~~
2233 ~~person registered under this part is prohibited from engaging~~
2234 directly in the activities that require a license under ~~are~~
2235 ~~authorized under a registration issued pursuant to part II of~~
2236 this chapter, ~~but may be~~ such person is not prohibited from
2237 ~~engaging in~~ an authorized agent for vendor ~~relationship with a~~
2238 person licensed ~~registered~~ under part II.

2239 (3) A person exempt from licensure under ~~registration~~
2240 ~~pursuant to~~ this part engaging in the business of cashing payment

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2241 instruments or the exchanging of foreign currency may ~~shall~~ not
2242 charge fees in excess of those provided in s. 560.309.

2243 Section 40. Section 560.304, Florida Statutes, is amended
2244 to read:

2245 560.304 Exemption from licensure ~~Exceptions to~~
2246 ~~registration.--The requirement for licensure under provisions of~~
2247 ~~this part~~ does ~~de~~ not apply to:

2248 (1) A person, at a location, cashing payment instruments
2249 that have an aggregate face value of less than \$2,000 per person
2250 per day ~~Authorized vendors of any person registered pursuant to~~
2251 ~~the provisions of the code, acting within the scope of authority~~
2252 ~~conferred by the registrant.~~

2253 (2) A person cashing a tax refund check issued by the
2254 United States Treasury in an amount less than \$4,000 ~~Persons~~
2255 ~~engaged in the cashing of payment instruments or the exchanging~~
2256 ~~of foreign currency which is incidental to the retail sale of~~
2257 ~~goods or services whose compensation for cashing payment~~
2258 ~~instruments or exchanging foreign currency at each site does not~~
2259 ~~exceed 5 percent of the total gross income from the retail sale~~
2260 ~~of goods or services by such person during its most recently~~
2261 ~~completed fiscal year.~~

2262 Section 40. Section 560.309, Florida Statutes, is amended
2263 to read:

2264 560.309 Conduct of business ~~Rules~~.--

2265 (1) A licensee may transact business under this part only
2266 under the legal name under which the person is licensed. The use
2267 of a fictitious name is allowed if the fictitious name has been
2268 registered with the Department of State and disclosed to the
2269 office as part of an initial license application, or subsequent

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2270 amendment to the application, prior to its use. ~~Before a~~
2271 ~~registrant shall deposit, with any financial institution, a~~
2272 ~~payment instrument that is cashed by a registrant, each such item~~
2273 ~~must be endorsed with the actual name under which such registrant~~
2274 ~~is doing business.~~

2275 (2) At the time a licensee accepts a payment instrument
2276 that is cashed by the licensee, the payment instrument must be
2277 endorsed using the legal name under which the licensee is
2278 licensed. ~~Registrants must comply with all the laws of this state~~
2279 ~~and any federal laws relating to money laundering, including, as~~
2280 ~~applicable, the provisions of s. 560.123.~~

2281 (3) A licensee under this part must deposit or sell payment
2282 instruments within 5 business days after the acceptance of the
2283 payment instrument.

2284 (4) A licensee may not accept or cash multiple payment
2285 instruments from a person who is not the original payee, unless
2286 the person is licensed to cash payment instruments pursuant to
2287 this part and all payment instruments accepted are endorsed with
2288 the legal name of the person.

2289 (5) A licensee must report all suspicious activity to the
2290 office in accordance with the criteria set forth in 31 C.F.R. s.
2291 103.20. In lieu of filing such reports, the commission may
2292 prescribe by rule that the licensee may file such reports with an
2293 appropriate regulator.

2294 (6)~~(3)~~ ~~The commission may by rule require a every check~~
2295 ~~casher to display its license registration and post a notice~~
2296 ~~listing containing its charges for cashing payment instruments.~~

2297 (7)~~(4)~~ ~~Exclusive of the direct costs of verification which~~
2298 ~~shall be established by commission rule, a no check casher may~~

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2299 not shall:

2300 (a) Charge fees, except as otherwise provided by this part,
2301 in excess of 5 percent of the face amount of the payment
2302 instrument, ~~or 6 percent without the provision of identification,~~
2303 or \$5, whichever is greater;

2304 (b) Charge fees in excess of 3 percent of the face amount
2305 of the payment instrument, ~~or 4 percent without the provision of~~
2306 ~~identification,~~ or \$5, whichever is greater, if such payment
2307 instrument is the payment of any kind of state public assistance
2308 or federal social security benefit payable to the bearer of the
2309 ~~such~~ payment instrument; or

2310 (c) Charge fees for personal checks or money orders in
2311 excess of 10 percent of the face amount of those payment
2312 instruments, or \$5, whichever is greater.

2313 ~~(d) As used in this subsection, "identification" means, and~~
2314 ~~is limited to, an unexpired and otherwise valid driver license, a~~
2315 ~~state identification card issued by any state of the United~~
2316 ~~States or its territories or the District of Columbia, and~~
2317 ~~showing a photograph and signature, a United States Government~~
2318 ~~Resident Alien Identification Card, a United States passport, or~~
2319 ~~a United States Military identification card.~~

2320 (8) A licensee cashing payment instruments may not assess
2321 the cost of collections, other than fees for insufficient funds
2322 as provided by law, without a judgment from a court of competent
2323 jurisdiction.

2324 (9) If a check is returned to a licensee from a payor
2325 financial institution due to lack of funds, a closed account, or
2326 a stop-payment order, the licensee may seek collection pursuant
2327 to s. 68.065. In seeking collection, the licensee must comply

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2328 with the prohibitions against harassment or abuse, false or
2329 misleading representations, and unfair practices in the Fair Debt
2330 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f.
2331 A violation of this subsection is a deceptive and unfair trade
2332 practice and constitutes a violation of the Deceptive and Unfair
2333 Trade Practices Act under part II of chapter 501. In addition, a
2334 licensee must comply with the applicable provisions of the
2335 Consumer Collection Practices Act under part VI of chapter 559,
2336 including s. 559.77.

2337 Section 41. Section 560.310, Florida Statutes, is amended
2338 to read:

2339 560.310 Records of check cashers and foreign currency
2340 exchangers.--

2341 (1) In addition to the record retention requirements
2342 specified in s. 560.110, a licensee engaged in check cashing must
2343 maintain the following:

2344 (a) Customer files, as prescribed by rule, on all customers
2345 who cash corporate or third-party payment instruments exceeding
2346 \$1,000.

2347 (b) For any payment instrument accepted having a face value
2348 of \$1,000 or more:

2349 1. A copy of the personal identification that bears a
2350 photograph of the customer used as identification and presented
2351 by the customer. Acceptable personal identification is limited to
2352 a valid driver's license; a state identification card issued by
2353 any state of the United States or its territories or the District
2354 of Columbia, and showing a photograph and signature; a United
2355 States Government Resident Alien Identification Card; a passport;
2356 or a United States Military identification card.

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2357 2. A thumbprint of the customer taken by the licensee.

2358 (c) A payment instrument log that must be maintained
2359 electronically as prescribed by rule. For purposes of this
2360 paragraph, multiple payment instruments accepted from any one
2361 person on any given day which total \$1,000 or more must be
2362 aggregated and reported on the log. Each registrant must maintain
2363 all books, accounts, records, and documents necessary to
2364 determine the registrant's compliance with the provisions of the
2365 code. Such books, accounts, records, and documents shall be
2366 retained for a period of at least 3 years.

2367 (2) A licensee under this part may engage the services of a
2368 third party that is not a depository institution for the
2369 maintenance and storage of records required by this section if
2370 all the requirements of this section are met. The records
2371 required to be maintained by the code may be maintained by the
2372 registrant at any location if the registrant notifies the office,
2373 in writing, of the location of the records in its application or
2374 otherwise by amendment as prescribed by commission rule. The
2375 registrant shall make such records available to the office for
2376 examination and investigation in this state, as permitted by the
2377 code, within 7 days after receipt of a written request.

2378 ~~(3) Registrants and authorized vendors need not preserve or~~
2379 ~~retain any of the records required by this section or copies~~
2380 ~~thereof for a period longer than 3 years unless a longer period~~
2381 ~~is expressly required by the laws of this state or any federal~~
2382 ~~law. A registrant or authorized vendor may destroy any of its~~
2383 ~~records or copies thereof after the expiration of the retention~~
2384 ~~period required by this section.~~

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2385 ~~(4) The original of any record of a registrant or~~
2386 ~~authorized vendor includes the data or other information~~
2387 ~~comprising a record stored or transmitted in or by means of any~~
2388 ~~electronic, computerized, mechanized, or other information~~
2389 ~~storage or retrieval or transmission system or device which can~~
2390 ~~upon request generate, regenerate, or transmit the precise data~~
2391 ~~or other information comprising the record; and an original also~~
2392 ~~includes the visible data or other information so generated,~~
2393 ~~regenerated, or transmitted if it is legible or can be made~~
2394 ~~legible by enlargement or other process.~~

2395 ~~(5) Any person who willfully violates this section or fails~~
2396 ~~to comply with any lawful written demand or order of the office~~
2397 ~~made pursuant to this section commits a felony of the third~~
2398 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
2399 ~~775.084.~~

2400 Section 42. Section 560.402, Florida Statutes, is amended
2401 to read:

2402 560.402 Definitions.--~~In addition to the definitions~~
2403 ~~provided in ss. 560.103, 560.202, and 560.302 and unless~~
2404 ~~otherwise clearly indicated by the context,~~ For the purposes of
2405 this part, the term:

2406 (1) "Affiliate" means a person who, directly or indirectly,
2407 ~~through one or more intermediaries controls,~~ or is controlled by,
2408 or is under common control with, a deferred presentment provider.

2409 ~~(2) "Business day" means the hours during a particular day~~
2410 ~~during which a deferred presentment provider customarily conducts~~
2411 ~~business, not to exceed 15 consecutive hours during that day.~~

2412 ~~(3) "Days" means calendar days.~~

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2413 (2)~~(4)~~ "Deferment period" means the number of days a
2414 deferred presentment provider agrees to defer depositing, ~~or~~
2415 presenting, or redeeming a payment instrument.

2416 ~~(5) "Deferred presentment provider" means a person who~~
2417 ~~engages in a deferred presentment transaction and is registered~~
2418 ~~under part II or part III of the code and has filed a declaration~~
2419 ~~of intent with the office.~~

2420 (3)~~(6)~~ "Deferred presentment transaction" means providing
2421 currency or a payment instrument in exchange for a drawer's
2422 ~~person's~~ check and agreeing to hold the ~~that person's~~ check for a
2423 deferment period of time prior to presentment, deposit, or
2424 redemption.

2425 (4)~~(7)~~ "Drawer" means a customer ~~any person~~ who writes a
2426 personal check and upon whose account the check is drawn.

2427 (5) "Extension of a deferred presentment agreement" means
2428 continuing a deferred presentment transaction past the deferment
2429 period by having the drawer pay additional fees and the deferred
2430 presentment provider continuing to hold the check for another
2431 deferment period.

2432 (6)~~(8)~~ "Rollover" means the termination or extension of a
2433 ~~an existing~~ deferred presentment agreement by the payment of an
2434 ~~any~~ additional fee and the continued holding of the check, or the
2435 substitution of a new check ~~drawn~~ by the drawer pursuant to a new
2436 deferred presentment agreement.

2437 ~~(9) "Fee" means the fee authorized for the deferral of the~~
2438 ~~presentation of a check pursuant to this part.~~

2439 (7)~~(10)~~ "Termination of a ~~an existing~~ deferred presentment
2440 agreement" means that the check that is the basis for the ~~an~~
2441 agreement is redeemed by the drawer by payment in full in cash,

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2442 or is deposited and the deferred presentment provider has
2443 evidence that such check has cleared. A Verification of
2444 sufficient funds in the drawer's account by the deferred
2445 presentment provider is ~~shall~~ not be sufficient evidence to deem
2446 that the existing deferred deposit transaction is ~~to be~~
2447 terminated.

2448 ~~(11) "Extension of an existing deferred presentment~~
2449 ~~agreement" means that a deferred presentment transaction is~~
2450 ~~continued by the drawer paying any additional fees and the~~
2451 ~~deferred presentment provider continues to hold the check for~~
2452 ~~another period of time prior to deposit, presentment, or~~
2453 ~~redemption.~~

2454 Section 43. Section 560.403, Florida Statutes, is amended
2455 to read:

2456 560.403 ~~Requirements of registration;~~ Declaration of
2457 intent.--

2458 ~~(1)~~ Except for financial institutions as defined in s.
2459 655.005 ~~No person, Unless otherwise exempt from this chapter, a~~
2460 ~~person may not~~ shall engage in a deferred presentment transaction
2461 unless the person is licensed as a money services business
2462 ~~registered under the provisions of part II or part III of this~~
2463 chapter and has on file with the office a declaration of intent
2464 to engage in deferred presentment transactions, regardless of
2465 whether such person is exempted from licensure under any other
2466 provision of this chapter. The declaration of intent must ~~shall~~
2467 be under oath and on such form as prescribed ~~the commission~~
2468 ~~prescribes~~ by rule. The declaration of intent must ~~shall~~ be filed
2469 ~~together~~ with a nonrefundable filing fee as provided in s.
2470 560.143 ~~of \$1,000. Any person who is registered under part II or~~

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2471 ~~part III on the effective date of this act and intends to engage~~
2472 ~~in deferred presentment transactions shall have 60 days after the~~
2473 ~~effective date of this act to file a declaration of intent. A~~
2474 ~~declaration of intent expires after 24 months and must be~~
2475 ~~renewed.~~

2476 ~~(2) A registrant under this part shall renew his or her~~
2477 ~~intent to engage in the business of deferred presentment~~
2478 ~~transactions or to act as a deferred presentment provider upon~~
2479 ~~renewing his or her registration under part II or part III and~~
2480 ~~shall do so by indicating his or her intent by submitting a~~
2481 ~~nonrefundable deferred presentment provider renewal fee of~~
2482 ~~\$1,000, in addition to any fees required for renewal of~~
2483 ~~registration under part II or part III.~~

2484 ~~(3) A registrant under this part who fails to timely renew~~
2485 ~~his or her intent to engage in the business of deferred~~
2486 ~~presentment transactions or to act as a deferred presentment~~
2487 ~~provider shall immediately cease to engage in the business of~~
2488 ~~deferred presentment transactions or to act as a deferred~~
2489 ~~presentment provider.~~

2490 ~~(4) The notice of intent of a registrant under this part~~
2491 ~~who fails to timely renew his or her intent to engage in the~~
2492 ~~business of deferred presentment transactions or to act as a~~
2493 ~~deferred presentment provider on or before the expiration date of~~
2494 ~~the registration period automatically expires. A renewal fee and~~
2495 ~~a nonrefundable late fee of \$500 must be filed within 60 calendar~~
2496 ~~days after the expiration of an existing registration in order~~
2497 ~~for the declaration of intent to be reinstated. The office shall~~
2498 ~~grant a reinstatement of registration if an application is filed~~
2499 ~~during the 60-day period, and the reinstatement is effective upon~~

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2500 receipt of the required fees and any information that the
2501 commission requires by rule. If the registrant has not filed a
2502 reinstatement of a renewal declaration of intent within 60
2503 calendar days after the expiration date of an existing
2504 registration, the notice of intent expires and a new declaration
2505 of intent must be filed with the office.

2506 ~~(5) No person, other than a financial institution as~~
2507 ~~defined in s. 655.005, shall be exempt from registration and~~
2508 ~~declaration if such person engages in deferred presentment~~
2509 ~~transactions, regardless of whether such person is currently~~
2510 ~~exempt from registration under any provision of this code.~~

2511 Section 44. Section 560.404, Florida Statutes, is amended
2512 to read:

2513 560.404 Requirements for deferred presentment
2514 transactions.--

2515 (1) Each ~~Every~~ deferred presentment transaction must ~~shall~~
2516 be documented in a written agreement signed by ~~both~~ the deferred
2517 presentment provider and the drawer.

2518 (2) The deferred presentment transaction agreement must
2519 ~~shall~~ be executed on the day the deferred presentment provider
2520 furnishes currency or a payment instrument to the drawer.

2521 (3) Each written agreement must ~~shall~~ ~~contain the following~~
2522 ~~information,~~ in addition to any information required ~~the~~
2523 ~~commission requires by rule,~~ contain the following information:

2524 (a) The name or trade name, address, and telephone number
2525 of the deferred presentment provider and the name and title of
2526 the person who signs the agreement on behalf of the ~~deferred~~
2527 ~~presentment~~ provider.

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2528 (b) The date the deferred presentment transaction is ~~was~~
2529 made.

2530 (c) The amount of the drawer's check.

2531 (d) The length of the deferment ~~deferral~~ period.

2532 (e) The last day of the deferment period.

2533 (f) The address and telephone number of the office ~~and the~~
2534 ~~Division of Consumer Services of the Department of Financial~~
2535 ~~Services.~~

2536 (g) A clear description of the drawer's payment obligations
2537 under the deferred presentment transaction.

2538 (h) The transaction number assigned by the office's
2539 database.

2540 (4) The ~~Every~~ deferred presentment provider must ~~shall~~
2541 furnish ~~to the drawer~~ a copy of the deferred presentment
2542 transaction agreement to the drawer.

2543 (5) The face amount of a check taken for deferred
2544 presentment may not exceed \$500 exclusive of the fees allowed
2545 under ~~by~~ this part.

2546 (6) A ~~No~~ deferred presentment provider or its affiliate may
2547 not ~~shall~~ charge fees that exceed ~~in excess of~~ 10 percent of the
2548 currency or payment instrument provided. However, a verification
2549 fee may be charged as provided in s. 560.309(7) ~~in accordance~~
2550 ~~with s. 560.309(4) and the rules adopted pursuant to the code.~~
2551 The 10-percent fee may not be applied to the verification fee. A
2552 deferred presentment provider may charge only those fees
2553 specifically authorized in this section.

2554 (7) The fees authorized by this section may not be
2555 collected before the drawer's check is presented or redeemed.

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2556 (8) A ~~No~~ deferred presentment agreement may not ~~shall~~ be
2557 for a term longer than ~~in excess of~~ 31 days or less than 7 days.

2558 (9) A ~~No~~ deferred presentment provider may not ~~shall~~
2559 require a drawer ~~person~~ to provide any additional security for
2560 the deferred presentment transaction or any extension or require
2561 the drawer ~~a person~~ to provide any additional guaranty from
2562 another person.

2563 (10) A deferred presentment provider may ~~shall~~ not include
2564 any of the following provisions in a deferred provider ~~any~~
2565 ~~written~~ agreement:

2566 (a) A hold harmless clause.†

2567 (b) A confession of judgment clause.†

2568 (c) Any assignment of or order for payment of wages or
2569 other compensation for services.†

2570 (d) A provision in which the drawer agrees not to assert
2571 any claim or defense arising out of the agreement.† ~~or~~

2572 (e) A waiver of any provision of this part.

2573 (11) A ~~Each~~ deferred presentment provider shall immediately
2574 provide the drawer with the full amount of any check to be held,
2575 less only the fees allowed ~~permitted~~ under this section.

2576 (12) The deferred presentment agreement and the drawer's
2577 check must ~~shall~~ bear the same date, and the number of days of
2578 the deferment period shall be calculated from that ~~this~~ date. The
2579 ~~No~~ deferred presentment provider and the drawer ~~or person~~ may not
2580 alter or delete the date on any written agreement or check held
2581 by the deferred presentment provider.

2582 (13) For each deferred presentment transaction, the
2583 deferred presentment provider must comply with the disclosure
2584 requirements of 12 C.F.R., part 226, relating to the federal

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2585 Truth-in-Lending Act, and Regulation Z of the Board of Governors
2586 of the Federal Reserve Board. A copy of the disclosure must be
2587 provided to the drawer at the time the deferred presentment
2588 transaction is initiated.

2589 (14) A ~~No~~ deferred presentment provider or its affiliate
2590 may not accept or hold an undated check or a check dated on a
2591 date other than the date on which the deferred presentment
2592 provider agreed to hold the check and signed the deferred
2593 presentment transaction agreement.

2594 (15) A ~~Every~~ deferred presentment provider must ~~shall~~ hold
2595 the drawer's check for the agreed number of days, unless the
2596 drawer chooses to redeem the check before the ~~agreed~~ presentment
2597 date.

2598 (16) Proceeds in a deferred presentment transaction may be
2599 made to the drawer in the form of the deferred presentment
2600 provider's payment instrument if the deferred presentment
2601 provider is registered under part II; however, an ~~no~~ additional
2602 fee may not be charged by a deferred presentment provider or its
2603 affiliate for issuing or cashing the deferred presentment
2604 provider's payment instrument.

2605 (17) A ~~No~~ deferred presentment provider may not require the
2606 drawer to accept its payment instrument in lieu of currency.

2607 (18) A ~~No~~ deferred presentment provider or its affiliate
2608 may not engage in the rollover of a ~~any~~ deferred presentment
2609 agreement. A deferred presentment provider may ~~shall~~ not redeem,
2610 extend, or otherwise consolidate a deferred presentment agreement
2611 with the proceeds of another deferred presentment transaction
2612 made by the same or an affiliate ~~affiliated deferred presentment~~
2613 ~~provider~~.

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2614 (19) A deferred presentment provider may not enter into a
2615 deferred presentment transaction with a drawer ~~person~~ who has an
2616 outstanding deferred presentment transaction with that provider
2617 or with any other deferred presentment provider, or with a person
2618 whose previous deferred presentment transaction with that
2619 provider or with any other provider has been terminated for less
2620 than 24 hours. The deferred presentment provider must verify such
2621 information as follows:

2622 (a) The deferred presentment provider shall maintain a
2623 common database and shall verify whether the ~~that~~ deferred
2624 ~~presentment~~ provider or an affiliate has an outstanding deferred
2625 presentment transaction with a particular person or has
2626 terminated a transaction with that person within the previous 24
2627 hours.

2628 (b) The deferred presentment provider shall access the
2629 office's database established pursuant to subsection (23) and
2630 shall verify whether any other deferred presentment provider has
2631 an outstanding deferred presentment transaction with a particular
2632 person or has terminated a transaction with that person within
2633 the previous 24 hours. If a provider has not established ~~Prior to~~
2634 ~~the time that the office has implemented such~~ a database, the
2635 deferred presentment provider may rely upon the written
2636 verification of the drawer as provided in subsection (20).

2637 (20) A deferred presentment provider shall provide the
2638 following notice in a prominent place on each deferred
2639 presentment agreement in at least 14-point type in substantially
2640 the following form and must obtain the signature of the drawer
2641 where indicated:

2642

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2643 NOTICE

2644

2645 1. STATE LAW PROHIBITS YOU FROM HAVING MORE THAN ONE DEFERRED
2646 PRESENTMENT AGREEMENT AT ANY ONE TIME. STATE LAW ALSO PROHIBITS
2647 YOU FROM ENTERING INTO A DEFERRED PRESENTMENT AGREEMENT WITHIN 24
2648 HOURS AFTER ~~OF~~ TERMINATING ANY PREVIOUS DEFERRED PRESENTMENT
2649 AGREEMENT. FAILURE TO OBEY THIS LAW COULD CREATE SEVERE FINANCIAL
2650 HARDSHIP FOR YOU AND YOUR FAMILY.

2651

2652 YOU MUST SIGN THE FOLLOWING STATEMENT:

2653

2654 I DO NOT HAVE AN OUTSTANDING DEFERRED PRESENTMENT AGREEMENT WITH
2655 ANY DEFERRED PRESENTMENT PROVIDER AT THIS TIME. I HAVE NOT
2656 TERMINATED A DEFERRED PRESENTMENT AGREEMENT WITHIN THE PAST 24
2657 HOURS.

2658

2659 (Signature of Drawer)

2660

2661 2. YOU CANNOT BE PROSECUTED IN CRIMINAL COURT FOR A CHECK
2662 WRITTEN UNDER THIS AGREEMENT, BUT ALL LEGALLY AVAILABLE CIVIL
2663 MEANS TO ENFORCE THE DEBT MAY BE PURSUED AGAINST YOU.

2664

2665 3. STATE LAW PROHIBITS A DEFERRED PRESENTMENT PROVIDER (THIS
2666 BUSINESS) FROM ALLOWING YOU TO "ROLL OVER" YOUR DEFERRED
2667 PRESENTMENT TRANSACTION. THIS MEANS THAT YOU CANNOT BE ASKED OR
2668 REQUIRED TO PAY AN ADDITIONAL FEE IN ORDER TO FURTHER DELAY THE
2669 DEPOSIT OR PRESENTMENT OF YOUR CHECK FOR PAYMENT. IF YOU INFORM
2670 THE PROVIDER IN PERSON THAT YOU CANNOT COVER THE CHECK OR PAY IN
2671 FULL THE AMOUNT OWING AT THE END OF THE TERM OF THIS AGREEMENT,

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2672 YOU WILL RECEIVE A GRACE PERIOD EXTENDING THE TERM OF THE
2673 AGREEMENT FOR AN ADDITIONAL 60 DAYS AFTER THE ORIGINAL
2674 TERMINATION DATE, WITHOUT ANY ADDITIONAL CHARGE. THE DEFERRED
2675 PRESENTMENT PROVIDER SHALL REQUIRE THAT YOU, AS A CONDITION OF
2676 OBTAINING THE GRACE PERIOD, COMPLETE CONSUMER CREDIT COUNSELING
2677 PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED
2678 TO YOU BY THIS PROVIDER. YOU MAY ALSO AGREE TO COMPLY WITH AND
2679 ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY. IF YOU DO NOT
2680 COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT
2681 AGENCY, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR PAYMENT AND
2682 PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE THE DEBT AT
2683 THE END OF THE 60-DAY GRACE PERIOD.

2684 (21) The deferred presentment provider may not deposit or
2685 present the drawer's check if the drawer informs the provider in
2686 person that the drawer cannot redeem or pay in full in cash the
2687 amount due and owing the deferred presentment provider. No
2688 additional fees or penalties may be imposed on the drawer by
2689 virtue of any misrepresentation made by the drawer as to the
2690 sufficiency of funds in the drawer's account. ~~In no event shall~~
2691 ~~any~~ Additional fees may not be added to the amounts due and owing
2692 to the deferred presentment provider.

2693 (22) ~~(a)~~ If, by the end of the deferment period, the drawer
2694 informs the deferred presentment provider in person that the
2695 drawer cannot redeem or pay in full in cash the amount due and
2696 owing the deferred presentment provider, the deferred presentment
2697 provider shall provide a grace period extending the term of the
2698 agreement for an additional 60 days after the original
2699 termination date, without any additional charge.

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2700 (a) The provider shall require that as a condition of
2701 providing a ~~this~~ grace period, that ~~within the first 7 days of~~
2702 ~~the grace period~~ the drawer make an appointment with a consumer
2703 credit counseling agency within 7 days after the end of the
2704 deferment period and complete the counseling by the end of the
2705 grace period. The drawer may agree to, comply with, and adhere to
2706 a repayment plan approved by the counseling agency. If the drawer
2707 agrees to comply with and adhere to a repayment plan approved by
2708 the counseling agency, the provider must ~~is also required to~~
2709 comply with and adhere to that repayment plan. The deferred
2710 presentment provider may not deposit or present the drawer's
2711 check for payment before the end of the 60-day grace period
2712 unless the drawer fails to comply with such conditions or the
2713 drawer fails to notify the provider of such compliance. Before
2714 each deferred presentment transaction, the provider may verbally
2715 advise the drawer of the availability of the grace period
2716 consistent with ~~the provisions of~~ the written notice in
2717 subsection (20), and may ~~shall~~ not discourage the drawer from
2718 using the grace period.

2719 (b) At the commencement of the grace period, the deferred
2720 presentment provider shall provide the drawer:

2721 1. Verbal notice of the availability of the grace period
2722 consistent with the written notice in subsection (20).

2723 2. A list of approved consumer credit counseling agencies
2724 prepared by the office. The office list shall include nonprofit
2725 consumer credit counseling agencies affiliated with the National
2726 Foundation for Credit Counseling which provide credit counseling
2727 services to state ~~Florida~~ residents in person, by telephone, or
2728 through the Internet. The office list must include phone numbers

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2729 | for the agencies, the counties served by the agencies, and
2730 | indicate the agencies that provide telephone counseling and those
2731 | that provide Internet counseling. The office shall update the
2732 | list at least once each year.

2733 | 3. The following notice in at least 14-point type in
2734 | substantially the following form:

2735 |
2736 |
2737 | AS A CONDITION OF OBTAINING A GRACE PERIOD EXTENDING THE TERM OF
2738 | YOUR DEFERRED PRESENTMENT AGREEMENT FOR AN ADDITIONAL 60 DAYS,
2739 | UNTIL [DATE], WITHOUT ANY ADDITIONAL FEES, YOU MUST COMPLETE
2740 | CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE
2741 | LIST THAT WILL BE PROVIDED TO YOU BY THIS PROVIDER. YOU MAY ALSO
2742 | AGREE TO COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY
2743 | THE AGENCY. THE COUNSELING MAY BE IN PERSON, BY TELEPHONE, OR
2744 | THROUGH THE INTERNET. YOU MUST NOTIFY US WITHIN 7 ~~SEVEN (7)~~ DAYS,
2745 | BY [DATE], THAT YOU HAVE MADE AN APPOINTMENT WITH ~~SUCH~~ A CONSUMER
2746 | CREDIT COUNSELING AGENCY. YOU MUST ALSO NOTIFY US WITHIN 60 ~~SIXTY~~
2747 | ~~(60)~~ DAYS, BY [DATE], THAT YOU HAVE COMPLETED THE CONSUMER CREDIT
2748 | COUNSELING. WE MAY VERIFY THIS INFORMATION WITH THE AGENCY. IF
2749 | YOU FAIL TO PROVIDE ~~EITHER~~ THE 7-DAY OR 60-DAY NOTICE, OR IF YOU
2750 | HAVE NOT MADE THE APPOINTMENT OR COMPLETED THE COUNSELING WITHIN
2751 | THE TIME REQUIRED, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR
2752 | PAYMENT AND PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE
2753 | THE DEBT.

2754 | (c) If a drawer completes an approved payment plan, the
2755 | deferred presentment provider shall pay one-half of the drawer's
2756 | fee for the deferred presentment agreement to the consumer credit
2757 | counseling agency.

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2758 (23) The office shall implement a common database with
2759 real-time access through an Internet connection for deferred
2760 presentment providers, as provided in this subsection. The
2761 database must be accessible to the office and the deferred
2762 presentment providers in order to verify whether any deferred
2763 presentment transactions are outstanding for a particular person.
2764 Deferred presentment providers shall submit such data before
2765 entering into each deferred presentment transaction in such
2766 format as required ~~the commission shall require~~ by rule,
2767 including the drawer's name, social security number or employment
2768 authorization alien number, address, driver's license number,
2769 amount of the transaction, date of transaction, the date that the
2770 transaction is closed, and such additional information as is
2771 required by rule ~~the commission~~. The commission may by rule
2772 impose a fee of up to ~~not to exceed~~ \$1 per transaction for data
2773 that must ~~required to~~ be submitted by a deferred presentment
2774 provider. A deferred presentment provider may rely on the
2775 information contained in the database as accurate and is not
2776 subject to any administrative penalty or civil liability due to
2777 ~~as a result of~~ relying on inaccurate information contained in the
2778 database. A deferred presentment provider must notify the office,
2779 in a manner as prescribed by rule, within 15 business days after
2780 ceasing operations or no longer holding a license under part II
2781 or part III of this chapter. Such notification must include a
2782 reconciliation of all open transactions. If the provider fails to
2783 provide notice, the office shall take action to administratively
2784 release all open and pending transactions in the database after
2785 the office becomes aware of the closure. This section does not
2786 affect the rights of the provider to enforce the contractual

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2787 provisions of the deferred presentment agreements through any
2788 civil action allowed by law. The commission may adopt rules to
2789 administer ~~and enforce the provisions of this subsection section~~
2790 and to ensure ~~assure~~ that the database is used by deferred
2791 presentment providers in accordance with this section.

2792 (24) A deferred presentment provider may not accept more
2793 than one check or authorization to initiate more than one
2794 automated clearinghouse transaction to collect on a deferred
2795 presentment transaction for a single deferred presentment
2796 transaction.

2797 Section 45. Section 560.405, Florida Statutes, is amended
2798 to read:

2799 560.405 Deposit; redemption.--

2800 (1) The deferred presentment provider or its affiliate may
2801 ~~shall~~ not present the drawer's check before the end of the
2802 deferment period ~~prior to the agreed-upon date of presentment,~~ as
2803 reflected in the deferred presentment transaction agreement.

2804 (2) Before a deferred presentment provider presents the
2805 drawer's check, the check must ~~shall~~ be endorsed with the ~~actual~~
2806 name under which the deferred presentment provider is doing
2807 business.

2808 (3) Notwithstanding ~~the provisions of~~ subsection (1), in
2809 lieu of presentment, a deferred presentment provider may allow
2810 the check to be redeemed at any time upon payment ~~to the deferred~~
2811 ~~presentment provider in the amount~~ of the face amount of the
2812 drawer's check. However, payment may not be made in the form of a
2813 personal check. Upon redemption, the deferred presentment
2814 provider shall return the drawer's check ~~that was being held and~~

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2815 provide a signed, dated receipt showing that the drawer's check
2816 has been redeemed.

2817 (4) A ~~No~~ drawer may not ~~can~~ be required to redeem his or
2818 her check before ~~prior to~~ the agreed-upon date; however, the
2819 drawer may choose to redeem the check before the agreed-upon
2820 presentment date.

2821 Section 46. Section 560.406, Florida Statutes, is amended
2822 to read:

2823 560.406 Worthless checks.--

2824 (1) If a check is returned to a deferred presentment
2825 provider from a payor financial institution due to lack of funds,
2826 a closed account, or a stop-payment order, the deferred
2827 presentment provider may seek collection pursuant to s. 68.065,
2828 except a deferred presentment provider may ~~shall not be entitled~~
2829 ~~to~~ collect treble damages ~~pursuant s. 68.065~~. The notice sent by
2830 the ~~a~~ deferred deposit provider may ~~pursuant to s. 68.065 shall~~
2831 not include any references to treble damages and must clearly
2832 state that the deferred presentment provider is not entitled to
2833 recover such damages. Except as otherwise provided in this part,
2834 an individual who issues a personal check to a deferred
2835 presentment provider under a deferred presentment agreement is
2836 not subject to criminal penalty.

2837 (2) If a check is returned to a deferred presentment
2838 provider from a payor financial institution due to insufficient
2839 funds, a closed account, or a stop-payment order, the deferred
2840 presentment provider may pursue all legally available civil
2841 remedies to collect the check, including, but not limited to, the
2842 imposition of all charges imposed on the deferred presentment
2843 provider by the ~~any~~ financial institution. In its collection

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2844 practices, a deferred presentment provider must ~~shall~~ comply with
2845 the prohibitions against harassment or abuse, false or misleading
2846 representations, and unfair practices that ~~which~~ are contained in
2847 ~~ss. 806, 807, and 808~~ of the Fair Debt Collections Practices Act,
2848 15 U.S.C. ss. 1692d, 1692e, 1692f. A violation of this act is a
2849 deceptive and unfair trade practice and constitutes a violation
2850 of the Deceptive and Unfair Trade Practices Act under, ~~part~~ II of
2851 chapter 501. In addition, a deferred presentment provider must
2852 ~~shall~~ comply with the applicable provisions of ~~part VI of chapter~~
2853 ~~559~~, the Consumer Collection Practices Act under part VI of
2854 chapter 559, including, ~~but not limited to, the provisions of s.~~
2855 559.77.

2856 (3) A deferred presentment provider may not assess the cost
2857 of collection, other than charges for insufficient funds as
2858 allowed by law, without a judgment from a court of competent
2859 jurisdiction.

2860 Section 47. Subsection (7) of section 499.005, Florida
2861 Statutes, is amended to read:

2862 499.005 Prohibited acts.--It is unlawful for a person to
2863 perform or cause the performance of any of the following acts in
2864 this state:

2865 (7) The purchase or sale of prescription drugs for
2866 wholesale distribution in exchange for currency, as defined in s.
2867 560.103 ~~s. 560.103(6)~~.

2868 Section 48. Paragraph (i) of subsection (2) of section
2869 499.0691, Florida Statutes, is amended to read:

2870 499.0691 Criminal punishment for violations related to
2871 drugs; dissemination of false advertisement.--

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2872 (2) Any person who violates any of the following provisions
2873 commits a felony of the third degree, punishable as provided in
2874 s. 775.082, s. 775.083, or s. 775.084, or as otherwise provided
2875 in ss. 499.001-499.081.

2876 (i) The purchase or sale of prescription drugs for
2877 wholesale distribution in exchange for currency, as defined in s.
2878 560.103 ~~s. 560.103(6)~~.

2879 Section 49. Paragraph (b) of subsection (2) of section
2880 501.95, Florida Statutes, is amended to read:

2881 501.95 Gift certificates and credit memos.--

2882 (2)

2883 (b) Paragraph (a) does not apply to a gift certificate or
2884 credit memo sold or issued by a financial institution, as defined
2885 in s. 655.005, or by a money services business ~~transmitter~~, as
2886 defined in s. 560.103, if the gift certificate or credit memo is
2887 redeemable by multiple unaffiliated merchants.

2888 Section 50. Paragraph (n) of subsection (2) of section
2889 538.03, Florida Statutes, is amended to read:

2890 538.03 Definitions; applicability.--

2891 (2) This chapter does not apply to:

2892 (n) A business that contracts with other persons or
2893 entities to offer its secondhand goods for sale, purchase,
2894 consignment, or trade via an Internet website, and that maintains
2895 a shop, store, or other business premises for this purpose, if
2896 all of the following apply:

2897 1. The secondhand goods must be available on the website
2898 for viewing by the public at no charge;

2899 2. The records of the sale, purchase, consignment, or trade
2900 must be maintained for at least 2 years;

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2901 3. The records of the sale, purchase, consignment, or
2902 trade, and the description of the secondhand goods as listed on
2903 the website, must contain the serial number of each item, if any;

2904 4. The secondhand goods listed on the website must be
2905 searchable based upon the state or zip code;

2906 5. The business must provide the appropriate law
2907 enforcement agency with the name or names under which it conducts
2908 business on the website;

2909 6. The business must allow the appropriate law enforcement
2910 agency to inspect its business premises at any time during normal
2911 business hours;

2912 7. Any payment by the business resulting from such a sale,
2913 purchase, consignment, or trade must be made to the person or
2914 entity with whom the business contracted to offer the goods and
2915 must be made by check or via a money services business
2916 ~~transmitter~~ licensed under part II of chapter 560; and

2917 8.a. At least 48 hours after the estimated time of
2918 contracting to offer the secondhand goods, the business must
2919 verify that any item having a serial number is not stolen
2920 property by entering the serial number of the item into the
2921 Department of Law Enforcement's stolen article database located
2922 at the Florida Crime Information Center's public access system
2923 website. The business shall record the date and time of such
2924 verification on the contract covering the goods. If such
2925 verification reveals that an item is stolen property, the
2926 business shall immediately remove the item from any website on
2927 which it is being offered and notify the appropriate law
2928 enforcement agency; or

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2929 b. The business must provide the appropriate law
2930 enforcement agency with an electronic copy of the name, address,
2931 phone number, driver's license number, and issuing state of the
2932 person with whom the business contracted to offer the goods, as
2933 well as an accurate description of the goods, including make,
2934 model, serial number, and any other unique identifying marks,
2935 numbers, names, or letters that may be on an item, in a format
2936 agreed upon by the business and the appropriate law enforcement
2937 agency. This information must be provided to the appropriate law
2938 enforcement agency within 24 hours after entering into the
2939 contract unless other arrangements are made between the business
2940 and the law enforcement agency.

2941 Section 51. Subsection (10) of section 896.101, Florida
2942 Statutes, is amended to read:

2943 896.101 Florida Money Laundering Act; definitions;
2944 penalties; injunctions; seizure warrants; immunity.--

2945 (10) Any financial institution, licensed money services
2946 business transmitter, or other person served with and complying
2947 with the terms of a warrant, temporary injunction, or other court
2948 order, including any subpoena issued under ~~the authority granted~~
2949 ~~by~~ s. 16.56 or s. 27.04, obtained in furtherance of an
2950 investigation of any crime in this section, including any crime
2951 listed as specified unlawful activity under this section or any
2952 felony violation of chapter 560, has immunity from criminal
2953 liability and is ~~shall~~ not be liable to any person for any lawful
2954 action taken in complying with the warrant, temporary injunction,
2955 or other court order, including any subpoena issued under ~~the~~
2956 ~~authority granted by~~ s. 16.56 or s. 27.04. If any subpoena issued
2957 under ~~the authority granted by~~ s. 16.56 or s. 27.04 contains a

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2958 nondisclosure provision, any financial institution, licensed
2959 money services business ~~transmitter~~, employee or officer of a
2960 financial institution or licensed money services business
2961 ~~transmitter~~, or any other person may not notify, directly or
2962 indirectly, any customer of that financial institution or
2963 ~~licensed~~ money services business ~~transmitter~~ whose records are
2964 being sought by the subpoena, or any other person named in the
2965 subpoena, about the existence or the contents of that subpoena or
2966 about information that has been furnished to the state attorney
2967 or statewide prosecutor who issued the subpoena or other law
2968 enforcement officer named in the subpoena in response to the
2969 subpoena.

2970 Section 52. Subsection (5) of section 896.104, Florida
2971 Statutes, is amended to read:

2972 896.104 Structuring transactions to evade reporting or
2973 registration requirements prohibited.--

2974 (5) INFERENCE.--Proof that a person engaged for monetary
2975 consideration in the business of a money funds transmitter, as
2976 defined in s. 560.103, ~~s. 560.103(10)~~ and who is transporting
2977 more than \$10,000 in currency, or the foreign equivalent, without
2978 being licensed ~~registered~~ as a money transmitter or designated as
2979 an authorized agent ~~vendor~~ under ~~the provisions of~~ chapter 560,
2980 gives rise to an inference that the transportation was done with
2981 knowledge of the licensure ~~registration~~ requirements of chapter
2982 560 and the reporting requirements of this chapter.

2983 Section 53. Paragraph (g) of subsection (3) of section
2984 921.0022, Florida Statutes, is amended to read:

2985 921.0022 Criminal Punishment Code; offense severity ranking
2986 chart.--

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2987	(3)	OFFENSE SEVERITY RANKING CHART	
2988	(g)	LEVEL 7	
	Florida	Felony	Description
	Statute	Degree	
2989	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
2990	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
2991	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2992	327.35 (3) (c) 2.	3rd	Vessel BUI resulting

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2993	402.319 (2)	2nd	in serious bodily injury.
2994	409.920 (2)	3rd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2995	456.065 (2)	3rd	Medicaid provider fraud.
2996	456.065 (2)	2nd	Practicing a health care profession without a license.
2997	458.327 (1)	3rd	Practicing a health care profession without a license which results in serious bodily injury.
			Practicing medicine

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2998	459.013 (1)	3rd	without a license. Practicing osteopathic medicine without a license.
2999	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
3000	461.012 (1)	3rd	Practicing podiatric medicine without a license.
3001	462.17	3rd	Practicing naturopathy without a license.
3002	463.015 (1)	3rd	Practicing optometry without a license.
3003	464.016 (1)	3rd	Practicing nursing without a license.
3004	465.015 (2)	3rd	Practicing pharmacy without a license.
3005	466.026 (1)	3rd	Practicing dentistry

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3006	467.201	3rd	or dental hygiene without a license.
3007	468.366	3rd	Practicing midwifery without a license.
3008	483.828 (1)	3rd	Delivering respiratory care services without a license.
3009	483.901 (9)	3rd	Practicing as clinical laboratory personnel without a license.
3010	484.013 (1) (c)	3rd	Practicing medical physics without a license.
3011	484.053	3rd	Preparing or dispensing optical devices without a prescription.
3012			Dispensing hearing aids without a license.

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3013

494.0018(2) 1st

Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

3014

560.123(8)(b)1. 3rd

Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business ~~transmitter~~.

3015

560.125(5)(a) 3rd

Money services ~~transmitter~~ business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

655.50(10)(b)1. 3rd

Failure to report financial

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3016	775.21 (10) (a)	3rd	<p>transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
3017	775.21 (10) (b)	3rd	<p>Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.</p>
3018	775.21 (10) (g)	3rd	<p>Sexual predator working where children regularly congregate.</p>
3019	782.051 (3)	2nd	<p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</p> <p>Attempted felony murder of a person by a person other</p>

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3020	782.07(1)	2nd	<p>than the perpetrator or the perpetrator of an attempted felony.</p>
3021	782.071	2nd	<p>Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).</p>
3022	782.072	2nd	<p>Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).</p>
3023	784.045(1)(a)1.	2nd	<p>Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).</p> <p>Aggravated battery;</p>

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3024	784.045 (1) (a) 2.	2nd	intentionally causing great bodily harm or disfigurement.
3025	784.045 (1) (b)	2nd	Aggravated battery; using deadly weapon.
3026	784.048 (4)	3rd	Aggravated battery; perpetrator aware victim pregnant.
3027	784.048 (7)	3rd	Aggravated stalking; violation of injunction or court order.
3028	784.07 (2) (d)	1st	Aggravated stalking; violation of court order.
3029	784.074 (1) (a)	1st	Aggravated battery on law enforcement officer.
			Aggravated battery on sexually violent predators facility staff.

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3030	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
3031	784.081 (1)	1st	Aggravated battery on specified official or employee.
3032	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
3033	784.083 (1)	1st	Aggravated battery on code inspector.
3034	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
3035	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
3036			

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3037	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
3038	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
3039	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
3040	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
3040	794.08 (4)	3rd	Female genital mutilation; consent by a parent,

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3041	796.03	2nd	guardian, or a person in custodial authority to a victim younger than 18 years of age.
3042	800.04 (5) (c) 1.	2nd	Procuring any person under 16 years for prostitution.
3043	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
3044	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
3045	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
			Burglary of occupied dwelling; unarmed;

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3046	810.02 (3) (b)	2nd	no assault or battery.
3047	810.02 (3) (d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
3048	810.02 (3) (e)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
3049	812.014 (2) (a) 1.	1st	Burglary of authorized emergency vehicle.
3050	812.014 (2) (b) 2.	2nd	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

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3051	812.014 (2) (b) 3.	2nd	cargo valued at less than \$50,000, grand theft in 2nd degree.
3052	812.014 (2) (b) 4.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3053	812.0145 (2) (a)	1st	Property stolen, law enforcement equipment from authorized emergency vehicle.
3054	812.019 (2)	1st	Theft from person 65 years of age or older; \$50,000 or more.
3055	812.131 (2) (a)	2nd	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
			Robbery by sudden

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3056	812.133 (2) (b)	1st	snatching.
3057	817.234 (8) (a)	2nd	Carjacking; no firearm, deadly weapon, or other weapon.
3058	817.234 (9)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
3059	817.234 (11) (c)	1st	Organizing, planning, or participating in an intentional motor vehicle collision.
3060	817.2341 (2) (b) & (3) (b)	1st	Insurance fraud; property value \$100,000 or more. Making false entries of material fact or false statements regarding property values relating to the solvency of an

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3061	825.102 (3) (b)	2nd	insuring entity which are a significant cause of the insolvency of that entity.
3062	825.103 (2) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
3063	827.03 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
3064	827.04 (3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement. Impregnation of a child under 16 years of age by person 21

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3065	837.05 (2)	3rd	years of age or older.
3066	838.015	2nd	Giving false information about alleged capital felony to a law enforcement officer.
3067	838.016	2nd	Bribery.
3068	838.021 (3) (a)	2nd	Unlawful compensation or reward for official behavior.
3069	838.22	2nd	Unlawful harm to a public servant.
3070	847.0135 (3)	3rd	Bid tampering.
3071	847.0135 (4)	2nd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
			Traveling to meet a minor to commit an

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3072	872.06	2nd	unlawful sex act.
3073	893.13(1)(c)1.	1st	Abuse of a dead human body. Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
3074	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or

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3075	893.13 (4) (a)	1st	(2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.
3076	893.135 (1) (a) 1.	1st	Deliver to minor cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
3077	893.135 (1) (b) 1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
3078	893.135 (1) (c) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
3079			Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

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3080	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
3081	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
3082	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
3083	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
3084	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1

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3085	893.135 (1) (k) 2.a.	1st	kilogram or more, less than 5 kilograms.
3086	896.101 (5) (a)	3rd	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
3087	896.104 (4) (a) 1.	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
3088	943.0435 (4) (c)	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
			Sexual offender vacating permanent residence; failure to comply with

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3089	943.0435 (8)	2nd	reporting requirements.
3090	943.0435 (9) (a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
3091	943.0435 (13)	3rd	Sexual offender; failure to comply with reporting requirements.
3092	943.0435 (14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
			Sexual offender; failure to report and reregister; failure to respond to address verification.

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3093	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
3094	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
3095	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3096	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
3097	985.4815 (10)	3rd	Sexual offender; failure to submit to the taking of a

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3098 digitized
 photograph.
 985.4815(12) 3rd Failure to report or
 providing false
 information about a
 sexual offender;
 harbor or conceal a
 sexual offender.

3099 985.4815(13) 3rd Sexual offender;
 failure to report
 and reregister;
 failure to respond
 to address
 verification.

3100
 3101 Section 54. Sections 560.101, 560.102, 560.106, 560.1073,
 3102 560.108, 560.112. 560.117, 560.200, 560.202, 560.206, 560.207,
 3103 560.301, 560.302, 560.305, 560.306, 560.307, 560.308, 560.401,
 3104 560.402, and 560.407, Florida Statutes, are repealed.

3105 Section 55. Except as otherwise expressly provided in this
 3106 act, this act shall take effect October 1, 2008.