

By the Committees on Finance and Tax; Banking and Insurance;
Banking and Insurance

593-05946-08

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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 and each new licensee within 6 months after
20 issuing a license; requiring the office to report certain
21 violations to a criminal investigatory agency; requiring
22 that the office annually report to the Legislature
23 information concerning investigations and examinations and
24 the total amount of fines assessed and collected;
25 requiring records in a language other than English to be
26 translated; creating s. 560.1091, F.S.; authorizing the
27 office to contract with third parties to conduct
28 examinations; authorizing the commission to adopt rules
29 relating to who can conduct examinations and the rates

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30 charged; creating s. 560.1092, F.S.; requiring persons
31 examined to pay the expenses of examination as set by rule
32 of the commission; providing for the deposit of funds
33 collected from licensees; requiring payment for travel
34 expenses and living expenses and compensation for persons
35 making the examinations from such funds or from funds
36 budgeted for such purposes; creating s. 560.110, F.S.;
37 providing for record retention by licensees; amending s.
38 560.111, F.S.; revising the list of prohibited acts by a
39 money services business; amending s. 560.113, F.S.;
40 providing for the establishment of a receivership or the
41 payment of restitution by a person found to have violated
42 ch. 560, F.S.; amending s. 560.114, F.S.; revising grounds
43 for the disciplinary actions; creating s. 560.1141, F.S.;
44 authorizing the commission to adopt disciplinary
45 guidelines for imposing penalties for violations;
46 providing for mitigating and aggravating circumstances;
47 amending s. 560.115, F.S.; revising provisions relating to
48 the voluntary surrender of a license; amending s. 560.116,
49 F.S.; revising provisions relating to the granting of
50 immunity for providing information about alleged
51 violations of ch. 560, F.S.; amending s. 560.118, F.S.;
52 revising provisions relating to required reports; deleting
53 an exemption from the requirement to file an annual
54 financial report; transferring, renumbering, and amending
55 s. 560.119, F.S.; revising provisions providing for the
56 deposit of fees and assessments; amending s. 560.121,
57 F.S.; revising restriction on access to records held by a
58 court or the Legislature; amending s. 560.123, F.S.;

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59 | revising provisions relating to the Florida Control of
60 | Money Laundering in Money Services Business; creating s.
61 | 560.1235, F.S.; requiring a licensee to comply with state
62 | and federal anti-money laundering laws and rules; amending
63 | s. 560.124, F.S.; revising provisions relating to sharing
64 | reported information; amending s. 560.125, F.S.; revising
65 | provisions relating to unlicensed activity; amending s.
66 | 560.126, F.S.; revising provisions relating to certain
67 | notice requirements by a licensee; amending s. 560.127,
68 | F.S.; revising provisions relating to the control of a
69 | money services business; amending s. 560.128, F.S.;
70 | revising provisions relating to customer contacts and
71 | license display; amending s. 560.129, F.S.; revising
72 | provisions relating to the confidentiality of certain
73 | records; creating s. 560.140, F.S.; providing licensing
74 | standards for a money services business; creating s.
75 | 560.141, F.S.; providing for a license application;
76 | creating s. 560.142, F.S.; providing for license renewal;
77 | creating s. 560.143, F.S.; providing for license fees;
78 | amending s. 560.203, F.S.; revising the exemption from
79 | licensure for authorized vendors of a money services
80 | business; amending s. 560.204, F.S.; revising provisions
81 | relating to the requirement for licensure of money
82 | transmitters or sellers of payment instruments under part
83 | II of ch. 560, F.S.; amending s. 560.205, F.S.; providing
84 | additional requirements for a license application;
85 | amending s. 560.208, F.S.; revising provisions relating to
86 | the conduct of a licensee; creating s. 560.2085, F.S.;
87 | providing requirements for authorized vendors; amending s.

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88 560.209, F.S.; revising provisions relating to a
89 licensee's net worth and the filing of a corporate surety
90 bond; requiring a financial audit report; increasing the
91 upper limit of the bond; deleting the option of waiving
92 the bond; amending s. 560.210, F.S.; revising provisions
93 relating to permissible investments; amending s. 560.211,
94 F.S.; revising provisions relating to required
95 recordkeeping under part II of ch. 560, F.S.; amending s.
96 560.212, F.S.; revising provisions relating to licensee
97 liability; amending s. 560.213, F.S.; revising provisions
98 relating information that must be printed on a payment
99 instrument; amending s. 560.303, F.S.; revising provisions
100 relating to the licensure of check cashers under part II
101 of ch. 560, F.S.; amending s. 560.304, F.S.; revising
102 provisions relating to exemptions from licensure; limiting
103 the exemption for the payment of instruments below a
104 certain value; amending s. 560.309, F.S.; revising
105 provisions relating to the conduct of check cashers;
106 providing additional requirements; amending s. 560.310,
107 F.S.; revising requirements for licensee records;
108 specifying the maintenance of identification records for
109 certain customers; amending s. 560.402, F.S.; revising
110 definitions relating to deferred presentment providers;
111 amending s. 560.403, F.S.; revising provisions relating to
112 the licensing requirements for deferred presentment
113 providers; amending s. 560.404, F.S.; revising provisions
114 relating to deferred presentment transactions; amending s.
115 560.405, F.S.; revising provisions relating to the
116 redemption or deposit of a deferred presentment

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117 transaction; amending s. 560.406, F.S.; revising
118 provisions relating to worthless checks; amending ss.
119 499.005, 499.0691, 501.95, 538.03, 896.101, 896.104, and
120 921.0022, F.S.; conforming cross-references; repealing s.
121 560.101, F.S., relating to a short title; repealing s.
122 560.102, F.S., relating to purpose and application;
123 repealing s. 560.106, F.S., relating to chapter
124 constructions; repealing s. 560.1073, F.S., relating to
125 false or misleading statements or documents; repealing s.
126 560.108, F.S., relating to administrative enforcement
127 guidelines; repealing s. 560.112, F.S., relating to
128 disciplinary action procedures; repealing s. 560.117,
129 F.S., relating to administrative fines; repealing s.
130 560.200, F.S., relating to a short title; repealing s.
131 560.202, F.S., relating to definitions; repealing s.
132 560.206, F.S., relating to the investigation of
133 applicants; repealing s. 560.207, F.S., relating to
134 registration; repealing s. 560.301, F.S., relating to a
135 short title; repealing s. 560.302, F.S., relating to
136 definitions; repealing s. 560.305, F.S., relating to
137 application for registration; repealing s. 560.306, F.S.,
138 relating to standards; repealing s. 560.307, F.S.,
139 relating to fees; repealing s. 560.308, F.S., relating to
140 registration; repealing s. 560.401, F.S., relating to a
141 short title; repealing s. 560.407, F.S., relating to
142 required records; providing effective dates.

143

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

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146 Section 1. Section 560.103, Florida Statutes, is amended to
147 read:

148 560.103 Definitions.--As used in this chapter, the term ~~the~~
149 ~~code, unless the context otherwise requires:~~

150 (1) "Affiliated party" means a director, officer,
151 responsible person, employee, or foreign affiliate of a money
152 services business, or a person who has a controlling interest in
153 a money services business as provided in s. 560.127.

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

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

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

169 (5) "Cashing" means providing currency for payment
170 instruments except for travelers checks.

171 (6)~~(3)~~ "Check casher" means a person who, ~~for compensation,~~
172 sells currency in exchange for payment instruments received,
173 except travelers checks and ~~foreign drawn payment instruments.~~

174 ~~(4) "Code" means the "Money Transmitters' Code," consisting~~

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175 of:

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

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

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

182 ~~(d) Part IV of this chapter, relating to deferred~~
183 ~~presentments.~~

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

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

190 ~~(5) "Consideration" means and includes any premium charged~~
191 ~~for the sale of goods, or services provided in connection with~~
192 ~~the sale of the goods, which is in excess of the cash price of~~
193 ~~such goods.~~

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

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

203 (10) "Deferred presentment provider" means a person who is

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204 licensed under part II or part III of this chapter and has filed
205 a declaration of intent with the office to engage in deferred
206 presentment transactions as provided under part IV of this
207 chapter.

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

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

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

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

232 (13) "Foreign affiliate" means a person located outside

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233 this state who has been designated by a licensee to make payments
234 on behalf of the licensee to persons who reside outside this
235 state. The term also includes a person located outside of this
236 state for whom the licensee has been designated to make payments
237 in this state.

238 ~~(8) "Office" means the Office of Financial Regulation of~~
239 ~~the commission.~~

240 ~~(14)(9)~~ "Foreign currency exchanger" means a person who
241 exchanges, for compensation, currency of the United States or a
242 foreign government to currency of another government.

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

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

249 (16) "Location" means a branch office, mobile location, or
250 location of an authorized vendor whose business activity is
251 regulated under this chapter.

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

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

260 (19) "Money transmitter" means a corporation, limited
261 liability company, limited liability partnership, or foreign

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262 entity qualified to do business in this state which receives
263 currency, monetary value, or payment instruments for the purpose
264 of transmitting the same by any means, including transmission by
265 wire, facsimile, electronic transfer, courier, the Internet, or
266 through bill payment services or other businesses that facilitate
267 such transfer within this country, or to or from this country.

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

277 (20) "Net worth" means assets minus liabilities, determined
278 in accordance with United States generally accepted accounting
279 principles.

280 (21) "Office" means the Office of Financial Regulation of
281 the commission.

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

290 (23) "Outstanding money transmission" means a money

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291 transmission to a designated recipient or a refund to a sender
292 that has not been completed.

293 (24)-(14) "Outstanding payment instrument instruments" means
294 an unpaid payment instrument instruments whose sale has been
295 reported to a licensee registrant.

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

302 (26)-(16) "Payment instrument seller" means a corporation,
303 limited liability company, limited liability partnership, or
304 foreign entity qualified to do business in this state which
305 ~~person who~~ sells a payment instrument.

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

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

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

318 (29)-(20) "Sells Sell" means to sell, issue, provide, or
319 deliver.

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320 (30) "Stored value" means funds or monetary value
321 represented in digital electronics format, whether or not
322 specially encrypted, and stored or capable of storage on
323 electronic media in such a way as to be retrievable and
324 transferred electronically.

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

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

333 ~~(b) Failure to adhere to the provisions of 31 C.F.R. ss.~~
334 ~~103.20, 103.22, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41,~~
335 ~~and 103.125 as they existed on March 31, 2004.~~

336
337 ~~In making a determination under this subsection, the office must~~
338 ~~consider the size and condition of the money transmitter, the~~
339 ~~magnitude of the loss, the gravity of the violation, and the~~
340 ~~prior conduct of the person or business involved.~~

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

344 Section 3. Section 560.104, Florida Statutes, is amended to
345 read:

346 560.104 Exemptions.--The following entities are exempt from
347 the provisions of this chapter ~~the code~~:

348 (1) Banks, credit card banks, credit unions, trust

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349 companies, associations, offices of an international banking
350 corporation, Edge Act or agreement corporations, or other
351 financial depository institutions organized under the laws of any
352 state or the United States, ~~provided that they do not sell~~
353 ~~payment instruments through authorized vendors who are not such~~
354 ~~entities.~~

355 (2) The United States or any agency or department,
356 instrumentality, ~~or agency~~ thereof.

357 (3) This state or any political subdivision of this state.

358 Section 4. Section 560.105, Florida Statutes, is amended to
359 read:

360 560.105 Supervisory powers; rulemaking.--

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

363 (a) Supervise ~~Supervision over~~ all money services
364 businesses ~~transmitters~~ and their authorized vendors.

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

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

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

377 (a)-(3)- The commission may adopt rules ~~pursuant to ss.~~

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378 ~~120.536(1) and 120.54~~ requiring electronic submission of any
379 forms, documents, or fees required by this chapter, which must
380 ~~code if such rules~~ reasonably accommodate technological or
381 financial hardship. ~~The commission may prescribe by rule~~
382 ~~requirements~~ and provide procedures for obtaining an exemption
383 due to a technological or financial hardship.

384 (b) Rules adopted to regulate money services businesses,
385 including deferred presentment providers, must be responsive to
386 changes in economic conditions, technology, and industry
387 practices.

388 Section 5. Section 560.109, Florida Statutes, is amended to
389 read:

390 560.109 Examinations and investigations, ~~subpoenas,~~
391 ~~hearings, and witnesses.--~~

392 ~~(1)~~ The office may conduct examinations and make
393 ~~investigations or examinations as prescribed in s. 560.118,~~
394 ~~within or outside this state, which it deems necessary in order~~
395 ~~to determine whether a person has violated any provision of this~~
396 ~~chapter and related rules the code, the rules adopted by the~~
397 ~~commission pursuant to the code, or of any practice or conduct~~
398 that creates the likelihood of material loss, insolvency, or
399 dissipation of the assets of a money services business or
400 otherwise materially prejudices the interests of their customers
401 ~~31 C.F.R. ss. 103.20, 103.22, 103.27, 103.28, 103.29, 103.33,~~
402 ~~103.37, 103.41, and 103.125 as they existed on March 31, 2004.~~

403 (1) The office may examine each licensee as often as is
404 warranted for the protection of customers and in the public
405 interest, but at least once every 5 years. A new licensee shall
406 be examined within 6 months after the issuance of the license.

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407 The office shall provide at least 15 days' notice to a money
408 services business, its authorized vendor, or license applicant
409 before conducting an examination or investigation. However, the
410 office may conduct an examination or investigation of a money
411 services business, authorized vendor, or affiliated party at any
412 time and without advance notice if the office suspects that the
413 money services business, authorized vendor, or affiliated party
414 has violated or is about to violate any provisions of this
415 chapter or any criminal laws of this state or of the United
416 States.

417 (2) The office may conduct a joint or concurrent
418 examination with any state or federal regulatory agency and may
419 furnish a copy of all examinations to an appropriate regulator if
420 the regulator agrees to abide by the confidentiality provisions
421 in chapter 119 and this chapter. The office may also accept an
422 examination from any appropriate regulator or, pursuant to s.
423 560.1091, from an independent third party that has been approved
424 by the office.

425 (3) Persons subject to this chapter who are examined or
426 investigated shall make available to the office all books,
427 accounts, documents, files, information, assets, and matters that
428 are in their immediate possession or control and that relate to
429 the subject of the examination or investigation.

430 (a) Records not in their immediate possession must be made
431 available to the office within 3 days after actual notice is
432 served.

433 (b) Upon notice, the office may require that records
434 written in a language other than English be accompanied by a
435 certified translation at the expense of the licensee. For

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436 purposes of this section, the term "certified translation" means
437 a document translated by a person who is currently certified as a
438 translator by the American Translators Association or other
439 organization designated by rule.

440 (4)(2)(a) In the course of or in connection with any
441 examination or an investigation conducted by the office:

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

- 451 1. Administer oaths and affirmations.
452 2. Take or cause to be taken testimony and depositions.

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

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465 (c) ~~In connection with any such investigation or~~
466 ~~examination,~~ The office may allow ~~permit~~ a person to file a
467 statement in writing, under oath, or otherwise ~~as the office~~
468 ~~determines,~~ as to facts and circumstances specified by the
469 office.

470 (5)(3)(a) ~~If a person does not comply~~ In the event of
471 ~~noncompliance~~ with a subpoena issued or caused to be issued by
472 the office pursuant to this section, the office may petition a
473 court of competent jurisdiction ~~the circuit court of the county~~
474 ~~in which the person subpoenaed resides or has its principal place~~
475 ~~of business~~ for an order requiring the subpoenaed person to
476 appear and testify and to produce such ~~books,~~ records, ~~and~~
477 ~~documents~~ as are specified in the ~~such~~ subpoena duces tecum. The
478 office is entitled to the summary procedure provided in s.
479 51.011, and the court shall advance the cause on its calendar.

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

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

493 (c)(d) Failure to comply with an order granting, in whole

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494 or in part, a petition for enforcement of a subpoena is a
495 contempt of the court.

496 ~~(6)(4)~~ Witnesses are entitled to the same fees and mileage
497 ~~to which they would be entitled by law for attending as witnesses~~
498 in the circuit court, except that ~~no~~ fees or mileage is not
499 allowed for the testimony of a person taken at the person's
500 principal office or residence.

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

519 (8) The office shall provide a written report of any
520 violation of law that may be a felony to the appropriate criminal
521 investigatory agency having jurisdiction with respect to such
522 violation.

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523 (9) The office shall prepare and submit an annual report to
524 the President of the Senate and the Speaker of the House of
525 Representatives beginning January 1, 2009, through January 1,
526 2014, which includes:

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

530 (b) The total number of initial referrals received from
531 another state or federal agency, the total number of examinations
532 and investigations opened as a result of referrals, and the
533 disposition of each of those cases.

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

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

540 Section 6. Section 560.1091, Florida Statutes, is created
541 to read:

542 560.1091 Contracted examinations.--The office may contract
543 with third parties to conduct examinations under this chapter.

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

548 (2) An examination under this section may be conducted by
549 an independent certified public accountant, information
550 technology specialist, or other specialist specified by rule who
551 meets criteria specified by rule. The rules shall also provide

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552 | that:

553 | (a) The rates charged to the licensee examined are
554 | consistent with rates charged by other firms in similar
555 | professions and are comparable with the rates charged for
556 | comparable examinations.

557 | (b) The licensee make payment for the examination pursuant
558 | to s. 560.1092 and in accordance with the rates and terms
559 | established by the office and the person or firm performing the
560 | examination.

561 | Section 7. Section 560.1092, Florida Statutes, is created
562 | to read:

563 | 560.1092 Examination expenses.--

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

577 | (2) All moneys collected from licensees for examinations
578 | shall be deposited into the Regulatory Trust Fund, and the office
579 | may make deposits into such fund from moneys appropriated for the
580 | operation of the office.

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581 (3) Notwithstanding s. 112.061, the office may pay to the
582 examiner or person making the examination out of the trust fund
583 the actual travel expenses, reasonable living expense allowance,
584 and compensation in accordance with the statement filed with the
585 office by the examiner or other person, as provided in subsection
586 (1) upon approval by the office.

587 (4) When not examining a licensee, the travel expenses, per
588 diem, and compensation for the examiners and other persons
589 employed to make examinations, if approved, shall be paid out of
590 moneys budgeted for such purpose as regular employees, and
591 reimbursement for travel expenses and per diem shall be at rates
592 as provided in s. 112.061.

593 Section 8. Section 560.110, Florida Statutes, is created to
594 read:

595 560.110 Records retention.--Each licensee and its
596 authorized vendors must maintain all books, accounts, documents,
597 files, and information necessary for determining compliance with
598 this chapter and related rules for 5 years unless a longer period
599 is required by other state or federal law.

600 (1) The records required under this chapter may be
601 maintained by the licensee at any location identified in its
602 license application or by amendment to the application. The
603 licensee must make such records available to the office for
604 examination and investigation in this state within 3 business
605 days after receipt of a written request.

606 (2) The original of any record of a licensee or authorized
607 vendor includes a record stored or transmitted by electronic,
608 computerized, mechanized, or other information storage or
609 retrieval or transmission system or device that can generate,

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610 regenerate, or transmit the precise data or other information
611 comprising the record. An original also includes the visible data
612 or other information so generated, regenerated, or transmitted if
613 it is legible or can be made legible by enlargement or other
614 process.

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

619 (4) Any person who willfully fails to comply with this
620 section or ss. 560.211 and 560.310 commits a felony of the third
621 degree, punishable as provided in s. 775.082, s. 775.083, or s.
622 775.084.

623 Section 9. Section 560.111, Florida Statutes, is amended to
624 read:

625 560.111 Prohibited acts ~~and practices~~.--

626 (1) A money services business, authorized vendor, or
627 affiliated party may not ~~It is unlawful for any money transmitter~~
628 ~~or money transmitter-affiliated party to:~~

629 (a) Receive or possess ~~itself of~~ any property except
630 ~~otherwise than~~ in payment of a just demand, and, with intent to
631 deceive or defraud, to omit to make or to cause to be made a full
632 and true entry thereof in its books and accounts, or to concur in
633 omitting to make any material entry thereof. ~~†~~

634 (b) Embezzle, abstract, or misapply any money, property, or
635 thing of value belonging to the money services business, an ~~of~~
636 ~~the money transmitter or authorized vendor, or customer~~ with
637 intent to deceive or defraud. ~~such money transmitter or~~
638 ~~authorized vendor;~~

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639 (c) Make any false entry in its books, accounts, reports,
640 files, or documents ~~any book, report, or statement of such money~~
641 ~~transmitter or authorized vendor~~ with intent to deceive or
642 defraud ~~such money transmitter, authorized vendor, or another~~
643 person, or with intent to deceive the office, any appropriate
644 regulator ~~other state or federal regulatory agency,~~ or any
645 authorized third party representative appointed by the office to
646 examine or investigate the affairs of the such money services
647 business transmitter or authorized vendor.†

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

656 (e) File with the office, sign as a duly authorized
657 representative, or deliver or disclose, by any means, to the
658 office or any of its employees any examination report, report of
659 condition, report of income and dividends, audit, account,
660 statement, file, or document known by it to be fraudulent or
661 false as to any material matter.† ~~or~~

662 (f) Place among the assets of a money services business
663 ~~such money transmitter~~ or authorized vendor any note, obligation,
664 or security that the money services business transmitter or
665 authorized vendor does not own or is known to be ~~that to the~~
666 ~~person's knowledge is~~ fraudulent or otherwise worthless, or ~~for~~
667 ~~any such person~~ to represent to the office that any note,

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668 obligation, or security ~~carried as an asset of such money~~
669 ~~transmitter or authorized vendor~~ is the property of the money
670 services business transmitter or authorized vendor and is genuine
671 if it is known to be ~~such person that such representation is~~
672 ~~false or that such note, obligation, or security is~~ fraudulent or
673 otherwise worthless.

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

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

685 (4) Any person who willfully violates any provision of s.
686 560.403, s. 560.404, s. 560.405, or s. 560.407 commits a felony
687 of the third degree, punishable as provided in s. 775.082, s.
688 775.083, or s. 775.084.

689 Section 10. Section 560.113, Florida Statutes, is amended
690 to read:

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

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697 relief.

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

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

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

734 Section 11. Section 560.114, Florida Statutes, is amended
735 to read:

736 560.114 Disciplinary actions; penalties.--

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

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

749 (b) Fraud, misrepresentation, deceit, or gross negligence
750 in any transaction by a involving money services business
751 ~~transmission,~~ regardless of reliance thereon by, or damage to, a
752 ~~money transmitter~~ customer.

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

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755 furnished to a ~~money transmitter~~ customer pursuant to this
756 chapter ~~the code~~, regardless of reliance thereon by, or damage
757 to, such customer.

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

759 (e) Failure to maintain, preserve, ~~and~~ keep available for
760 examination, and produce all books, accounts, files, or other
761 documents required by this chapter or related rules or orders ~~the~~
762 ~~code, by any rule or order adopted pursuant to the code, by 31~~
763 C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29,
764 103.33, 103.37, 103.41, and 103.125 ~~as they existed on March 31,~~
765 ~~2004, or by any agreement entered into with the office.~~

766 (f) Refusing to allow ~~Refusal to permit~~ the examination or
767 inspection of books, accounts, files, or other documents ~~and~~
768 ~~records in an investigation or examination~~ by the office,
769 pursuant to this chapter ~~the provisions of the code~~, or to comply
770 with a subpoena issued by the office.

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

775 (h) Engaging in an act prohibited under ~~or practice~~
776 ~~prescribed by s. 560.111.~~

777 (i) Insolvency ~~or operating in an unsafe and unsound~~
778 ~~manner.~~

779 (j) Failure by a money services business ~~transmitter~~ to
780 remove an affiliated ~~a money transmitter-affiliated~~ party after
781 the office has issued and served upon the money services business
782 ~~transmitter~~ a final order setting forth a finding that the
783 affiliated ~~money transmitter-affiliated~~ party has violated a ~~any~~

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784 provision of this chapter ~~the code~~.

785 (k) Making a ~~any~~ material misstatement, ~~or~~
786 misrepresentation, or omission ~~or committing any fraud~~ in an
787 initial or renewal application for licensure, any amendment to
788 such application, or application for the appointment of an
789 authorized vendor registration.

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

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

801 (n) ~~(m)~~ Committing any act resulting in a license
802 ~~registration or its equivalent, or an application for~~
803 ~~registration,~~ to practice any profession or occupation being
804 denied, suspended, revoked, or otherwise acted against by a
805 licensing ~~registering~~ authority in any jurisdiction for a
806 violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s.
807 1960, 31 U.S.C. s. 5324, or any other law ~~or,~~ ~~or regulation~~
808 of another state or of the United States relating to a money
809 services business, deferred presentment provider, the business of
810 ~~money transmission~~ or usury that which may cause the denial,
811 suspension, or revocation of a money services business or
812 deferred presentment provider ~~transmitter~~ license or its

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813 equivalent ~~or registration~~ in such jurisdiction.

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

821 (p) ~~(o)~~ Having been convicted of ~~or found guilty of~~, or
822 entered a plea of having pleaded guilty or nolo contendere to, a
823 crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5324, regardless of
824 adjudication without regard to whether a judgment of conviction
825 has been entered by the court.

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

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

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

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

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

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

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

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

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

854 (w)(*) Engaging or advertising engagement in the business
855 of a money services business or deferred presentment provider
856 transmitter without a license registration, unless the person is
857 exempted from licensure ~~the registration requirements of the~~
858 code.

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

863 (y) Violations of 31 C.F.R. ss. 103.20, 103.22, 103.23,
864 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and 103.125, and
865 United States Treasury Interpretative Release 2004-1.

866 (z) Any practice or conduct that creates the likelihood of
867 a material loss, insolvency, or dissipation of assets of a money
868 services business or otherwise materially prejudices the
869 interests of its customers.

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870 (2) The office may immediately suspend the license of any
871 money services business if the money services business fails to
872 provide to the office, upon written request, any of the records
873 required by ss. 560.123, 560.1235, 560.211, and 560.310. The
874 suspension may be rescinded if the licensee submits the requested
875 records to the office. For purposes of s. 120.60(6), failure to
876 provide any of the above-mentioned records constitutes immediate
877 and serious danger to the public health, safety, and welfare.

878 (3) The office may deny licensure if the applicant or an
879 affiliated party is the subject of a pending criminal prosecution
880 or governmental enforcement action in any jurisdiction until the
881 conclusion of the prosecution or action.

882 (4)~~(2)~~ The office may issue a cease and desist order or
883 removal order, suspend or revoke a license ~~any previously issued~~
884 ~~registration~~, or take any other action within the authority of
885 the office against a licensee ~~money transmitter~~ based on any fact
886 or condition that exists and that, if it had existed or been
887 known to exist at the time of license application ~~the money~~
888 ~~transmitter applied for registration~~, would have been grounds for
889 license denial ~~of registration~~.

890 (5)~~(3)~~ ~~A~~ Each money services business licensed under part
891 II of this chapter ~~transmitter~~ is responsible for any act of its
892 authorized vendors if the money services business ~~transmitter~~
893 should have known of the act or had ~~if the money transmitter has~~
894 actual knowledge that such act is a violation of this chapter,
895 ~~the code~~ and the money services business ~~transmitter~~ willfully
896 allowed the ~~such~~ act to continue. Such responsibility is limited
897 to conduct engaged in by the authorized vendor pursuant to the
898 authority granted to it by the money services business

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899 transmitter.

900 (6)~~(4)~~ If a license registration granted under this chapter
901 ~~code~~ expires or is surrendered by the licensee registrant during
902 the pendency of an administrative action ~~under this code~~, the
903 proceeding may continue as if the license is registration were
904 still in effect.

905 (7) The office may, in addition to or in lieu of the
906 denial, suspension, or revocation of a license, impose a fine of
907 at least \$1,000 but not more than \$10,000 for each violation of
908 this chapter.

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

913 Section 12. Section 560.1141, Florida Statutes, is created
914 to read:

915 560.1141 Disciplinary guidelines.--

916 (1) The commission shall adopt by rule disciplinary
917 guidelines applicable to each ground for disciplinary action that
918 may be imposed by the office.

919 (2) The disciplinary guidelines shall specify a meaningful
920 range of designated penalties based upon the severity and
921 repetition of specific offenses and that distinguish minor
922 violations from those that endanger the public health, safety, or
923 welfare; that provide reasonable and meaningful notice to the
924 public of likely penalties that may be imposed for proscribed
925 conduct; and that ensure that such penalties are imposed in a
926 consistent manner by the office.

927 (3) The commission shall adopt by rule mitigating and

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928 aggravating circumstances that allow the office to impose a
929 penalty other than that provided for in the guidelines, and for
930 variations and a range of penalties permitted under such
931 circumstances.

932 Section 13. Section 560.115, Florida Statutes, is amended
933 to read:

934 560.115 Surrender of license registration.--A licensee ~~Any~~
935 ~~money transmitter registered pursuant to the code~~ may voluntarily
936 surrender its license registration at any time by giving written
937 notice to the office.

938 Section 14. Section 560.116, Florida Statutes, is amended
939 to read:

940 560.116 Civil immunity.--Any person having reason to
941 believe that a provision of this chapter ~~the code~~ is being
942 violated, ~~or~~ has been violated, or is about to be violated, may
943 file a complaint with the office setting forth the details of the
944 alleged violation. Such person is immune ~~An Immunity~~ from civil
945 liability is hereby granted to any person who furnishes such
946 ~~information,~~ unless the information provided is false and has
947 been provided ~~the person providing the information does so~~ with
948 reckless disregard for the truth.

949 Section 15. Section 560.118, Florida Statutes, is amended
950 to read:

951 560.118 ~~Examinations, Reports, and internal audits;~~
952 ~~penalty.--~~

953 (1) (a) ~~The office may conduct an examination of a money~~
954 ~~transmitter or authorized vendor by providing not less than 15~~
955 ~~days' advance notice to the money transmitter or authorized~~
956 ~~vendor. However, if the office suspects that the money~~

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957 ~~transmitter or authorized vendor has violated any provisions of~~
958 ~~this code or any criminal laws of this state or of the United~~
959 ~~States or is engaging in an unsafe and unsound practice, the~~
960 ~~office may, at any time without advance notice, conduct an~~
961 ~~examination of all affairs, activities, transactions, accounts,~~
962 ~~business records, and assets of any money transmitter or any~~
963 ~~money transmitter-affiliated party for the protection of the~~
964 ~~public. For the purpose of examinations, the office may~~
965 ~~administer oaths and examine a money transmitter or any of its~~
966 ~~affiliated parties concerning their operations and business~~
967 ~~activities and affairs. The office may accept an audit or~~
968 ~~examination from any appropriate regulatory agency or from an~~
969 ~~independent third party with respect to the operations of a money~~
970 ~~transmitter or an authorized vendor. The office may also make a~~
971 ~~joint or concurrent examination with any state or federal~~
972 ~~regulatory agency. The office may furnish a copy of all~~
973 ~~examinations made of such money transmitter or authorized vendor~~
974 ~~to the money transmitter and any appropriate regulatory agency~~
975 ~~provided that such agency agrees to abide by the confidentiality~~
976 ~~provisions as set forth in chapter 119.~~

977 ~~(b) Persons subject to this chapter who are examined shall~~
978 ~~make available to the office or its examiners the accounts,~~
979 ~~records, documents, files, information, assets, and matters which~~
980 ~~are in their immediate possession or control and which relate to~~
981 ~~the subject of the examination. Those accounts, records,~~
982 ~~documents, files, information, assets, and matters not in their~~
983 ~~immediate possession shall be made available to the office or the~~
984 ~~office's examiners within 10 days after actual notice is served~~
985 ~~on such persons.~~

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986 ~~(c) The audit of a money transmitter required under this~~
987 ~~section may be performed by an independent third party that has~~
988 ~~been approved by the office or by a certified public accountant~~
989 ~~authorized to do business in the United States. The examination~~
990 ~~of a money transmitter or authorized vendor required under this~~
991 ~~section may be performed by an independent third party that has~~
992 ~~been approved by the office or by a certified public accountant~~
993 ~~authorized to do business in the United States. The cost of such~~
994 ~~an independent examination or audit shall be directly borne by~~
995 ~~the money transmitter or authorized vendor.~~

996 ~~(2)(a) Annual financial audit reports must that are~~
997 ~~required to be filed with the office pursuant to this chapter or~~
998 ~~related rules under the code or any rules adopted thereunder must~~
999 ~~be audited by an independent third party that has been approved~~
1000 ~~by the office or by a certified public accountant authorized to~~
1001 ~~do business in the United States. The licensee money transmitter~~
1002 ~~or authorized vendor shall directly bear the cost of the audit.~~
1003 ~~This paragraph does not apply to any seller of payment~~
1004 ~~instruments who can prove to the satisfaction of the office that~~
1005 ~~it has a combined total of fewer than 50 employees and authorized~~
1006 ~~vendors or that its annual payment instruments issued from its~~
1007 ~~activities as a payment instrument seller are less than \$200,000.~~

1008 ~~(2)(b) Each licensee must submit The commission may, by~~
1009 ~~rule, require each money transmitter or authorized vendor to~~
1010 ~~submit quarterly reports to the office in a format and include~~
1011 ~~information as specified by rule. The rule ~~commission~~ may require~~
1012 ~~the that each report to contain a declaration by an officer, or~~
1013 ~~any other responsible person authorized to make such declaration,~~
1014 ~~that the report is true and correct to the best of her or his~~

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1015 knowledge and belief. ~~Such report must include such information~~
1016 ~~as the commission by rule requires for that type of money~~
1017 ~~transmitter.~~

1018 ~~(c) The office may levy an administrative fine of up to~~
1019 ~~\$100 per day for each day the report is past due, unless it is~~
1020 ~~excused for good cause. In excusing any such administrative fine,~~
1021 ~~the office may consider the prior payment history of the money~~
1022 ~~transmitter or authorized vendor.~~

1023 ~~(3) Any person who willfully violates this section or fails~~
1024 ~~to comply with any lawful written demand or order of the office~~
1025 ~~made under this section commits a felony of the third degree,~~
1026 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

1027 Section 16. Section 560.119, Florida Statutes, is
1028 transferred, renumbered as section 560.144, Florida Statutes, and
1029 amended to read:

1030 560.144 ~~560.119~~ Deposit of fees and assessments.--License
1031 The application fees, license registration renewal fees, late
1032 payment penalties, civil penalties, administrative fines, and
1033 other fees, costs, or penalties provided for in this chapter the
1034 code shall, in all cases, be paid directly to the office, which
1035 shall deposit such proceeds into the Regulatory Trust Fund, and
1036 use the proceeds to pay the costs of the office as necessary to
1037 carry out its responsibilities under this chapter. ~~Each year, the~~
1038 ~~Legislature shall appropriate from the trust fund to the office~~
1039 ~~sufficient moneys to pay the office's costs for administration of~~
1040 ~~the code. The Regulatory Trust Fund is subject to the service~~
1041 ~~charge imposed pursuant to chapter 215.~~

1042 Section 17. Section 560.121, Florida Statutes, is amended
1043 to read:

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1044 560.121 Access to records; record retention; penalties
1045 ~~limited restrictions upon public access.--~~

1046 (1) ~~(a)~~ Orders of courts or of administrative law judges for
1047 the production of confidential records or information must ~~shall~~
1048 provide for inspection in camera by the court or the
1049 administrative law judge; and, if ~~after~~ the court or
1050 administrative law judge determines ~~has made a determination~~ that
1051 the documents requested are relevant or would likely lead to the
1052 discovery of admissible evidence, ~~said documents shall be subject~~
1053 ~~to further orders by~~ the court or the administrative law judge
1054 must issue further orders to protect the confidentiality of the
1055 documents ~~thereof~~. Any order directing the release of information
1056 is ~~shall be~~ immediately reviewable, and a petition by the office
1057 for review of the ~~such~~ order shall automatically stay further
1058 proceedings in the trial court or the administrative hearing
1059 until the disposition of the ~~such~~ petition by the reviewing
1060 court. ~~If any other party files such~~ A petition for review of the
1061 order filed by any other party shall, ~~it will~~ operate as a stay
1062 of the ~~such~~ proceedings only upon order of the reviewing court.

1063 (2) ~~(b)~~ Confidential records and information furnished
1064 pursuant to a legislative subpoena must ~~shall~~ be kept
1065 confidential ~~by the legislative body or committee which receives~~
1066 ~~the records or information,~~ except in cases ~~a case~~ involving the
1067 investigation of charges against a public official subject to
1068 impeachment or removal, and then disclosure of such information
1069 shall be only to the extent determined to be necessary by the
1070 legislative body or committee ~~to be necessary~~.

1071 (3) ~~(2)~~ ~~The commission may prescribe by rule the minimum~~
1072 ~~information that must be shown in the books, accounts, records,~~

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1073 ~~and documents of licensees for purposes of enabling the office to~~
1074 ~~determine the licensee's compliance with this chapter. In~~
1075 ~~addition, the commission may prescribe by rule requirements for~~
1076 ~~the destruction of books, accounts, records, and documents~~
1077 ~~retained by the licensee after completion of the time period~~
1078 ~~specified in this subsection. Examination reports, investigatory~~
1079 ~~records, applications, and related information compiled by the~~
1080 ~~office, or photographic copies thereof, must ~~shall~~ be retained by~~
1081 ~~the office for a period of at least 5 ~~3~~ years after ~~following~~ the~~
1082 ~~date ~~that~~ the examination or investigation ceases to be active.~~
1083 ~~Application records, and related information compiled by the~~
1084 ~~office, or photographic copies thereof, must ~~shall~~ be retained by~~
1085 ~~the office for a period of at least 5 ~~2~~ years after ~~following~~ the~~
1086 ~~date ~~that~~ the license registration ceases to be active.~~

1087 ~~(3) A copy of any document on file with the office which is~~
1088 ~~certified by the office as being a true copy may be introduced in~~
1089 ~~evidence as if it were the original. The commission shall~~
1090 ~~establish a schedule of fees for preparing true copies of~~
1091 ~~documents.~~

1092 (4) Any person who willfully discloses information made
1093 confidential by this section commits a felony of the third
1094 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1095 775.084.

1096 Section 18. Section 560.123, Florida Statutes, is amended
1097 to read:

1098 560.123 Florida Control of Money Laundering in ~~the~~ Money
1099 Services Business Act Transmitters' Code; ~~reports of transactions~~
1100 ~~involving currency or monetary instruments; when required;~~
1101 ~~purpose; definitions; penalties; corpus delicti.--~~

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1102 (1) This section may be cited as the "Florida Control of
1103 Money Laundering in Money Services Business Transmitters Act."

1104 (2) ~~It is~~ The purpose of this section is to require the
1105 ~~submission to the office of reports and the~~ maintenance of
1106 certain records of transactions involving currency or payment
1107 ~~monetary instruments in order to which reports and records~~ deter
1108 the use of a money services business money transmitters to
1109 conceal proceeds from criminal activity and to ensure the
1110 availability of such records for ~~are useful in~~ criminal, tax, or
1111 regulatory investigations or proceedings.

1112 (3)(a) A Every money services business must transmitter
1113 ~~shall~~ keep a record of every each financial transaction ~~occurring~~
1114 ~~in this state~~ known to it which occurs in this state; involves to
1115 ~~involve~~ currency or other payment monetary instrument, as
1116 prescribed the commission prescribes by rule, having of a value
1117 greater than in excess of \$10,000; and involves, to involve the
1118 proceeds of ~~specified~~ unlawful activity, ~~or is to be~~ designed to
1119 evade the reporting requirements of this section or chapter 896.
1120 The money services business must and shall maintain appropriate
1121 procedures to ensure compliance with this section and chapter
1122 896.

1123 (a)(b) Multiple financial transactions shall be treated as
1124 a single transaction if the money services business transmitter
1125 has knowledge that they are made by or on behalf of any one
1126 person and result in ~~either~~ cash in or cash out totaling more
1127 than \$10,000 during any day.

1128 (b)(c) A Any money services business transmitter may keep a
1129 record of any financial transaction occurring in this state,
1130 regardless of the value, if it suspects that the transaction

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1131 involves the proceeds of ~~specified~~ unlawful activity.

1132 (c) The money services business must file a report with the
1133 office of any records required by this subsection, at such time
1134 and containing such information as required by rule. The timely
1135 filing of the report required by 31 U.S.C. s. 5313 with the
1136 appropriate federal agency shall be deemed compliance with the
1137 reporting requirements of this subsection unless the reports are
1138 not regularly and comprehensively transmitted by the federal
1139 agency to the office.

1140 (d) A money services business transmitter, or officer,
1141 employee, or agent thereof, that files a report in good faith
1142 pursuant to this section is not liable to any person for loss or
1143 damage caused in whole or in part by the making, filing, or
1144 governmental use of the report, or any information contained
1145 therein.

1146 (4)(3) A money services business transmitters must comply
1147 with adhere to the money laundering, enforcement, and reporting
1148 provisions of s. 655.50~~7~~ relating to reports of transactions
1149 involving currency transactions and payment monetary instruments,
1150 and of chapter 896~~7~~ concerning offenses relating to financial
1151 transactions.

1152 (5)(4) In enforcing this section, the ~~commission~~ and office
1153 shall acknowledge and take into consideration the requirements of
1154 Title 31, United States Code, in order both to reduce the burden
1155 of ~~fulfilling~~ duplicate requirements and to acknowledge the
1156 economic advantage of having similar reporting and recordkeeping
1157 requirements between state and federal regulatory authorities.

1158 ~~(5)(a) Each money transmitter must file a report with the~~
1159 ~~office of the record required by this section. Each record filed~~

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1160 ~~pursuant to this section must be filed at such time and contain~~
1161 ~~such information as the commission requires by rule.~~

1162 ~~(b) The timely filing of the report required by 31 U.S.C.~~
1163 ~~s. 5313, with the appropriate federal agency is deemed compliance~~
1164 ~~with the reporting requirements of this subsection unless the~~
1165 ~~reports are not regularly and comprehensively transmitted by the~~
1166 ~~federal agency to the office.~~

1167 (6) The office must retain a copy of all reports received
1168 under subsection (3) ~~(5)~~ for a minimum of 5 ~~3~~ ~~calendar~~ years
1169 after receipt of the report. However, if a report or information
1170 contained in a report is known by the office to be the subject of
1171 an existing criminal proceeding, the report must be retained for
1172 a minimum of 10 ~~calendar~~ years after ~~from~~ the date of receipt.

1173 (7) In addition to any other powers conferred upon the
1174 office to enforce and administer this chapter ~~the code~~, the
1175 office may:

1176 (a) Bring an action in any court of competent jurisdiction
1177 to enforce or administer this section. In such action, the office
1178 may seek award of any civil penalty authorized by law and any
1179 other appropriate relief at law or equity.

1180 (b) Issue and serve upon a person an order requiring the
1181 ~~such~~ person to cease and desist and take corrective action if
1182 ~~whenever~~ the office finds that the ~~such~~ person is violating, has
1183 violated, or is about to violate any provision of this section or
1184 chapter 896; any rule or order adopted under this section or
1185 chapter 896; or any written agreement related to this section or
1186 chapter 896 which is entered into with the office.

1187 (c) Issue and serve upon a person an order suspending or
1188 revoking the ~~such~~ person's money services business license if

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1189 ~~transmitter registration whenever~~ the office finds that the ~~such~~
1190 person is violating, has violated, or is about to violate any
1191 provision of this section or chapter 896; any rule or order
1192 adopted under this section or chapter 896; or any written
1193 agreement related to this section or chapter 896 which is entered
1194 into with the office.

1195 (d) Issue and serve upon any person an order of removal
1196 whenever the office finds that the ~~such~~ person is violating, has
1197 violated, or is about to violate any provision of this section or
1198 chapter 896; any rule or order adopted under this section or
1199 chapter 896; or any written agreement related to this section or
1200 chapter 896 which is entered into with the office.

1201 (e) Impose and collect an administrative fine against any
1202 person found to have violated any provision of this section or
1203 chapter 896; any rule or order adopted under this section or
1204 chapter 896; or any written agreement related to this section or
1205 chapter 896 which is entered into with the office, of up to ~~in an~~
1206 ~~amount not exceeding~~ \$10,000 per a day for each willful violation
1207 or \$500 per a day for each negligent violation.

1208 (8) (a) Except as provided in paragraph (b), a person who
1209 willfully violates any provision of this section commits a
1210 misdemeanor of the first degree, punishable as provided in s.
1211 775.082 or s. 775.083.

1212 (b) A person who willfully violates any provision of this
1213 section, if the violation involves:

1214 1. Currency or payment instruments exceeding \$300 but less
1215 than \$20,000 in any 12-month period, commits a felony of the
1216 third degree, punishable as provided in s. 775.082, s. 775.083,
1217 or s. 775.084.

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1218 2. Currency or payment instruments totaling or exceeding
1219 \$20,000 but less than \$100,000 in any 12-month period, commits a
1220 felony of the second degree, punishable as provided in s.
1221 775.082, s. 775.083, or s. 775.084.

1222 3. Currency or payment instruments totaling or exceeding
1223 \$100,000 in any 12-month period, commits a felony of the first
1224 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1225 775.084.

1226 (c) In addition to the penalties ~~otherwise~~ authorized by s.
1227 775.082, s. 775.083, or s. 775.084, a person who has been
1228 convicted of, or entered a plea of ~~who has pleaded~~ guilty or nolo
1229 contendere, regardless of adjudication, to having violated
1230 paragraph (b) may be sentenced to pay a fine of up to ~~not~~
1231 ~~exceeding~~ \$250,000 or twice the value of the currency or payment
1232 instruments, whichever is greater, except that on a second or
1233 subsequent conviction for or plea of guilty or nolo contendere,
1234 regardless of adjudication, to a violation of paragraph (b), the
1235 fine may be up to \$500,000 or quintuple the value of the currency
1236 or payment instruments, whichever is greater.

1237 (d) A person who violates this section is also liable for a
1238 civil penalty of not more than the greater of the value of the
1239 currency or payment instruments involved or \$25,000.

1240 (9) In any prosecution brought pursuant to this section,
1241 the common law corpus delicti rule does not apply. The
1242 defendant's confession or admission is admissible during trial
1243 without the state having to prove the corpus delicti if the court
1244 finds in a hearing conducted outside the presence of the jury
1245 that the defendant's confession or admission is trustworthy.
1246 Before the court admits the defendant's confession or admission,

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1247 | the state must prove by a preponderance of the evidence that
1248 | there is sufficient corroborating evidence that tends to
1249 | establish the trustworthiness of the statement by the defendant.
1250 | Hearsay evidence is admissible during the presentation of
1251 | evidence at the hearing. In making its determination, the court
1252 | may consider all relevant corroborating evidence, including the
1253 | defendant's statements.

1254 | Section 19. Section 560.1235, Florida Statutes, is created
1255 | to read:

1256 | 560.1235 Anti-money laundering requirements.--

1257 | (1) A licensee and authorized vendor must comply with all
1258 | state and federal laws and rules relating to the detection and
1259 | prevention of money laundering, including, as applicable, s.
1260 | 560.123, and 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27.
1261 | 103.28, 103.29, 103.33, 103.37, and 103.41.

1262 | (2) A licensee and authorized vendor must maintain an anti-
1263 | money laundering program in accordance with 31 C.F.R. s. 103.125.
1264 | The program must be reviewed and updated as necessary to ensure
1265 | that the program continues to be effective in detecting and
1266 | detering money laundering activities.

1267 | (3) A licensee must comply with United States Treasury
1268 | Interpretive Release 2004-1.

1269 | Section 20. Section 560.124, Florida Statutes, is amended
1270 | to read:

1271 | 560.124 Sharing of information.--

1272 | ~~(1) It is not unlawful for~~ Any person may ~~to~~ provide
1273 | ~~information~~ to a money services business ~~transmitter~~, authorized
1274 | vendor, law enforcement agency, prosecutorial agency, or
1275 | appropriate regulator, or ~~for~~ any money services business

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1276 ~~transmitter~~, authorized vendor, law enforcement agency,
1277 prosecutorial agency, or appropriate regulator may ~~to~~ provide
1278 ~~information~~ to any person, information about any ~~other~~ person's
1279 known or suspected involvement in a violation of any state,
1280 federal, or foreign law, rule, or regulation relating to the
1281 business of a money services business or deferred present
1282 provider ~~transmitter~~ which has been reported to state, federal,
1283 or foreign authorities, and is not.

1284 ~~(2) No person shall be liable in any civil action for~~
1285 providing such information.

1286 Section 21. Section 560.125, Florida Statutes, is amended
1287 to read:

1288 560.125 Unlicensed activity ~~Money transmitter business by~~
1289 ~~unauthorized persons; penalties.--~~

1290 (1) A person ~~other than a registered money transmitter or~~
1291 ~~authorized vendor~~ may not engage in the business of a money
1292 services business or deferred presentment provider ~~transmitter~~ in
1293 this state unless the person is licensed or exempted from
1294 licensure under this chapter ~~from the registration requirements~~
1295 ~~of the code.~~

1296 (2) Only a money services business licensed under part II
1297 of this chapter may appoint an authorized vendor. ~~No person shall~~
1298 ~~act as a vendor of a money transmitter when such money~~
1299 ~~transmitter is subject to registration under the code but has not~~
1300 ~~registered.~~ Any ~~such~~ person acting as a vendor for an unlicensed
1301 money transmitter or payment instrument issuer becomes the
1302 principal thereof, and no longer merely acts as a vendor, and
1303 ~~such person~~ is liable to the holder or remitter as a principal
1304 money transmitter or payment instrument seller.

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1305 (3) Any person whose substantial interests are affected by
1306 a proceeding brought by the office pursuant to this chapter ~~the~~
1307 ~~code~~ may, pursuant to s. 560.113, petition any court of competent
1308 jurisdiction to enjoin the person or activity that is the subject
1309 of the proceeding from violating any of the provisions of this
1310 section. For the purpose of this subsection, any money services
1311 business licensed under this chapter ~~transmitter registered~~
1312 ~~pursuant to the code~~, any person residing in this state, and any
1313 person whose principal place of business is in this state are
1314 presumed to be substantially affected. In addition, the interests
1315 of a trade organization or association are deemed substantially
1316 affected if the interests of any of its members are ~~so~~ affected.

1317 (4) The office may issue and serve upon any person who
1318 violates any of the provisions of this section a complaint
1319 seeking a cease and desist order or impose an administrative fine
1320 as provided in s. 560.114 ~~in accordance with the procedures and~~
1321 ~~in the manner prescribed by s. 560.112. The office may also~~
1322 ~~impose an administrative fine pursuant to s. 560.117(3) against~~
1323 ~~any person who violates any of the provisions of this section.~~

1324 (5) A person who violates this section, if the violation
1325 involves:

1326 (a) Currency or payment instruments exceeding \$300 but less
1327 than \$20,000 in any 12-month period, commits a felony of the
1328 third degree, punishable as provided in s. 775.082, s. 775.083,
1329 or s. 775.084.

1330 (b) Currency or payment instruments totaling or exceeding
1331 \$20,000 but less than \$100,000 in any 12-month period, commits a
1332 felony of the second degree, punishable as provided in s.
1333 775.082, s. 775.083, or s. 775.084.

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1334 (c) Currency or payment instruments totaling or exceeding
1335 \$100,000 in any 12-month period, commits a felony of the first
1336 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1337 775.084.

1338 (6) In addition to the penalties authorized by s. 775.082,
1339 s. 775.083, or s. 775.084, a person who has been convicted of, or
1340 entered a plea of ~~found guilty of or who has pleaded~~ guilty or
1341 nolo contendere, to having violated this section may be sentenced
1342 to pay a fine of up to ~~not exceeding~~ \$250,000 or twice the value
1343 of the currency or payment instruments, whichever is greater,
1344 except that on a second or subsequent violation of this section,
1345 the fine may be up to \$500,000 or quintuple the value of the
1346 currency or payment instruments, whichever is greater.

1347 (7) A person who violates this section is also liable for a
1348 civil penalty of not more than the value of the currency or
1349 payment instruments involved or \$25,000, whichever is greater.

1350 (8) In any prosecution brought pursuant to this section,
1351 the common law corpus delicti rule does not apply. The
1352 defendant's confession or admission is admissible during trial
1353 without the state having to prove the corpus delicti if the court
1354 finds in a hearing conducted outside the presence of the jury
1355 that the defendant's confession or admission is trustworthy.
1356 Before the court admits the defendant's confession or admission,
1357 the state must prove by a preponderance of the evidence that
1358 there is sufficient corroborating evidence that tends to
1359 establish the trustworthiness of the statement by the defendant.
1360 Hearsay evidence is admissible during the presentation of
1361 evidence at the hearing. In making its determination, the court
1362 may consider all relevant corroborating evidence, including the

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1363 defendant's statements.

1364 Section 22. Section 560.126, Florida Statutes, is amended
1365 to read:

1366 560.126 ~~Significant events; notice~~ Required notice by
1367 licensee.--

1368 (1) A licensee ~~Unless exempted by the office, every money~~
1369 ~~transmitter~~ must provide the office with a written notice sent by
1370 registered mail within 30 days after the occurrence or knowledge
1371 of, whichever period of time is greater, any of the following
1372 events:

1373 (a) The filing of a petition under the United States
1374 Bankruptcy Code for bankruptcy or reorganization by the licensee
1375 ~~money transmitter~~.

1376 (b) The commencement of an administrative or judicial
1377 license ~~any registration~~ suspension or revocation proceeding,
1378 ~~either administrative or judicial,~~ or the denial of a license ~~any~~
1379 ~~original registration~~ request or ~~a registration~~ renewal, by any
1380 state, the District of Columbia, any United States territory, or
1381 any foreign country, in which the licensee ~~money transmitter~~
1382 operates, ~~or~~ plans to operate, or is licensed ~~or has registered~~
1383 to operate.

1384 (c) A felony indictment relating to a ~~the~~ money services
1385 ~~transmission~~ business or deferred presentment provider involving
1386 the licensee, its authorized vendor, or an affiliated ~~money~~
1387 ~~transmitter or a money transmitter-affiliated party of the money~~
1388 ~~transmitter~~.

1389 (d) The felony conviction, guilty plea, or plea of nolo
1390 contendere, regardless of adjudication, of the licensee, its
1391 authorized vendor, or an affiliated ~~if the court adjudicates the~~

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1392 ~~nolo contendere pleader guilty, or the adjudication of guilt of a~~
1393 ~~money transmitter or money transmitter-affiliated party.~~

1394 (e) The interruption of any corporate surety bond required
1395 under this chapter ~~by the code.~~

1396 (f) Any suspected criminal act, ~~as defined by the~~
1397 ~~commission by rule,~~ perpetrated in this state relating to
1398 activities regulated under this chapter by an affiliated party
1399 against a money services business ~~transmitter~~ or authorized
1400 vendor.

1401 (g) Notification by a law enforcement or prosecutorial
1402 agency that the licensee or its authorized vendor is under
1403 criminal investigation including, but not limited to, subpoenas
1404 to produce records or testimony and warrants issued by a court of
1405 competent jurisdiction which authorize the search and seizure of
1406 any records relating to a business activity regulated under this
1407 chapter.

1408
1409 ~~However, a person does not incur liability as a result of making~~
1410 ~~a good faith effort to fulfill this disclosure requirement.~~

1411 (2)(a) A licensee must ~~Each registrant under this code~~
1412 ~~shall~~ report, on a form adopted ~~prescribed~~ by rule ~~of the~~
1413 ~~commission,~~ any change in the information contained in an any
1414 initial license application form, ~~or~~ any amendment to such
1415 application, or the appointment of an authorized vendor within
1416 ~~thereto not later than~~ 30 days after the change is effective.

1417 (3)(b) Each licensee must ~~registrant under the code shall~~
1418 report any change ~~changes~~ in the partners, officers, members,
1419 joint venturers, directors, controlling shareholders, or
1420 responsible persons of the licensee ~~any registrant~~ or changes in

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1421 the form of business organization by written amendment in such
1422 form and at such time as specified ~~the commission specifies~~ by
1423 rule.

1424 (a)1. ~~If In any case in which a person or a group of~~
1425 ~~persons,~~ directly or indirectly or acting by or through one or
1426 more persons, proposes to purchase or acquire a controlling
1427 interest in a licensee, such person or group must submit an
1428 ~~initial~~ application for licensure registration as a money
1429 services business or deferred presentment provider transmitter
1430 before such purchase or acquisition at such time and in such form
1431 as prescribed ~~the commission prescribes~~ by rule.

1432 2. As used in this subsection, the term "controlling
1433 interest" means the same as described in s. 560.127 ~~possession of~~
1434 ~~the power to direct or cause the direction of the management or~~
1435 ~~policies of a company whether through ownership of securities, by~~
1436 ~~contract, or otherwise. Any person who directly or indirectly has~~
1437 ~~the right to vote 25 percent or more of the voting securities of~~
1438 ~~a company or is entitled to 25 percent or more of its profits is~~
1439 ~~presumed to possess a controlling interest.~~

1440 (b)3. ~~The Any~~ addition of a partner, officer, member, joint
1441 venturer, director, controlling shareholder, or responsible
1442 person of the applicant who does not have a controlling interest
1443 and who has not previously complied with the applicable
1444 provisions of ss. 560.140 and 560.141 ~~is ss. 560.205 and 560.306~~
1445 ~~shall be subject to such provisions unless required to file an~~
1446 ~~initial application in accordance with subparagraph 1.~~ If the
1447 office determines that the licensee registrant does not continue
1448 to meet the licensure registration requirements, the office may
1449 bring an administrative action in accordance with s. 560.114 to

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1450 enforce the provisions of this chapter code.

1451 (c)4. The commission shall adopt rules ~~pursuant to ss.~~
1452 ~~120.536(1) and 120.54~~ providing for the waiver of the license
1453 application required by this subsection if the person or group of
1454 persons proposing to purchase or acquire a controlling interest
1455 in a licensee registrant has previously complied with the
1456 applicable provisions of ss. 560.140 and 560.141 under ss.
1457 ~~560.205 and 560.306 with~~ the same legal entity or is currently
1458 licensed registered with the office under this chapter code.

1459 Section 23. Section 560.127, Florida Statutes, is amended
1460 to read:

1461 560.127 Control of a money services business
1462 ~~transmitter.~~--A person has a controlling interest in control over
1463 a money services business transmitter if the person:

1464 (1) ~~The individual, partnership, corporation, trust, or~~
1465 ~~other organization~~ Possesses the power, directly or indirectly,
1466 to direct the management or policies of the money services
1467 business a company, whether through ownership ~~of securities~~, by
1468 contract, or otherwise; ~~A person is presumed to control a~~
1469 ~~company if, with respect to a particular company, that person:~~

1470 ~~(a) Is a director, general partner, or officer exercising~~
1471 ~~executive responsibility or having similar status or functions;~~

1472 ~~(2)(b)~~ Directly or indirectly may vote 25 percent or more
1473 of a class of a voting security or sell or direct the sale of 25
1474 percent or more of a class of voting securities; or

1475 ~~(3)(e)~~ In the case of a partnership, may receive upon
1476 dissolution or has contributed 25 percent or more of the capital.

1477 ~~(2) The office determines, after notice and opportunity for~~
1478 ~~hearing, that the person directly or indirectly exercises a~~

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1479 ~~controlling influence over the activities of the money~~
1480 ~~transmitter.~~

1481 Section 24. Section 560.128, Florida Statutes, is amended
1482 to read:

1483 560.128 Customer contacts; license display ~~Consumer~~
1484 ~~disclosure.--~~

1485 (1) A money services business and authorized vendor must
1486 provide each customer with ~~Every money transmitter and authorized~~
1487 ~~vendor shall provide each consumer of a money transmitter~~
1488 ~~transaction~~ a toll-free telephone number for the purpose of
1489 contacting the money services business or authorized vendor or,
1490 ~~consumer contacts; However,~~ in lieu of a such toll-free telephone
1491 number, ~~the money transmitter or authorized vendor may provide~~
1492 the address and telephone number of the office may be provided
1493 ~~and the Division of Consumer Services of the Department of~~
1494 ~~Financial Services.~~

1495 (2) The commission may by rule require a licensee ~~every~~
1496 ~~money transmitter~~ to display its license ~~registration~~ at each
1497 location, ~~including the location of each person designated by the~~
1498 ~~registrant as an authorized vendor,~~ where the licensee ~~the money~~
1499 ~~transmitter~~ engages in the activities authorized by the license
1500 ~~registration.~~

1501 Section 25. Section 560.129, Florida Statutes, is amended
1502 to read:

1503 560.129 Confidentiality.--

1504 (1) ~~(a)~~ Except as otherwise provided in this section, all
1505 information concerning an investigation or examination conducted
1506 by the office pursuant to this chapter, including any customer
1507 ~~consumer~~ complaint received by the office or the Department of

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1508 Financial Services, is confidential and exempt from s. 119.07(1)
1509 and s. 24(a), Art. I of the State Constitution until the
1510 investigation or examination ceases to be active. For purposes of
1511 this section, an investigation or examination is considered
1512 "active" so long as the office or any other administrative,
1513 regulatory, or law enforcement agency of any jurisdiction is
1514 proceeding with reasonable dispatch and has a reasonable good
1515 faith belief that action may be initiated by the office or other
1516 administrative, regulatory, or law enforcement agency.

1517 (2) (b) ~~Notwithstanding paragraph (a),~~ All information
1518 obtained by the office in the course of its investigation or
1519 examination which is a trade secret, as defined in s. 688.002, or
1520 which is personal financial information shall remain confidential
1521 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1522 Constitution. If any administrative, civil, or criminal
1523 proceeding against a the money services business, its authorized
1524 vendor, transmitter or an affiliated a money transmitter-
1525 affiliated party is initiated and the office seeks to use matter
1526 that a licensee registrant believes to be a trade secret or
1527 personal financial information, such records shall be subject to
1528 an in camera review by the administrative law judge, if the
1529 matter is before the Division of Administrative Hearings, or a
1530 judge of any court of this state, any other state, or the United
1531 States, as appropriate, for the purpose of determining if the
1532 matter is a trade secret or is personal financial information. If
1533 it is determined that the matter is a trade secret, the matter
1534 shall remain confidential. If it is determined that the matter is
1535 personal financial information, the matter shall remain
1536 confidential unless the administrative law judge or judge

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1537 determines that, in the interests of justice, the matter should
1538 become public.

1539 (3) ~~(e)~~ If an any administrative, civil, or criminal
1540 proceeding against a the money services business, its authorized
1541 vendor, transmitter or an affiliated a money transmitter-
1542 ~~affiliated~~ party results in an acquittal or the dismissal of all
1543 of the allegations ~~against the money transmitter or a money~~
1544 ~~transmitter-affiliated party~~, upon the request of any party, the
1545 administrative law judge or the judge may order all or a portion
1546 of the record of the proceeding to be sealed, and it shall
1547 thereafter be confidential and exempt from s. 119.07(1) and s.
1548 24(a), Art. I of the State Constitution.

1549 (4) ~~(d)~~ Except as necessary for the office or any other
1550 administrative, regulatory, or law enforcement agency of any
1551 jurisdiction to enforce the provisions of this chapter or the law
1552 of any other state or the United States, a consumer complaint and
1553 other information concerning an investigation or examination
1554 shall remain confidential and exempt from s. 119.07(1) and s.
1555 24(a), Art. I of the State Constitution after the investigation
1556 or examination ceases to be active to the extent that disclosure
1557 would:

1558 (a)1- Jeopardize the integrity of another active
1559 investigation;

1560 (b)2- Reveal personal financial information;

1561 (c)3- Reveal the identity of a confidential source; or

1562 (d)4- Reveal investigative techniques or procedures.

1563 (5) ~~(2)~~ This section does not prevent or restrict:

1564 (a) Furnishing records or information to any appropriate
1565 regulatory, prosecutorial, agency or law enforcement agency if

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1566 such agency adheres to the confidentiality provisions of this
1567 chapter ~~the code~~;

1568 (b) Furnishing records or information to an appropriate
1569 regulator or independent third party ~~or a certified public~~
1570 ~~accountant~~ who has been approved by the office to conduct an
1571 examination under s. 560.1091 ~~s. 560.118(1)(b)~~, if the
1572 independent third party ~~or certified public accountant~~ adheres to
1573 the confidentiality provisions of this chapter ~~the code~~; or

1574 (c) Reporting any suspicious ~~suspected criminal~~ activity,
1575 with supporting documents and information, to appropriate
1576 regulatory, law enforcement, or prosecutorial agencies.

1577 (6) ~~(3)~~ All quarterly reports submitted ~~by a money~~
1578 ~~transmitter~~ to the office under s. 560.118(2) ~~s. 560.118(2)(b)~~
1579 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
1580 I of the State Constitution.

1581 ~~(4) Examination reports, investigatory records,~~
1582 ~~applications, and related information compiled by the office, or~~
1583 ~~photographic copies thereof, shall be retained by the office for~~
1584 ~~a period of at least 3 years following the date that the~~
1585 ~~examination or investigation ceases to be active. Application~~
1586 ~~records, and related information compiled by the office, or~~
1587 ~~photographic copies thereof, shall be retained by the office for~~
1588 ~~a period of at least 2 years following the date that the~~
1589 ~~registration ceases to be active.~~

1590 (7) ~~(5)~~ Any person who willfully discloses information made
1591 confidential by this section commits a felony of the third
1592 degree, punishable as provided in s. 775.082 or s. 775.083.

1593 Section 26. Section 560.140, Florida Statutes, is created
1594 to read:

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1595 560.140 Licensing standards.--To qualify for licensure as a
1596 money services business under this chapter, an applicant must:

1597 (1) Demonstrate to the office the character and general
1598 fitness necessary to command the confidence of the public and
1599 warrant the belief that the money services business or deferred
1600 presentment provider shall be operated lawfully and fairly.

1601 (2) Be legally authorized to do business in this state.

1602 (3) Be registered as a money services business with the
1603 Financial Crimes Enforcement Network as required by 31 C.F.R. s.
1604 103.41, if applicable.

1605 (4) Have an anti-money laundering program in place which
1606 meets the requirements of 31 C.F.R. s. 103.125.

1607 (5) Provide the office with all the information required
1608 under this chapter and related rules.

1609 Section 27. Section 560.141, Florida Statutes, is created
1610 to read:

1611 560.141 License application.--

1612 (1) To apply for a license as a money services business
1613 under this chapter the applicant must:

1614 (a) Submit an application to the office on forms prescribed
1615 by rule which includes the following information:

1616 1. The legal name and address of the applicant, including
1617 any fictitious or trade names used by the applicant in the
1618 conduct of its business.

1619 2. The date of the applicant's formation and the state in
1620 which the applicant was formed, if applicable.

1621 3. The name, social security number, alien identification
1622 or taxpayer identification number, business and residence
1623 addresses, and employment history for the past 5 years for each

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1624 officer, director, responsible person, the compliance officer,
1625 each controlling shareholder, any other person who has a
1626 controlling interest in the money services business as provided
1627 in s. 560.127.

1628 4. A description of the organizational structure of the
1629 applicant, including the identity of any parent or subsidiary of
1630 the applicant, and the disclosure of whether any parent or
1631 subsidiary is publicly traded.

1632 5. The applicant's history of operations in other states if
1633 applicable and a description of the money services business or
1634 deferred presentment provider activities proposed to be conducted
1635 by the applicant in this state.

1636 6. If the applicant or its parent is a publicly traded
1637 company, copies of all filings made by the applicant with the
1638 United States Securities and Exchange Commission, or with a
1639 similar regulator in a country other than the United States,
1640 within the preceding year.

1641 7. The location at which the applicant proposes to
1642 establish its principal place of business and any other location,
1643 including branch offices and authorized vendors operating in this
1644 state. For each branch office identified and each authorized
1645 vendor appointed, the applicant shall include the nonrefundable
1646 fee required by s. 560.143.

1647 8. The name and address of the clearing financial
1648 institution or financial institutions through which the
1649 applicant's payment instruments are drawn or through which the
1650 payment instruments are payable.

1651 8. The history of the applicant's material litigation,
1652 criminal convictions, pleas of nolo contendere, and cases of

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1653 adjudication withheld.

1654 9. The history of material litigation, arrests, criminal
1655 convictions, pleas of nolo contendere, and cases of adjudication
1656 withheld for each executive officer, director, controlling
1657 shareholder, and responsible person.

1658 10. The name of the registered agent in this state for
1659 service of process unless the applicant is a sole proprietor.

1660 11. Any other information specified in this chapter or by
1661 rule.

1662 (b) In addition to the application form, submit:

1663 1. A nonrefundable application fee as provided in s.
1664 560.143.

1665 2. A fingerprint card for each of the persons listed in
1666 subparagraph (a)3. unless the applicant is a publicly traded
1667 corporation, or is exempted from this chapter under s.
1668 560.104(1). The fingerprints must be taken by an authorized law
1669 enforcement agency. The office shall submit the fingerprints to
1670 the Department of Law Enforcement for state processing and the
1671 Department of Law Enforcement shall forward the fingerprints to
1672 the Federal Bureau of Investigations for federal processing. The
1673 cost of the fingerprint processing may be borne by the office,
1674 the employer, or the person subject to the criminal records
1675 background check. The office shall screen the background results
1676 to determine if the applicant meets licensure requirements. As
1677 used in this section, the term "publicly traded" means a stock is
1678 currently traded on a national securities exchange registered
1679 with the federal Securities and Exchange Commission or traded on
1680 an exchange in a country other than the United States regulated
1681 by a regulator equivalent to the Securities and Exchange

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1682 Commission and the disclosure and reporting requirements of such
1683 regulator are substantially similar to those of the commission.

1684 3. A copy of the applicant's written anti-money laundering
1685 program required under 31 C.F.R. s. 103.125.

1686 4. Within the time allotted by rule, any information needed
1687 to resolve any deficiencies found in the application.

1688 (2) If the office determines that the applicant meets the
1689 qualifications and requirements of this chapter, the office shall
1690 issue a license to the applicant. A license may not be issued for
1691 more than 2 years.

1692 (a) A license issued under part II of this chapter shall
1693 expire on April 30 of the second year following the date of
1694 issuance of the license unless during such period the license is
1695 surrendered, suspended, or revoked.

1696 (b) A license issued under part III of this chapter shall
1697 expire on December 31 of the second year following the date of
1698 issuance of the license unless during such period the license is
1699 surrendered, suspended, or revoked.

1700 Section 28. Section 560.142, Florida Statutes, is created
1701 to read:

1702 560.142 License renewal.--

1703 (1) A license may be renewed for a subsequent 2-year period
1704 by furnishing such application as required by rule, together with
1705 the payment of a nonrefundable renewal fee as provided under s.
1706 560.143, on or before the license expiration date, or for the
1707 remainder of any such period without proration following the date
1708 of license expiration.

1709 (2) In addition to the renewal fee, each part II licensee
1710 must pay a 2-year nonrefundable renewal fee as provided in s.

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1711 560.143 for each authorized vendor or location operating within
 1712 this state.

1713 (3) A licensee who has on file with the office a
 1714 declaration of intent to engage in deferred presentment
 1715 transactions may renew a declaration upon license renewal by
 1716 submitting a nonrefundable deferred presentment provider renewal
 1717 fee as provided in s. 560.143.

1718 (4) If a license or declaration of intent to engage in
 1719 deferred presentment transactions expires, the license or
 1720 declaration of intent may be reinstated only if a renewal
 1721 application or declaration of intent, all required renewal fees,
 1722 and any applicable late fees are received by the office within 60
 1723 days after expiration. If not submitted within 60 days, the
 1724 license or declaration on intent expires and a new license
 1725 application or declaration of intent must be filed with the
 1726 office pursuant to this chapter.

1727 (5) The commission may adopt rules to administer this
 1728 section.

1729 Section 29. Section 560.143, Florida Statutes, is created
 1730 to read:

1731 560.143 Fees.--

1732 (1) LICENSE APPLICATION FEES.--The applicable non-
 1733 refundable fees must accompany an application for licensure:

1734 (a) Under part II \$500.

1735 (b) Part III \$250.

1736 (c) Per branch office \$50.

1737 (d) For each appointment of an authorized vendor \$50.

1738 (e) Declaration as a deferred presentment provider \$1,000.

1739 (f) Fingerprint fees as prescribed by rule.

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1740 (2) LICENSE RENEWAL FEES.--The applicable non-refundable
 1741 license renewal fees must accompany a renewal of licensure:
 1742 (a) Part II 1,000.
 1743 (b) Part III \$500.
 1744 (c) Per branch office \$50.
 1745 (d) For each appointment of an authorized vendors \$50.
 1746 (e) Declaration as a deferred presentment provider \$1,000.
 1747 (f) Renewal fees for branch offices and authorized vendors
 1748 are limited to \$20,000 biennially.

1749 (3) LATE LICENSE RENEWAL FEES.--
 1750 (a) Part II \$500.
 1751 (b) Part III \$250.
 1752 (c) Declaration as a deferred presentment provider \$500.

1753 Section 30. Section 560.203, Florida Statutes, is amended
 1754 to read:

1755 560.203 Exemptions from licensure.--Authorized vendors of a
 1756 licensee registrant acting within the scope of authority
 1757 conferred by the licensee are ~~registrant shall be~~ exempt from
 1758 licensure but are having to register pursuant to the code but
 1759 ~~shall~~ otherwise be subject to the its provisions of this chapter.

1760 Section 31. Section 560.204, Florida Statutes, is amended
 1761 to read:

1762 560.204 License required ~~Requirement of registration.--~~
 1763 (1) Unless exempted, a ~~No~~ person may not shall engage in
 1764 ~~for consideration, or nor~~ in any manner advertise that they
 1765 engage~~r~~ in, the selling or issuing of payment instruments or in
 1766 the activity of a money funds transmitter, for compensation,
 1767 without first obtaining a license registration under the
 1768 ~~provisions of this part.~~ For purposes of this section,

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1769 "compensation" includes profit or loss on the exchange of
1770 currency.

1771 (2) A licensee under this part ~~person registered pursuant~~
1772 ~~to this part is permitted to engage in the activities authorized~~
1773 ~~by this part. A person registered pursuant to this part may also~~
1774 ~~engage in the activities authorized under part III of this~~
1775 ~~chapter without the imposition of any additional licensing fees~~
1776 ~~and is exempt from the registration fee required by s. 560.307.~~

1777 Section 32. Section 560.205, Florida Statutes, is amended
1778 to read:

1779 560.205 Additional license application requirements
1780 ~~Qualifications of applicant for registration; contents.--In~~
1781 ~~addition to the license application requirements under part I of~~
1782 ~~this chapter, an applicant seeking a license under this part must~~
1783 ~~also submit to the office:~~

1784 (1) A sample authorized vendor contract, if applicable.

1785 (2) A sample form of payment instrument, if applicable.

1786 (3) Documents demonstrating that the net worth and bonding
1787 requirements specified in s. 560.209 have been fulfilled.

1788 (4) A copy of the applicant's financial audit report for
1789 the most recent fiscal year. If the applicant is a wholly owned
1790 subsidiary of another corporation, the financial audit report on
1791 the parent corporation's financial statements shall satisfy this
1792 requirement.

1793 ~~(1) To qualify for registration under this part, an~~
1794 ~~applicant must demonstrate to the office such character and~~
1795 ~~general fitness as to command the confidence of the public and~~
1796 ~~warrant the belief that the registered business will be operated~~
1797 ~~lawfully and fairly. The office may investigate each applicant to~~

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1798 ~~ascertain whether the qualifications and requirements prescribed~~
1799 ~~by this part have been met. The office's investigation may~~
1800 ~~include a criminal background investigation of all controlling~~
1801 ~~shareholders, principals, officers, directors, members, and~~
1802 ~~responsible persons of a funds transmitter and a payment~~
1803 ~~instrument seller and all persons designated by a funds~~
1804 ~~transmitter or payment instrument seller as an authorized vendor.~~
1805 ~~Each controlling shareholder, principal, officer, director,~~
1806 ~~member, and responsible person of a funds transmitter or payment~~
1807 ~~instrument seller, unless the applicant is a publicly traded~~
1808 ~~corporation as defined by the commission by rule, a subsidiary~~
1809 ~~thereof, or a subsidiary of a bank or bank holding company~~
1810 ~~organized and regulated under the laws of any state or the United~~
1811 ~~States, shall file a complete set of fingerprints. A fingerprint~~
1812 ~~card submitted to the office must be taken by an authorized law~~
1813 ~~enforcement agency. The office shall submit the fingerprints to~~
1814 ~~the Department of Law Enforcement for state processing, and the~~
1815 ~~Department of Law Enforcement shall forward the fingerprints to~~
1816 ~~the Federal Bureau of Investigation for state and federal~~
1817 ~~processing. The cost of the fingerprint processing may be borne~~
1818 ~~by the office, the employer, or the person subject to the~~
1819 ~~background check. The Department of Law Enforcement shall submit~~
1820 ~~an invoice to the office for the fingerprints received each~~
1821 ~~month. The office shall screen the background results to~~
1822 ~~determine if the applicant meets licensure requirements. The~~
1823 ~~commission may waive by rule the requirement that applicants file~~
1824 ~~a set of fingerprints or the requirement that such fingerprints~~
1825 ~~be processed by the Department of Law Enforcement or the Federal~~
1826 ~~Bureau of Investigation.~~

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1827 ~~(2) Each application for registration must be submitted~~
1828 ~~under oath to the office on such forms as the commission~~
1829 ~~prescribes by rule and must be accompanied by a nonrefundable~~
1830 ~~application fee. Such fee may not exceed \$500 for each payment~~
1831 ~~instrument seller or funds transmitter and \$50 for each~~
1832 ~~authorized vendor or location operating within this state. The~~
1833 ~~application must contain such information as the commission~~
1834 ~~requires by rule, including, but not limited to:~~

1835 ~~(a) The name and address of the applicant, including any~~
1836 ~~fictitious or trade names used by the applicant in the conduct of~~
1837 ~~its business.~~

1838 ~~(b) The history of the applicant's material litigation,~~
1839 ~~criminal convictions, pleas of nolo contendere, and cases of~~
1840 ~~adjudication withheld.~~

1841 ~~(c) A description of the activities conducted by the~~
1842 ~~applicant, the applicant's history of operations, and the~~
1843 ~~business activities in which the applicant seeks to engage in~~
1844 ~~this state.~~

1845 ~~(d) A sample authorized vendor contract, if applicable.~~

1846 ~~(e) A sample form of payment instrument, if applicable.~~

1847 ~~(f) The name and address of the clearing financial~~
1848 ~~institution or financial institutions through which the~~
1849 ~~applicant's payment instruments will be drawn or through which~~
1850 ~~such payment instruments will be payable.~~

1851 ~~(g) Documents revealing that the net worth and bonding~~
1852 ~~requirements specified in s. 560.209 have been or will be~~
1853 ~~fulfilled.~~

1854 ~~(3) Each application for registration by an applicant that~~
1855 ~~is a corporation shall contain such information as the commission~~

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1856 requires by rule, ~~including, but not limited to:~~

1857 ~~(a) The date of the applicant's incorporation and state of~~
1858 ~~incorporation.~~

1859 ~~(b) A certificate of good standing from the state or~~
1860 ~~country in which the applicant was incorporated.~~

1861 ~~(c) A description of the corporate structure of the~~
1862 ~~applicant, including the identity of any parent or subsidiary of~~
1863 ~~the applicant, and the disclosure of whether any parent or~~
1864 ~~subsidiary is publicly traded on any stock exchange.~~

1865 ~~(d) The name, social security number, business and~~
1866 ~~residence addresses, and employment history for the past 5 years~~
1867 ~~for each executive officer, each director, each controlling~~
1868 ~~shareholder, and the responsible person who will be in charge of~~
1869 ~~all the applicant's business activities in this state.~~

1870 ~~(e) The history of material litigation and criminal~~
1871 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
1872 ~~withheld for each officer, each director, each controlling~~
1873 ~~shareholder, and the responsible person who will be in charge of~~
1874 ~~the applicant's registered activities.~~

1875 ~~(f) Copies of the applicant's audited financial statements~~
1876 ~~for the current year and, if available, for the immediately~~
1877 ~~preceding 2-year period. In cases where the applicant is a wholly~~
1878 ~~owned subsidiary of another corporation, the parent's~~
1879 ~~consolidated audited financial statements may be submitted to~~
1880 ~~satisfy this requirement. An applicant who is not required to~~
1881 ~~file audited financial statements may satisfy this requirement by~~
1882 ~~filing unaudited financial statements verified under penalty of~~
1883 ~~perjury, as provided by the commission by rule.~~

1884 ~~(g) An applicant who is not required to file audited~~

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1885 ~~financial statements may file copies of the applicant's~~
1886 ~~unconsolidated, unaudited financial statements for the current~~
1887 ~~year and, if available, for the immediately preceding 2-year~~
1888 ~~period.~~

1889 ~~(h) If the applicant is a publicly traded company, copies~~
1890 ~~of all filings made by the applicant with the United States~~
1891 ~~Securities and Exchange Commission, or with a similar regulator~~
1892 ~~in a country other than the United States, within the year~~
1893 ~~preceding the date of filing of the application.~~

1894 ~~(4) Each application for registration submitted to the~~
1895 ~~office by an applicant that is not a corporation shall contain~~
1896 ~~such information as the commission requires by rule, including,~~
1897 ~~but not limited to:~~

1898 ~~(a) Evidence that the applicant is registered to do~~
1899 ~~business in this state.~~

1900 ~~(b) The name, business and residence addresses, personal~~
1901 ~~financial statement and employment history for the past 5 years~~
1902 ~~for each individual having a controlling ownership interest in~~
1903 ~~the applicant, and each responsible person who will be in charge~~
1904 ~~of the applicant's registered activities.~~

1905 ~~(c) The history of material litigation and criminal~~
1906 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
1907 ~~withheld for each individual having a controlling ownership~~
1908 ~~interest in the applicant and each responsible person who will be~~
1909 ~~in charge of the applicant's registered activities.~~

1910 ~~(d) Copies of the applicant's audited financial statements~~
1911 ~~for the current year, and, if available, for the preceding 2~~
1912 ~~years. An applicant who is not required to file audited financial~~
1913 ~~statements may satisfy this requirement by filing unaudited~~

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1914 ~~financial statements verified under penalty of perjury, as~~
1915 ~~provided by the commission by rule.~~

1916 ~~(5) Each applicant shall designate and maintain an agent in~~
1917 ~~this state for service of process.~~

1918 Section 33. Effective January 1, 2009, section 560.208,
1919 Florida Statutes, is amended to read:

1920 560.208 Conduct of business.--In addition to the
1921 requirements specified in s. 560.140, a licensee under this part:

1922 (1) ~~A registrant~~ May conduct its business at one or more
1923 locations within this state through branches or by means of
1924 authorized vendors, as designated by the licensee registrant,
1925 including the conduct of business through electronic transfer,
1926 such as by the telephone or the Internet.

1927 (2) Notwithstanding and without violating s. 501.0117, a
1928 ~~registrant~~ may charge a different price for a money transmitter
1929 ~~funds transmission~~ service based on the mode of transmission used
1930 in the transaction ~~as,~~ so long as the price charged for a service
1931 paid for with a credit card is not more ~~greater~~ than the price
1932 charged when the ~~that~~ service is paid for with currency or other
1933 similar means accepted within the same mode of transmission.

1934 (3) Is responsible for the acts of its authorized vendors
1935 in accordance with the terms of its written contract with the
1936 vendor.

1937 (4) Shall place assets that are the property of a customer
1938 in a segregated account in a federally insured financial
1939 institution and shall maintain separate accounts for operating
1940 capital and the clearing of customer funds.

1941 (5) Shall, in the normal course of business, ensure that
1942 money transmitted is available to the designated recipient within

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1943 10 business days after receipt.

1944 (6) Shall immediately upon receipt of currency or payment
1945 instrument provide a confirmation or sequence number to the
1946 customer verbally, by paper, or electronically.

1947 ~~(2) Within 60 days after the date a registrant either opens~~
1948 ~~a location within this state or authorizes an authorized vendor~~
1949 ~~to operate on the registrant's behalf within this state, the~~
1950 ~~registrant shall notify the office on a form prescribed by the~~
1951 ~~commission by rule. The notification shall be accompanied by a~~
1952 ~~nonrefundable \$50 fee for each authorized vendor or location.~~
1953 ~~Each notification shall also be accompanied by a financial~~
1954 ~~statement demonstrating compliance with s. 560.209(1), unless~~
1955 ~~compliance has been demonstrated by a financial statement filed~~
1956 ~~with the registrant's quarterly report in compliance with s.~~
1957 ~~560.118(2). The financial statement must be dated within 90 days~~
1958 ~~of the date of designation of the authorized vendor or location.~~
1959 ~~This subsection shall not apply to any authorized vendor or~~
1960 ~~location that has been designated by the registrant before~~
1961 ~~October 1, 2001.~~

1962 ~~(3) Within 60 days after the date a registrant closes a~~
1963 ~~location within this state or withdraws authorization for an~~
1964 ~~authorized vendor to operate on the registrant's behalf within~~
1965 ~~this state, the registrant shall notify the office on a form~~
1966 ~~prescribed by the commission by rule.~~

1967 Section 34. Effective January 1, 2009, section 560.2085,
1968 Florida Statutes, is created to read:

1969 560.2085 Authorized vendors.--A licensee under this part
1970 shall:

1971 (1) Within 60 days after an authorized vendor commences

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1972 business, file with the office such information as prescribed by
1973 rule together with the nonrefundable appointment fee as provided
1974 by s. 560.143. This requirement applies to vendors who are also
1975 terminated within the 60-day period.

1976 (2) Enter into a written contract, signed by the licensee
1977 and the authorized vendor, which:

1978 (a) Sets forth the nature and scope of the relationship
1979 between the licensee and the authorized vendor, including the
1980 respective rights and responsibilities of the parties; and

1981 (b) Includes contract provisions that require the
1982 authorized vendor to:

1983 1. Report to the licensee, immediately upon discovery, the
1984 theft or loss of currency received for a transmission or payment
1985 instrument;

1986 2. Display a notice to the public, in such form as
1987 prescribed by rule, that the vendor is the authorized vendor of
1988 the licensee;

1989 3. Remit all amounts owed to the licensee for all
1990 transmissions accepted and all payment instruments sold in
1991 accordance with the contract between the licensee and the
1992 authorized vendor;

1993 4. Hold in trust all currency or payment instruments
1994 received for transmissions or for the purchase of payment
1995 instruments from the time of receipt by the licensee or
1996 authorized vendor until the time the transmission obligation is
1997 completed;

1998 5. Not commingle the money received for transmissions
1999 accepted or payment instruments sold on behalf of the licensee
2000 with the money or property of the authorized vendor, except for

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2001 making change in the ordinary course of the vendor's business,
2002 and ensure that the money is accounted for at the end of the
2003 business day;

2004 6. Consent to examination or investigation by the office;

2005 7. Adhere to the applicable state and federal laws and
2006 rules pertaining to a money services business; and

2007 8. Provide such other information or disclosure as may be
2008 required by rule.

2009 (3) Develop and implement written policies and procedures
2010 to monitor compliance with applicable state and federal law by
2011 its authorized vendors.

2012 Section 35. Section 560.209, Florida Statutes, is amended
2013 to read:

2014 560.209 Net worth; corporate surety bond; collateral
2015 deposit in lieu of bond.--

2016 (1) A licensee must ~~Any person engaging in a registered~~
2017 ~~activity shall~~ have a net worth of at least \$100,000 ~~computed~~
2018 ~~according to generally accepted accounting principles.~~ A licensee
2019 operating in Applicants proposing to conduct registered
2020 ~~activities at more than one location must shall~~ have an
2021 additional net worth of \$10,000 ~~\$50,000~~ per location in this
2022 state, up as applicable, to a maximum of \$2 million ~~\$500,000~~. The
2023 required net worth must be maintained at all times.

2024 (2) A licensee must obtain an annual financial audit
2025 report, which must be submitted to the office within 120 days
2026 after the end of the licensee's fiscal year end, as disclosed to
2027 the office. If the applicant is a wholly owned subsidiary of
2028 another corporation, the financial audit report on the parent
2029 corporation's financial statements shall satisfy this

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2030 requirement.

2031 ~~(3)(2)~~ Before the office may issue a license under this
2032 part registration, the applicant must provide to the office a
2033 corporate surety bond, issued by a bonding company or insurance
2034 company authorized to do business in this state.

2035 (a) The corporate surety bond shall be in an such amount as
2036 specified ~~may be determined~~ by ~~commission~~ rule, but may ~~shall~~ not
2037 be less than \$50,000 or exceed \$2 million ~~\$250,000~~. The rule
2038 shall provide allowances for the financial condition, number of
2039 locations, and anticipated volume of the licensee. ~~However, the~~
2040 ~~commission and office may consider extraordinary circumstances,~~
2041 ~~such as the registrant's financial condition, the number of~~
2042 ~~locations, and the existing or anticipated volume of outstanding~~
2043 ~~payment instruments or funds transmitted, and require an~~
2044 ~~additional amount above \$250,000, up to \$500,000.~~

2045 (b) The corporate surety bond must ~~shall~~ be in a form
2046 satisfactory to the office and shall run to the state for the
2047 benefit of any claimants in this state against the applicant or
2048 its authorized vendors to secure the faithful performance of the
2049 obligations of the applicant and its ~~authorized~~ vendors with
2050 respect to the receipt, handling, transmission, and payment of
2051 funds. The aggregate liability of the corporate surety bond may
2052 not in no event shall exceed the principal sum of the bond. ~~Such~~
2053 Claimants against the applicant or its authorized vendors may
2054 ~~themselves~~ bring suit directly on the corporate surety bond, or
2055 the Department of Legal Affairs may bring suit ~~thereon~~ on behalf
2056 of the ~~such~~ claimants, ~~in either one action or in successive~~
2057 ~~actions.~~

2058 (c) The ~~A~~ corporate surety bond ~~filed with the office for~~

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2059 ~~purposes of compliance with this section~~ may not be canceled by
2060 ~~either~~ the licensee registrant or the corporate surety except
2061 upon written notice to the office by registered ~~or certified~~ mail
2062 ~~with return receipt requested~~. A cancellation may ~~shall~~ not take
2063 effect until ~~less than~~ 30 days after receipt by the office of the
2064 ~~such~~ written notice.

2065 (d) The corporate surety must, within 10 days after it pays
2066 any claim ~~to any claimant~~, give written notice to the office by
2067 registered ~~or certified~~ mail of such payment with details
2068 sufficient to identify the claimant and the claim or judgment ~~so~~
2069 paid.

2070 (e) If ~~Whenever~~ the principal sum of the ~~such~~ bond is
2071 reduced by one or more recoveries or payments, the licensee
2072 ~~registrant~~ must furnish a new or additional bond so that the
2073 total or aggregate principal sum of the ~~such~~ bond equals the sum
2074 required pursuant to paragraph (a) ~~by the commission~~.

2075 Alternatively, a licensee ~~registrant~~ may furnish an endorsement
2076 executed by the corporate surety reinstating the bond to the
2077 required principal sum ~~thereof~~.

2078 ~~(4)(3)~~ In lieu of a such corporate surety bond, or of any
2079 portion of the principal sum ~~thereof~~ required by this section,
2080 the applicant may deposit collateral cash, securities, or
2081 alternative security devices as provided by rule ~~approved by the~~
2082 ~~commission~~, with a ~~any~~ federally insured financial institution.

2083 (a) Acceptable collateral deposit items ~~in lieu of a bond~~
2084 include cash and interest-bearing stocks and bonds, notes,
2085 debentures, or other obligations of the United States or any
2086 agency or instrumentality thereof, or guaranteed by the United
2087 States, or of this state.

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2088 (b) The collateral deposit must be in an aggregate amount,
2089 based upon principal amount or market value, whichever is lower,
2090 of at least ~~not less than~~ the amount of the required corporate
2091 surety bond or portion thereof.

2092 (c) Collateral deposits must ~~made under this subsection~~
2093 ~~shall~~ be pledged to the office and held by the insured financial
2094 institution to secure the same obligations as ~~would~~ the corporate
2095 surety bond, but the depositor is entitled to receive any ~~all~~
2096 interest and dividends thereon and may, with the approval of the
2097 office, substitute other securities or deposits for those
2098 deposited. The principal amount of the deposit shall be released
2099 only on written authorization of the office or on the order of a
2100 court of competent jurisdiction.

2101 (5) ~~(4)~~ A licensee ~~registrant~~ must at all times ~~have and~~
2102 maintain the bond or collateral deposit in the required amount
2103 ~~prescribed by the commission~~. If the office ~~at any time~~
2104 reasonably determines that the bond or elements of the collateral
2105 deposit are insecure, deficient in amount, or exhausted in whole
2106 or in part, the office may, by written order, require the filing
2107 of a new or supplemental bond or the deposit of new or additional
2108 collateral deposit items.

2109 (6) ~~(5)~~ The bond and collateral deposit shall remain in
2110 place for 5 years after the licensee ~~registrant~~ ceases licensed
2111 ~~registered~~ operations in this state. The office may allow ~~permit~~
2112 the bond or collateral deposit to be reduced or eliminated prior
2113 to that time to the extent that the amount of the licensee's
2114 ~~registrant's~~ outstanding payment instruments or money ~~funds~~
2115 transmitted in this state are reduced. The office may also allow
2116 a licensee ~~permit a registrant~~ to substitute a letter of credit

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2117 or ~~such~~ other form of acceptable security for the bond or
2118 collateral deposit at the time the licensee ~~registrant~~ ceases
2119 licensed money transmission operations in this state.

2120 ~~(6) The office may waive or reduce a registrant's net worth~~
2121 ~~or bond or collateral deposit requirement. Such waiver or~~
2122 ~~modification must be requested by the applicant or registrant,~~
2123 ~~and may be granted upon a showing by the applicant or registrant~~
2124 ~~to the satisfaction of the office that:~~

2125 ~~(a) The existing net worth, bond, or collateral deposit~~
2126 ~~requirement is sufficiently in excess of the registrant's highest~~
2127 ~~potential level of outstanding payment instruments or money~~
2128 ~~transmissions in this state;~~

2129 ~~(b) The direct and indirect cost of meeting the net worth,~~
2130 ~~bond, or collateral deposit requirement will restrict the ability~~
2131 ~~of the money transmitter to effectively serve the needs of its~~
2132 ~~customers and the public; or~~

2133 ~~(c) The direct and indirect cost of meeting the net worth,~~
2134 ~~bond, or collateral requirement will not only have a negative~~
2135 ~~impact on the money transmitter but will severely hinder the~~
2136 ~~ability of the money transmitter to participate in and promote~~
2137 ~~the economic progress and welfare of this state or the United~~
2138 ~~States.~~

2139 Section 36. Section 560.210, Florida Statutes, is amended
2140 to read:

2141 560.210 Permissible investments.--

2142 (1) A licensee must ~~registrant shall~~ at all times possess
2143 permissible investments with an aggregate market value,
2144 calculated in accordance with ~~United States~~ generally accepted
2145 accounting principles, of at least ~~not less than~~ the aggregate

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2146 face amount of all outstanding money funds transmissions and
2147 payment instruments issued or sold by the licensee ~~registrant~~ or
2148 an authorized vendor in the United States. As used in this
2149 section,

2150 ~~(2)~~ Acceptable permissible investments include:

2151 (a) Cash.

2152 (b) Certificates of deposit or other deposit liabilities of
2153 a domestic or foreign financial institution, ~~either domestic or~~
2154 ~~foreign.~~

2155 (c) Bankers' acceptances eligible for purchase by member
2156 banks of the Federal Reserve System.

2157 (d) An investment bearing a rating of one of the three
2158 highest grades as defined by a nationally recognized rating
2159 service of such securities.

2160 (e) Investment securities that are obligations of the
2161 United States, its agencies or instrumentalities, or obligations
2162 that are guaranteed fully as to principal and interest by the
2163 United States, or any obligations of any state or municipality,
2164 or any political subdivision thereof.

2165 (f) Shares in a money market mutual fund.

2166 (g) A demand borrowing agreement or agreements made to a
2167 corporation or a subsidiary of a corporation whose capital stock
2168 is listed on a national exchange.

2169 (h) Receivables that are due to a licensee ~~registrant~~ from
2170 the licensee's ~~registrant's~~ authorized vendors except those that
2171 are more than 90 ~~30~~ days past due or are doubtful of collection.

2172 (i) Any other investment approved by rule ~~the commission~~.

2173 ~~(2)(3)~~ Notwithstanding any other provision of this part,
2174 the office, with respect to any particular licensee ~~registrant~~ or

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2175 all licensees ~~registrants~~, may limit the extent to which any
2176 class of permissible investments may be considered a permissible
2177 investment, except for cash and certificates of deposit.

2178 ~~(3)(4)~~ The office may waive the permissible investments
2179 requirement if the dollar value of a licensee's ~~registrant's~~
2180 outstanding payment instruments and money ~~funds~~ transmitted do
2181 not exceed the bond or collateral deposit posted by the licensee
2182 ~~registrant~~ under s. 560.209.

2183 Section 37. Section 560.211, Florida Statutes, is amended
2184 to read:

2185 560.211 Required records.--

2186 (1) In addition to the record retention requirements under
2187 s. 560.110, each licensee under this part ~~Each registrant~~ must
2188 make, keep, and preserve the following books, accounts, records,
2189 and documents ~~other records~~ for 5 ~~a period of 3~~ years:

2190 (a) A daily record ~~or records~~ of payment instruments sold
2191 and money ~~funds~~ transmitted.

2192 (b) A general ledger containing all asset, liability,
2193 capital, income, and expense accounts, which ~~general ledger~~ shall
2194 be posted at least monthly.

2195 (c) Daily settlement records ~~sheets~~ received from
2196 authorized vendors.

2197 (d) Monthly financial institution statements and
2198 reconciliation records.

2199 (e) Records of outstanding payment instruments and money
2200 ~~funds~~ transmitted.

2201 (f) Records of each payment instrument paid and money ~~funds~~
2202 transmission delivered ~~within the 3-year period~~.

2203 (g) A list of the names and addresses of all of the

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2204 licensee's registrant's authorized vendors, ~~as well as copies of~~
2205 ~~each authorized vendor contract.~~

2206 (h) Records that document the establishment, monitoring,
2207 and termination of relationships with authorized vendors and
2208 foreign affiliates.

2209 (i) Any additional records, as prescribed by rule, designed
2210 to detect and prevent money laundering.

2211 ~~(2) The records required to be maintained by the code may~~
2212 ~~be maintained by the registrant at any location if the registrant~~
2213 ~~notifies the office in writing of the location of the records in~~
2214 ~~its application or otherwise by amendment as prescribed by~~
2215 ~~commission rule. The registrant shall make such records available~~
2216 ~~to the office for examination and investigation in this state, as~~
2217 ~~permitted by the code, within 7 days after receipt of a written~~
2218 ~~request.~~

2219 ~~(3) Registrants and authorized vendors need not preserve or~~
2220 ~~retain any of the records required by this section or copies~~
2221 ~~thereof for a period longer than 3 years unless a longer period~~
2222 ~~is expressly required by the laws of this state or federal law. A~~
2223 ~~registrant or authorized vendor may destroy any of its records or~~
2224 ~~copies thereof after the expiration of the retention period~~
2225 ~~required by this section.~~

2226 ~~(4) The original of any record of a registrant or~~
2227 ~~authorized vendor includes the data or other information~~
2228 ~~comprising a record stored or transmitted in or by means of any~~
2229 ~~electronic, computerized, mechanized, or other information~~
2230 ~~storage or retrieval or transmission system or device which can~~
2231 ~~upon request generate, regenerate, or transmit the precise data~~
2232 ~~or other information comprising the record; and an original also~~

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2233 ~~includes the visible data or other information so generated,~~
2234 ~~regenerated, or transmitted if it is legible or can be made~~
2235 ~~legible by enlargement or other process.~~

2236 (2)~~(5)~~ Any person who willfully fails to comply with this
2237 section commits a felony of the third degree, punishable as
2238 provided in s. 775.082, s. 775.083, or s. 775.084.

2239 Section 38. Section 560.212, Florida Statutes, is amended
2240 to read:

2241 560.212 Financial liability.--A licensee ~~Each registrant~~
2242 under this part is liable for the payment of all money funds
2243 transmitted and payment instruments that it sells, in whatever
2244 form and whether directly or through an authorized vendor, as the
2245 maker, drawer, or principal thereof, regardless of whether such
2246 item is negotiable or nonnegotiable.

2247 Section 39. Section 560.213, Florida Statutes, is amended
2248 to read:

2249 560.213 Payment instrument information.--Each payment
2250 instrument sold or issued by a licensee ~~registrant~~, directly or
2251 through an authorized vendor, must ~~shall~~ bear the name of the
2252 licensee, and any other information as may be required by rule,
2253 ~~registrant~~ clearly imprinted thereon.

2254 Section 40. Section 560.303, Florida Statutes, is amended
2255 to read:

2256 560.303 License required ~~Requirement of registration~~--

2257 (1) A ~~No~~ person may not ~~shall~~ engage in, or in any manner
2258 advertise engagement in, the business of cashing payment
2259 instruments or ~~the~~ exchanging ~~of~~ foreign currency without being
2260 licensed ~~first registering~~ under ~~the provisions of~~ this part.

2261 (2) A person licensed under ~~registered pursuant to~~ this

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2262 part may not engage in the ~~activities authorized by this part~~. A
2263 ~~person registered under this part is prohibited from engaging~~
2264 directly in the activities that require a license under ~~are~~
2265 ~~authorized under a registration issued pursuant to part II of~~
2266 this chapter, but may be ~~such person is not prohibited from~~
2267 ~~engaging in an authorized vendor for relationship with a person~~
2268 licensed ~~registered~~ under part II.

2269 (3) A person exempt from licensure under ~~registration~~
2270 ~~pursuant to this part~~ engaging in the business of cashing payment
2271 instruments or the exchanging of foreign currency may ~~shall~~ not
2272 charge fees in excess of those provided in s. 560.309.

2273 Section 41. Section 560.304, Florida Statutes, is amended
2274 to read:

2275 560.304 Exemption from licensure ~~Exceptions to~~
2276 ~~registration.--The requirement for licensure under provisions of~~
2277 this part does ~~do~~ not apply to:

2278 (1) A person, at a location, cashing payment instruments
2279 that have an aggregate face value of less than \$2,000 per person
2280 per day ~~Authorized vendors of any person registered pursuant to~~
2281 ~~the provisions of the code, acting within the scope of authority~~
2282 ~~conferred by the registrant.~~

2283 (2) A person cashing a tax refund check issued by the
2284 United States Treasury in an amount less than \$4,000 ~~Persons~~
2285 ~~engaged in the cashing of payment instruments or the exchanging~~
2286 ~~of foreign currency which is incidental to the retail sale of~~
2287 ~~goods or services whose compensation for cashing payment~~
2288 ~~instruments or exchanging foreign currency at each site does not~~
2289 ~~exceed 5 percent of the total gross income from the retail sale~~
2290 ~~of goods or services by such person during its most recently~~

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2291 | ~~completed fiscal year.~~

2292 | Section 42. Section 560.309, Florida Statutes, is amended
2293 | to read:

2294 | 560.309 Conduct of business Rules.--

2295 | (1) A licensee may transact business under this part only
2296 | under the legal name under which the person is licensed. The use

2297 | of a fictitious name is allowed if the fictitious name has been

2298 | registered with the Department of State and disclosed to the

2299 | office as part of an initial license application, or subsequent

2300 | amendment to the application, prior to its use. ~~Before a~~

2301 | ~~registrant shall deposit, with any financial institution, a~~

2302 | ~~payment instrument that is cashed by a registrant, each such item~~

2303 | ~~must be endorsed with the actual name under which such registrant~~

2304 | ~~is doing business.~~

2305 | (2) At the time a licensee accepts a payment instrument

2306 | that is cashed by the licensee, the payment instrument must be

2307 | endorsed using the legal name under which the licensee is

2308 | licensed. Registrants must comply with all the laws of this state

2309 | ~~and any federal laws relating to money laundering, including, as~~

2310 | ~~applicable, the provisions of s. 560.123.~~

2311 | (3) A licensee under this part must deposit payment

2312 | instruments into a commercial account at a federally insured

2313 | financial institution or sell payment instruments within 5

2314 | business days after the acceptance of the payment instrument.

2315 | (4) A licensee may not accept or cash multiple payment

2316 | instruments from a person who is not the original payee, unless

2317 | the person is licensed to cash payment instruments pursuant to

2318 | this part and all payment instruments accepted are endorsed with

2319 | the legal name of the person.

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2320 (5) A licensee must report all suspicious activity to the
2321 office in accordance with the criteria set forth in 31 C.F.R. s.
2322 103.20. In lieu of filing such reports, the commission may
2323 prescribe by rule that the licensee may file such reports with an
2324 appropriate regulator.

2325 (6) Each location of a licensee where checks are cashed
2326 must be equipped with a security camera system that is capable of
2327 recording and retrieving an image in order to assist in
2328 identifying and apprehending an offender. The licensee does not
2329 have to install a security camera system if the licensee has
2330 installed a bulletproof or bullet-resistant partition or
2331 enclosure in the area where checks are cashed.

2332

2333

2334 (7)~~(3)~~ The commission may by rule require a ~~every~~ check
2335 ~~casher~~ to display its license registration and post a notice
2336 listing ~~containing~~ its charges for cashing payment instruments.

2337 (8)~~(4)~~ Exclusive of the direct costs of verification which
2338 shall be established by ~~commission~~ rule, a ~~no~~ check casher may
2339 not shall:

2340 (a) Charge fees, except as otherwise provided by this part,
2341 in excess of 5 percent of the face amount of the payment
2342 instrument, ~~or 6 percent without the provision of identification,~~
2343 or \$5, whichever is greater;

2344 (b) Charge fees in excess of 3 percent of the face amount
2345 of the payment instrument, ~~or 4 percent without the provision of~~
2346 ~~identification,~~ or \$5, whichever is greater, if such payment
2347 instrument is the payment of any kind of state public assistance
2348 or federal social security benefit payable to the bearer of the

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2349 such payment instrument; or

2350 (c) Charge fees for personal checks or money orders in
2351 excess of 10 percent of the face amount of those payment
2352 instruments, or \$5, whichever is greater.

2353 ~~(d) As used in this subsection, "identification" means, and~~
2354 ~~is limited to, an unexpired and otherwise valid driver license, a~~
2355 ~~state identification card issued by any state of the United~~
2356 ~~States or its territories or the District of Columbia, and~~
2357 ~~showing a photograph and signature, a United States Government~~
2358 ~~Resident Alien Identification Card, a United States passport, or~~
2359 ~~a United States Military identification card.~~

2360 (9) A licensee cashing payment instruments may not assess
2361 the cost of collections, other than fees for insufficient funds
2362 as provided by law, without a judgment from a court of competent
2363 jurisdiction.

2364 (10) If a check is returned to a licensee from a payor
2365 financial institution due to lack of funds, a closed account, or
2366 a stop-payment order, the licensee may seek collection pursuant
2367 to s. 68.065. In seeking collection, the licensee must comply
2368 with the prohibitions against harassment or abuse, false or
2369 misleading representations, and unfair practices in the Fair Debt
2370 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f.
2371 A violation of this subsection is a deceptive and unfair trade
2372 practice and constitutes a violation of the Deceptive and Unfair
2373 Trade Practices Act under part II of chapter 501. In addition, a
2374 licensee must comply with the applicable provisions of the
2375 Consumer Collection Practices Act under part VI of chapter 559,
2376 including s. 559.77.

2377 Section 43. Section 560.310, Florida Statutes, is amended

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2378 | to read:

2379 | 560.310 Records of check cashers and foreign currency
2380 | exchangers.--

2381 | (1) In addition to the record retention requirements
2382 | specified in s. 560.110, a licensee engaged in check cashing must
2383 | maintain the following:

2384 | (a) Customer files, as prescribed by rule, on all customers
2385 | who cash corporate or third-party payment instruments exceeding
2386 | \$1,000.

2387 | (b) For any payment instrument accepted having a face value
2388 | of \$1,000 or more:

2389 | 1. A copy of the personal identification that bears a
2390 | photograph of the customer used as identification and presented
2391 | by the customer. Acceptable personal identification is limited to
2392 | a valid driver's license; a state identification card issued by
2393 | any state of the United States or its territories or the District
2394 | of Columbia, and showing a photograph and signature; a United
2395 | States Government Resident Alien Identification Card; a passport;
2396 | or a United States Military identification card.

2397 | 2. A thumbprint of the customer taken by the licensee.

2398 | (c) A payment instrument log that must be maintained
2399 | electronically as prescribed by rule. For purposes of this
2400 | paragraph, multiple payment instruments accepted from any one
2401 | person on any given day which total \$1,000 or more must be
2402 | aggregated and reported on the log. ~~Each registrant must maintain~~
2403 | ~~all books, accounts, records, and documents necessary to~~
2404 | ~~determine the registrant's compliance with the provisions of the~~
2405 | ~~code. Such books, accounts, records, and documents shall be~~
2406 | ~~retained for a period of at least 3 years.~~

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2407 (2) A licensee under this part may engage the services of a
2408 third party that is not a depository institution for the
2409 maintenance and storage of records required by this section if
2410 all the requirements of this section are met. ~~The records~~
2411 ~~required to be maintained by the code may be maintained by the~~
2412 ~~registrant at any location if the registrant notifies the office,~~
2413 ~~in writing, of the location of the records in its application or~~
2414 ~~otherwise by amendment as prescribed by commission rule. The~~
2415 ~~registrant shall make such records available to the office for~~
2416 ~~examination and investigation in this state, as permitted by the~~
2417 ~~code, within 7 days after receipt of a written request.~~

2418 ~~(3) Registrants and authorized vendors need not preserve or~~
2419 ~~retain any of the records required by this section or copies~~
2420 ~~thereof for a period longer than 3 years unless a longer period~~
2421 ~~is expressly required by the laws of this state or any federal~~
2422 ~~law. A registrant or authorized vendor may destroy any of its~~
2423 ~~records or copies thereof after the expiration of the retention~~
2424 ~~period required by this section.~~

2425 ~~(4) The original of any record of a registrant or~~
2426 ~~authorized vendor includes the data or other information~~
2427 ~~comprising a record stored or transmitted in or by means of any~~
2428 ~~electronic, computerized, mechanized, or other information~~
2429 ~~storage or retrieval or transmission system or device which can~~
2430 ~~upon request generate, regenerate, or transmit the precise data~~
2431 ~~or other information comprising the record; and an original also~~
2432 ~~includes the visible data or other information so generated,~~
2433 ~~regenerated, or transmitted if it is legible or can be made~~
2434 ~~legible by enlargement or other process.~~

2435 ~~(5) Any person who willfully violates this section or fails~~

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2436 ~~to comply with any lawful written demand or order of the office~~
2437 ~~made pursuant to this section commits a felony of the third~~
2438 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
2439 ~~775.084.~~

2440 Section 44. Section 560.402, Florida Statutes, is amended
2441 to read:

2442 560.402 Definitions.--~~In addition to the definitions~~
2443 ~~provided in ss. 560.103, 560.202, and 560.302 and unless~~
2444 ~~otherwise clearly indicated by the context,~~ For the purposes of
2445 this part, the term:

2446 (1) "Affiliate" means a person who, directly or indirectly,
2447 through one or more intermediaries controls, or ~~is~~ controlled by,
2448 or is under common control with, a deferred presentment provider.

2449 ~~(2) "Business day" means the hours during a particular day~~
2450 ~~during which a deferred presentment provider customarily conducts~~
2451 ~~business, not to exceed 15 consecutive hours during that day.~~

2452 ~~(3) "Days" means calendar days.~~

2453 ~~(2)(4)~~ (2) "Deferment period" means the number of days a
2454 deferred presentment provider agrees to defer depositing, or ~~or~~
2455 presenting, or redeeming a payment instrument.

2456 ~~(5) "Deferred presentment provider" means a person who~~
2457 ~~engages in a deferred presentment transaction and is registered~~
2458 ~~under part II or part III of the code and has filed a declaration~~
2459 ~~of intent with the office.~~

2460 ~~(3)(6)~~ (3) "Deferred presentment transaction" means providing
2461 currency or a payment instrument in exchange for a drawer's
2462 ~~person's~~ check and agreeing to hold the ~~that person's~~ check for a
2463 deferment period ~~of time prior to presentment, deposit, or~~
2464 ~~redemption.~~

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2465 ~~(4)(7)~~ "Drawer" means a customer ~~any person~~ who writes a
2466 personal check and upon whose account the check is drawn.

2467 (5) "Extension of a deferred presentment agreement" means
2468 continuing a deferred presentment transaction past the deferment
2469 period by having the drawer pay additional fees and the deferred
2470 presentment provider continuing to hold the check for another
2471 deferment period.

2472 ~~(6)(8)~~ "Rollover" means the termination or extension of a
2473 ~~an existing~~ deferred presentment agreement by the payment of an
2474 ~~any~~ additional fee and the continued holding of the check, or the
2475 substitution of a new check ~~drawn~~ by the drawer pursuant to a new
2476 deferred presentment agreement.

2477 ~~(9) "Fee" means the fee authorized for the deferral of the~~
2478 ~~presentation of a check pursuant to this part.~~

2479 (7)(10) "Termination of a ~~an existing~~ deferred presentment
2480 agreement" means that the check that is the basis for the ~~an~~
2481 agreement is redeemed by the drawer by payment in full in cash,
2482 or is deposited and the deferred presentment provider has
2483 evidence that such check has cleared. A Verification of
2484 sufficient funds in the drawer's account by the deferred
2485 presentment provider is ~~shall~~ ~~be~~ sufficient evidence to deem
2486 that the existing deferred deposit transaction is ~~to be~~
2487 terminated.

2488 ~~(11) "Extension of an existing deferred presentment~~
2489 ~~agreement" means that a deferred presentment transaction is~~
2490 ~~continued by the drawer paying any additional fees and the~~
2491 ~~deferred presentment provider continues to hold the check for~~
2492 ~~another period of time prior to deposit, presentment, or~~
2493 ~~redemption.~~

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2494 Section 45. Section 560.403, Florida Statutes, is amended
2495 to read:

2496 560.403 ~~Requirements of registration;~~ Declaration of
2497 intent.--

2498 ~~(1) Except for financial institutions as defined in s.~~
2499 ~~655.005 No person, Unless otherwise exempt from this chapter, a~~
2500 ~~person may not shall~~ engage in a deferred presentment transaction
2501 unless the person is licensed as a money services business
2502 ~~registered under the provisions of part II or part III of this~~
2503 ~~chapter~~ and has on file with the office a declaration of intent
2504 to engage in deferred presentment transactions, regardless of
2505 whether such person is exempted from licensure under any other
2506 provision of this chapter. The declaration of intent must shall
2507 be under oath and on such form as prescribed ~~the commission~~
2508 ~~prescribes~~ by rule. The declaration of intent must shall be filed
2509 ~~together~~ with a nonrefundable filing fee as provided in s.
2510 560.143 of \$1,000. ~~Any person who is registered under part II or~~
2511 ~~part III on the effective date of this act and intends to engage~~
2512 ~~in deferred presentment transactions shall have 60 days after the~~
2513 ~~effective date of this act to file a declaration of intent. A~~
2514 declaration of intent expires after 24 months and must be
2515 renewed.

2516 ~~(2) A registrant under this part shall renew his or her~~
2517 ~~intent to engage in the business of deferred presentment~~
2518 ~~transactions or to act as a deferred presentment provider upon~~
2519 ~~renewing his or her registration under part II or part III and~~
2520 ~~shall do so by indicating his or her intent by submitting a~~
2521 ~~nonrefundable deferred presentment provider renewal fee of~~
2522 ~~\$1,000, in addition to any fees required for renewal of~~

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2523 ~~registration under part II or part III.~~

2524 ~~(3) A registrant under this part who fails to timely renew~~
2525 ~~his or her intent to engage in the business of deferred~~
2526 ~~presentment transactions or to act as a deferred presentment~~
2527 ~~provider shall immediately cease to engage in the business of~~
2528 ~~deferred presentment transactions or to act as a deferred~~
2529 ~~presentment provider.~~

2530 ~~(4) The notice of intent of a registrant under this part~~
2531 ~~who fails to timely renew his or her intent to engage in the~~
2532 ~~business of deferred presentment transactions or to act as a~~
2533 ~~deferred presentment provider on or before the expiration date of~~
2534 ~~the registration period automatically expires. A renewal fee and~~
2535 ~~a nonrefundable late fee of \$500 must be filed within 60 calendar~~
2536 ~~days after the expiration of an existing registration in order~~
2537 ~~for the declaration of intent to be reinstated. The office shall~~
2538 ~~grant a reinstatement of registration if an application is filed~~
2539 ~~during the 60-day period, and the reinstatement is effective upon~~
2540 ~~receipt of the required fees and any information that the~~
2541 ~~commission requires by rule. If the registrant has not filed a~~
2542 ~~reinstatement of a renewal declaration of intent within 60~~
2543 ~~calendar days after the expiration date of an existing~~
2544 ~~registration, the notice of intent expires and a new declaration~~
2545 ~~of intent must be filed with the office.~~

2546 ~~(5) No person, other than a financial institution as~~
2547 ~~defined in s. 655.005, shall be exempt from registration and~~
2548 ~~declaration if such person engages in deferred presentment~~
2549 ~~transactions, regardless of whether such person is currently~~
2550 ~~exempt from registration under any provision of this code.~~

2551 Section 46. Section 560.404, Florida Statutes, is amended

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2552 to read:

2553 560.404 Requirements for deferred presentment
2554 transactions.--

2555 (1) Each ~~Every~~ deferred presentment transaction must ~~shall~~
2556 be documented in a written agreement signed by ~~both~~ the deferred
2557 presentment provider and the drawer.

2558 (2) The deferred presentment transaction agreement must
2559 ~~shall~~ be executed on the day the deferred presentment provider
2560 furnishes currency or a payment instrument to the drawer.

2561 (3) Each written agreement must ~~shall contain the following~~
2562 ~~information,~~ in addition to any information required ~~the~~
2563 ~~commission requires~~ by rule, contain the following information:

2564 (a) The name or trade name, address, and telephone number
2565 of the deferred presentment provider and the name and title of
2566 the person who signs the agreement on behalf of the ~~deferred~~
2567 ~~presentment~~ provider.

2568 (b) The date the deferred presentment transaction is ~~was~~
2569 made.

2570 (c) The amount of the drawer's check.

2571 (d) The length of the deferment ~~deferral~~ period.

2572 (e) The last day of the deferment period.

2573 (f) The address and telephone number of the office ~~and the~~
2574 ~~Division of Consumer Services of the Department of Financial~~
2575 ~~Services.~~

2576 (g) A clear description of the drawer's payment obligations
2577 under the deferred presentment transaction.

2578 (h) The transaction number assigned by the office's
2579 database.

2580 (4) The ~~Every~~ deferred presentment provider must ~~shall~~

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2581 furnish ~~to the drawer~~ a copy of the deferred presentment
2582 transaction agreement to the drawer.

2583 (5) The face amount of a check taken for deferred
2584 presentment may not exceed \$500 exclusive of the fees allowed
2585 under ~~by~~ this part.

2586 (6) A ~~No~~ deferred presentment provider or its affiliate may
2587 not ~~shall~~ charge fees that exceed ~~in excess of~~ 10 percent of the
2588 currency or payment instrument provided. However, a verification
2589 fee may be charged as provided in s. 560.309(7) ~~in accordance~~
2590 ~~with s. 560.309(4) and the rules adopted pursuant to the code~~.
2591 The 10-percent fee may not be applied to the verification fee. A
2592 deferred presentment provider may charge only those fees
2593 specifically authorized in this section.

2594 (7) The fees authorized by this section may not be
2595 collected before the drawer's check is presented or redeemed.

2596 (8) A ~~No~~ deferred presentment agreement may not ~~shall~~ be
2597 for a term longer than ~~in excess of~~ 31 days or less than 7 days.

2598 (9) A ~~No~~ deferred presentment provider may not ~~shall~~
2599 require a drawer ~~person~~ to provide any additional security for
2600 the deferred presentment transaction or any extension or require
2601 the drawer ~~a person~~ to provide any additional guaranty from
2602 another person.

2603 (10) A deferred presentment provider may ~~shall~~ not include
2604 any of the following provisions in a deferred provider ~~any~~
2605 ~~written~~ agreement:

2606 (a) A hold harmless clause. †

2607 (b) A confession of judgment clause. †

2608 (c) Any assignment of or order for payment of wages or
2609 other compensation for services. †

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2610 (d) A provision in which the drawer agrees not to assert
2611 any claim or defense arising out of the agreement. ~~;~~ ~~or~~

2612 (e) A waiver of any provision of this part.

2613 (11) A ~~Each~~ deferred presentment provider shall immediately
2614 provide the drawer with the full amount of any check to be held,
2615 less only the fees allowed ~~permitted~~ under this section.

2616 (12) The deferred presentment agreement and the drawer's
2617 check must ~~shall~~ bear the same date, and the number of days of
2618 the deferment period shall be calculated from that ~~this~~ date. The
2619 ~~No~~ deferred presentment provider and the drawer ~~or person~~ may not
2620 alter or delete the date on any written agreement or check held
2621 by the deferred presentment provider.

2622 (13) For each deferred presentment transaction, the
2623 deferred presentment provider must comply with the disclosure
2624 requirements of 12 C.F.R., part 226, relating to the federal
2625 Truth-in-Lending Act, and Regulation Z of the Board of Governors
2626 of the Federal Reserve Board. A copy of the disclosure must be
2627 provided to the drawer at the time the deferred presentment
2628 transaction is initiated.

2629 (14) A ~~No~~ deferred presentment provider or its affiliate
2630 may not accept or hold an undated check or a check dated on a
2631 date other than the date on which the deferred presentment
2632 provider agreed to hold the check and signed the deferred
2633 presentment transaction agreement.

2634 (15) A ~~Every~~ deferred presentment provider must ~~shall~~ hold
2635 the drawer's check for the agreed number of days, unless the
2636 drawer chooses to redeem the check before the ~~agreed~~ presentment
2637 date.

2638 (16) Proceeds in a deferred presentment transaction may be

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2639 | made to the drawer in the form of the deferred presentment
2640 | provider's payment instrument if the deferred presentment
2641 | provider is registered under part II; however, an ~~no~~ additional
2642 | fee may not be charged by a deferred presentment provider or its
2643 | affiliate for issuing or cashing the deferred presentment
2644 | provider's payment instrument.

2645 | (17) A ~~No~~ deferred presentment provider may not require the
2646 | drawer to accept its payment instrument in lieu of currency.

2647 | (18) A ~~No~~ deferred presentment provider or its affiliate
2648 | may not engage in the rollover of a ~~any~~ deferred presentment
2649 | agreement. A deferred presentment provider may ~~shall~~ not redeem,
2650 | extend, or otherwise consolidate a deferred presentment agreement
2651 | with the proceeds of another deferred presentment transaction
2652 | made by the same or an affiliate ~~affiliated deferred presentment~~
2653 | ~~provider~~.

2654 | (19) A deferred presentment provider may not enter into a
2655 | deferred presentment transaction with a drawer ~~person~~ who has an
2656 | outstanding deferred presentment transaction with that provider
2657 | or with any other deferred presentment provider, or with a person
2658 | whose previous deferred presentment transaction with that
2659 | provider or with any other provider has been terminated for less
2660 | than 24 hours. The deferred presentment provider must verify such
2661 | information as follows:

2662 | (a) The deferred presentment provider shall maintain a
2663 | common database and shall verify whether the ~~that deferred~~
2664 | ~~presentment~~ provider or an affiliate has an outstanding deferred
2665 | presentment transaction with a particular person or has
2666 | terminated a transaction with that person within the previous 24
2667 | hours.

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2668 (b) The deferred presentment provider shall access the
2669 office's database established pursuant to subsection (23) and
2670 shall verify whether any other deferred presentment provider has
2671 an outstanding deferred presentment transaction with a particular
2672 person or has terminated a transaction with that person within
2673 the previous 24 hours. If a provider has not established ~~Prior to~~
2674 ~~the time that the office has implemented such~~ a database, the
2675 deferred presentment provider may rely upon the written
2676 verification of the drawer as provided in subsection (20).

2677 (20) A deferred presentment provider shall provide the
2678 following notice in a prominent place on each deferred
2679 presentment agreement in at least 14-point type in substantially
2680 the following form and must obtain the signature of the drawer
2681 where indicated:

2682
2683 NOTICE

2684
2685 1. STATE LAW PROHIBITS YOU FROM HAVING MORE THAN ONE DEFERRED
2686 PRESENTMENT AGREEMENT AT ANY ONE TIME. STATE LAW ALSO PROHIBITS
2687 YOU FROM ENTERING INTO A DEFERRED PRESENTMENT AGREEMENT WITHIN 24
2688 HOURS AFTER ~~OF~~ TERMINATING ANY PREVIOUS DEFERRED PRESENTMENT
2689 AGREEMENT. FAILURE TO OBEY THIS LAW COULD CREATE SEVERE FINANCIAL
2690 HARDSHIP FOR YOU AND YOUR FAMILY.

2691
2692 YOU MUST SIGN THE FOLLOWING STATEMENT:

2693
2694 I DO NOT HAVE AN OUTSTANDING DEFERRED PRESENTMENT AGREEMENT WITH
2695 ANY DEFERRED PRESENTMENT PROVIDER AT THIS TIME. I HAVE NOT
2696 TERMINATED A DEFERRED PRESENTMENT AGREEMENT WITHIN THE PAST 24

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2697 HOURS.

2698

2699 (Signature of Drawer)

2700

2701 2. YOU CANNOT BE PROSECUTED IN CRIMINAL COURT FOR A CHECK
2702 WRITTEN UNDER THIS AGREEMENT, BUT ALL LEGALLY AVAILABLE CIVIL
2703 MEANS TO ENFORCE THE DEBT MAY BE PURSUED AGAINST YOU.

2704

2705 3. STATE LAW PROHIBITS A DEFERRED PRESENTMENT PROVIDER (THIS
2706 BUSINESS) FROM ALLOWING YOU TO "ROLL OVER" YOUR DEFERRED
2707 PRESENTMENT TRANSACTION. THIS MEANS THAT YOU CANNOT BE ASKED OR
2708 REQUIRED TO PAY AN ADDITIONAL FEE IN ORDER TO FURTHER DELAY THE
2709 DEPOSIT OR PRESENTMENT OF YOUR CHECK FOR PAYMENT. IF YOU INFORM
2710 THE PROVIDER IN PERSON THAT YOU CANNOT COVER THE CHECK OR PAY IN
2711 FULL THE AMOUNT OWING AT THE END OF THE TERM OF THIS AGREEMENT,
2712 YOU WILL RECEIVE A GRACE PERIOD EXTENDING THE TERM OF THE
2713 AGREEMENT FOR AN ADDITIONAL 60 DAYS AFTER THE ORIGINAL
2714 TERMINATION DATE, WITHOUT ANY ADDITIONAL CHARGE. THE DEFERRED
2715 PRESENTMENT PROVIDER SHALL REQUIRE THAT YOU, AS A CONDITION OF
2716 OBTAINING THE GRACE PERIOD, COMPLETE CONSUMER CREDIT COUNSELING
2717 PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED
2718 TO YOU BY THIS PROVIDER. YOU MAY ALSO AGREE TO COMPLY WITH AND
2719 ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY. IF YOU DO NOT
2720 COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT
2721 AGENCY, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR PAYMENT AND
2722 PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE THE DEBT AT
2723 THE END OF THE 60-DAY GRACE PERIOD.

2724 (21) The deferred presentment provider may not deposit or
2725 present the drawer's check if the drawer informs the provider in

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2726 person that the drawer cannot redeem or pay in full in cash the
2727 amount due and owing the deferred presentment provider. No
2728 additional fees or penalties may be imposed on the drawer by
2729 virtue of any misrepresentation made by the drawer as to the
2730 sufficiency of funds in the drawer's account. ~~In no event shall~~
2731 ~~any~~ Additional fees may not be added to the amounts due and owing
2732 to the deferred presentment provider.

2733 (22) ~~(a)~~ If, by the end of the deferment period, the drawer
2734 informs the deferred presentment provider in person that the
2735 drawer cannot redeem or pay in full in cash the amount due and
2736 owing the deferred presentment provider, the deferred presentment
2737 provider shall provide a grace period extending the term of the
2738 agreement for an additional 60 days after the original
2739 termination date, without any additional charge.

2740 (a) The provider shall require that as a condition of
2741 providing a ~~this~~ grace period, that ~~within the first 7 days of~~
2742 ~~the grace period~~ the drawer make an appointment with a consumer
2743 credit counseling agency within 7 days after the end of the
2744 deferment period and complete the counseling by the end of the
2745 grace period. The drawer may agree to, comply with, and adhere to
2746 a repayment plan approved by the counseling agency. If the drawer
2747 agrees to comply with and adhere to a repayment plan approved by
2748 the counseling agency, the provider must ~~is also required to~~
2749 comply with and adhere to that repayment plan. The deferred
2750 presentment provider may not deposit or present the drawer's
2751 check for payment before the end of the 60-day grace period
2752 unless the drawer fails to comply with such conditions or the
2753 drawer fails to notify the provider of such compliance. Before
2754 each deferred presentment transaction, the provider may verbally

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2755 advise the drawer of the availability of the grace period
2756 consistent with ~~the provisions of~~ the written notice in
2757 subsection (20), and may ~~shall~~ not discourage the drawer from
2758 using the grace period.

2759 (b) At the commencement of the grace period, the deferred
2760 presentment provider shall provide the drawer:

2761 1. Verbal notice of the availability of the grace period
2762 consistent with the written notice in subsection (20).

2763 2. A list of approved consumer credit counseling agencies
2764 prepared by the office. The office list shall include nonprofit
2765 consumer credit counseling agencies affiliated with the National
2766 Foundation for Credit Counseling which provide credit counseling
2767 services to state ~~Florida~~ residents in person, by telephone, or
2768 through the Internet. The office list must include phone numbers
2769 for the agencies, the counties served by the agencies, and
2770 indicate the agencies that provide telephone counseling and those
2771 that provide Internet counseling. The office shall update the
2772 list at least once each year.

2773 3. The following notice in at least 14-point type in
2774 substantially the following form:

2775

2776

2777 AS A CONDITION OF OBTAINING A GRACE PERIOD EXTENDING THE TERM OF
2778 YOUR DEFERRED PRESENTMENT AGREEMENT FOR AN ADDITIONAL 60 DAYS,
2779 UNTIL [DATE], WITHOUT ANY ADDITIONAL FEES, YOU MUST COMPLETE
2780 CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE
2781 LIST THAT WILL BE PROVIDED TO YOU BY THIS PROVIDER. YOU MAY ALSO
2782 AGREE TO COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY
2783 THE AGENCY. THE COUNSELING MAY BE IN PERSON, BY TELEPHONE, OR

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2784 THROUGH THE INTERNET. YOU MUST NOTIFY US WITHIN 7 ~~SEVEN (7)~~ DAYS,
2785 BY [DATE], THAT YOU HAVE MADE AN APPOINTMENT WITH ~~SUCH~~ A CONSUMER
2786 CREDIT COUNSELING AGENCY. YOU MUST ALSO NOTIFY US WITHIN 60 ~~SIXTY~~
2787 ~~(60)~~ DAYS, BY [DATE], THAT YOU HAVE COMPLETED THE CONSUMER CREDIT
2788 COUNSELING. WE MAY VERIFY THIS INFORMATION WITH THE AGENCY. IF
2789 YOU FAIL TO PROVIDE ~~EITHER~~ THE 7-DAY OR 60-DAY NOTICE, OR IF YOU
2790 HAVE NOT MADE THE APPOINTMENT OR COMPLETED THE COUNSELING WITHIN
2791 THE TIME REQUIRED, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR
2792 PAYMENT AND PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE
2793 THE DEBT.

2794 (c) If a drawer completes an approved payment plan, the
2795 deferred presentment provider shall pay one-half of the drawer's
2796 fee for the deferred presentment agreement to the consumer credit
2797 counseling agency.

2798 (23) The office shall implement a common database with
2799 real-time access through an Internet connection for deferred
2800 presentment providers, as provided in this subsection. The
2801 database must be accessible to the office and the deferred
2802 presentment providers in order to verify whether any deferred
2803 presentment transactions are outstanding for a particular person.
2804 Deferred presentment providers shall submit such data before
2805 entering into each deferred presentment transaction in such
2806 format as required ~~the commission shall require~~ by rule,
2807 including the drawer's name, social security number or employment
2808 authorization alien number, address, driver's license number,
2809 amount of the transaction, date of transaction, the date that the
2810 transaction is closed, and such additional information as is
2811 required by rule ~~the commission~~. The commission may by rule
2812 impose a fee of up to ~~not to exceed~~ \$1 per transaction for data

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2813 that must ~~required to~~ be submitted by a deferred presentment
2814 provider. A deferred presentment provider may rely on the
2815 information contained in the database as accurate and is not
2816 subject to any administrative penalty or civil liability due to
2817 ~~as a result of~~ relying on inaccurate information contained in the
2818 database. A deferred presentment provider must notify the office,
2819 in a manner as prescribed by rule, within 15 business days after
2820 ceasing operations or no longer holding a license under part II
2821 or part III of this chapter. Such notification must include a
2822 reconciliation of all open transactions. If the provider fails to
2823 provide notice, the office shall take action to administratively
2824 release all open and pending transactions in the database after
2825 the office becomes aware of the closure. This section does not
2826 affect the rights of the provider to enforce the contractual
2827 provisions of the deferred presentment agreements through any
2828 civil action allowed by law. The commission may adopt rules to
2829 ~~administer and enforce the provisions of this subsection section~~
2830 and to ensure ~~assure~~ that the database is used by deferred
2831 presentment providers in accordance with this section.

2832 (24) A deferred presentment provider may not accept more
2833 than one check or authorization to initiate more than one
2834 automated clearinghouse transaction to collect on a deferred
2835 presentment transaction for a single deferred presentment
2836 transaction.

2837 Section 47. Section 560.405, Florida Statutes, is amended
2838 to read:

2839 560.405 Deposit; redemption.--

2840 (1) The deferred presentment provider or its affiliate may
2841 ~~shall~~ not present the drawer's check before the end of the

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2842 ~~deferment period prior to the agreed-upon date of presentment~~, as
2843 reflected in the deferred presentment transaction agreement.

2844 (2) Before a deferred presentment provider presents the
2845 drawer's check, the check must ~~shall~~ be endorsed with the ~~actual~~
2846 name under which the deferred presentment provider is doing
2847 business.

2848 (3) Notwithstanding ~~the provisions of~~ subsection (1), in
2849 lieu of presentment, a deferred presentment provider may allow
2850 the check to be redeemed at any time upon payment ~~to the deferred~~
2851 ~~presentment provider in the amount~~ of the face amount of the
2852 drawer's check. However, payment may not be made in the form of a
2853 personal check. Upon redemption, the deferred presentment
2854 provider shall return the drawer's check ~~that was being held~~ and
2855 provide a signed, dated receipt showing that the drawer's check
2856 has been redeemed.

2857 (4) A ~~No~~ drawer may not ~~can~~ be required to redeem his or
2858 her check before ~~prior to~~ the agreed-upon date; however, the
2859 drawer may choose to redeem the check before the agreed-upon
2860 presentment date.

2861 Section 48. Section 560.406, Florida Statutes, is amended
2862 to read:

2863 560.406 Worthless checks.--

2864 (1) If a check is returned to a deferred presentment
2865 provider from a payor financial institution due to lack of funds,
2866 a closed account, or a stop-payment order, the deferred
2867 presentment provider may seek collection pursuant to s. 68.065,
2868 except a deferred presentment provider may ~~shall~~ not be entitled
2869 ~~to~~ collect treble damages ~~pursuant s. 68.065~~. The notice sent by
2870 the ~~a~~ deferred deposit provider may ~~pursuant to s. 68.065~~ shall

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2871 not include any references to treble damages and must clearly
2872 state that the deferred presentment provider is not entitled to
2873 recover such damages. Except as otherwise provided in this part,
2874 an individual who issues a personal check to a deferred
2875 presentment provider under a deferred presentment agreement is
2876 not subject to criminal penalty.

2877 (2) If a check is returned to a deferred presentment
2878 provider from a payor financial institution due to insufficient
2879 funds, a closed account, or a stop-payment order, the deferred
2880 presentment provider may pursue all legally available civil
2881 remedies to collect the check, including, but not limited to, the
2882 imposition of all charges imposed on the deferred presentment
2883 provider by the ~~any~~ financial institution. In its collection
2884 practices, a deferred presentment provider must ~~shall~~ comply with
2885 the prohibitions against harassment or abuse, false or misleading
2886 representations, and unfair practices that ~~which~~ are contained in
2887 ~~ss. 806, 807, and 808~~ of the Fair Debt Collections Practices Act,
2888 15 U.S.C. ss. 1692d, 1692e, 1692f. A violation of this act is a
2889 deceptive and unfair trade practice and constitutes a violation
2890 of the Deceptive and Unfair Trade Practices Act under, ~~part~~ II of
2891 chapter 501. In addition, a deferred presentment provider must
2892 ~~shall~~ comply with the applicable provisions of ~~part VI of chapter~~
2893 ~~559,~~ the Consumer Collection Practices Act under part VI of
2894 chapter 559, including, ~~but not limited to, the provisions of s.~~
2895 559.77.

2896 (3) A deferred presentment provider may not assess the cost
2897 of collection, other than charges for insufficient funds as
2898 allowed by law, without a judgment from a court of competent
2899 jurisdiction.

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2900 Section 49. Subsection (7) of section 499.005, Florida
2901 Statutes, is amended to read:

2902 499.005 Prohibited acts.--It is unlawful for a person to
2903 perform or cause the performance of any of the following acts in
2904 this state:

2905 (7) The purchase or sale of prescription drugs for
2906 wholesale distribution in exchange for currency, as defined in s.
2907 560.103 ~~s. 560.103(6)~~.

2908 Section 50. Paragraph (i) of subsection (2) of section
2909 499.0691, Florida Statutes, is amended to read:

2910 499.0691 Criminal punishment for violations related to
2911 drugs; dissemination of false advertisement.--

2912 (2) Any person who violates any of the following provisions
2913 commits a felony of the third degree, punishable as provided in
2914 s. 775.082, s. 775.083, or s. 775.084, or as otherwise provided
2915 in ss. 499.001-499.081.

2916 (i) The purchase or sale of prescription drugs for
2917 wholesale distribution in exchange for currency, as defined in s.
2918 560.103 ~~s. 560.103(6)~~.

2919 Section 51. Paragraph (b) of subsection (2) of section
2920 501.95, Florida Statutes, is amended to read:

2921 501.95 Gift certificates and credit memos.--

2922 (2)

2923 (b) Paragraph (a) does not apply to a gift certificate or
2924 credit memo sold or issued by a financial institution, as defined
2925 in s. 655.005, or by a money services business ~~transmitter~~, as
2926 defined in s. 560.103, if the gift certificate or credit memo is
2927 redeemable by multiple unaffiliated merchants.

2928 Section 52. Paragraph (n) of subsection (2) of section

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2929 538.03, Florida Statutes, is amended to read:

2930 538.03 Definitions; applicability.--

2931 (2) This chapter does not apply to:

2932 (n) A business that contracts with other persons or
2933 entities to offer its secondhand goods for sale, purchase,
2934 consignment, or trade via an Internet website, and that maintains
2935 a shop, store, or other business premises for this purpose, if
2936 all of the following apply:

2937 1. The secondhand goods must be available on the website
2938 for viewing by the public at no charge;

2939 2. The records of the sale, purchase, consignment, or trade
2940 must be maintained for at least 2 years;

2941 3. The records of the sale, purchase, consignment, or
2942 trade, and the description of the secondhand goods as listed on
2943 the website, must contain the serial number of each item, if any;

2944 4. The secondhand goods listed on the website must be
2945 searchable based upon the state or zip code;

2946 5. The business must provide the appropriate law
2947 enforcement agency with the name or names under which it conducts
2948 business on the website;

2949 6. The business must allow the appropriate law enforcement
2950 agency to inspect its business premises at any time during normal
2951 business hours;

2952 7. Any payment by the business resulting from such a sale,
2953 purchase, consignment, or trade must be made to the person or
2954 entity with whom the business contracted to offer the goods and
2955 must be made by check or via a money services business

2956 ~~transmitter~~ licensed under part II of chapter 560; and

2957 8.a. At least 48 hours after the estimated time of

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2958 contracting to offer the secondhand goods, the business must
2959 verify that any item having a serial number is not stolen
2960 property by entering the serial number of the item into the
2961 Department of Law Enforcement's stolen article database located
2962 at the Florida Crime Information Center's public access system
2963 website. The business shall record the date and time of such
2964 verification on the contract covering the goods. If such
2965 verification reveals that an item is stolen property, the
2966 business shall immediately remove the item from any website on
2967 which it is being offered and notify the appropriate law
2968 enforcement agency; or

2969 b. The business must provide the appropriate law
2970 enforcement agency with an electronic copy of the name, address,
2971 phone number, driver's license number, and issuing state of the
2972 person with whom the business contracted to offer the goods, as
2973 well as an accurate description of the goods, including make,
2974 model, serial number, and any other unique identifying marks,
2975 numbers, names, or letters that may be on an item, in a format
2976 agreed upon by the business and the appropriate law enforcement
2977 agency. This information must be provided to the appropriate law
2978 enforcement agency within 24 hours after entering into the
2979 contract unless other arrangements are made between the business
2980 and the law enforcement agency.

2981 Section 53. Subsection (10) of section 896.101, Florida
2982 Statutes, is amended to read:

2983 896.101 Florida Money Laundering Act; definitions;
2984 penalties; injunctions; seizure warrants; immunity.--

2985 (10) Any financial institution, licensed money services
2986 business transmitter, or other person served with and complying

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2987 | with the terms of a warrant, temporary injunction, or other court
2988 | order, including any subpoena issued under ~~the authority granted~~
2989 | ~~by~~ s. 16.56 or s. 27.04, obtained in furtherance of an
2990 | investigation of any crime in this section, including any crime
2991 | listed as specified unlawful activity under this section or any
2992 | felony violation of chapter 560, has immunity from criminal
2993 | liability and is ~~shall~~ not be liable to any person for any lawful
2994 | action taken in complying with the warrant, temporary injunction,
2995 | or other court order, including any subpoena issued under ~~the~~
2996 | ~~authority granted by~~ s. 16.56 or s. 27.04. If any subpoena issued
2997 | under ~~the authority granted by~~ s. 16.56 or s. 27.04 contains a
2998 | nondisclosure provision, any financial institution, licensed
2999 | money services business ~~transmitter~~, employee or officer of a
3000 | financial institution or licensed money services business
3001 | ~~transmitter~~, or any other person may not notify, directly or
3002 | indirectly, any customer of that financial institution or
3003 | ~~licensed~~ money services business ~~transmitter~~ whose records are
3004 | being sought by the subpoena, or any other person named in the
3005 | subpoena, about the existence or the contents of that subpoena or
3006 | about information that has been furnished to the state attorney
3007 | or statewide prosecutor who issued the subpoena or other law
3008 | enforcement officer named in the subpoena in response to the
3009 | subpoena.

3010 | Section 54. Subsection (5) of section 896.104, Florida
3011 | Statutes, is amended to read:

3012 | 896.104 Structuring transactions to evade reporting or
3013 | registration requirements prohibited.--

3014 | (5) INFERENCE.--Proof that a person engaged for monetary
3015 | consideration in the business of a money ~~funds~~ transmitter, as

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3016 defined in s. 560.103, ~~s. 560.103(10)~~ and who is transporting
 3017 more than \$10,000 in currency, or the foreign equivalent, without
 3018 being licensed ~~registered~~ as a money transmitter or designated as
 3019 an authorized vendor under ~~the provisions of~~ chapter 560, gives
 3020 rise to an inference that the transportation was done with
 3021 knowledge of the licensure ~~registration~~ requirements of chapter
 3022 560 and the reporting requirements of this chapter.

3023 Section 55. Paragraph (g) of subsection (3) of section
 3024 921.0022, Florida Statutes, is amended to read:

3025 921.0022 Criminal Punishment Code; offense severity ranking
 3026 chart.--

3027 (3) OFFENSE SEVERITY RANKING CHART

3028 (g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with

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			wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
3032	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
3033	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
3034	409.920 (2)	3rd	Medicaid provider fraud.
3035	456.065 (2)	3rd	Practicing a health

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3036	456.065 (2)	2nd	care profession without a license.
3037	458.327 (1)	3rd	Practicing a health care profession without a license which results in serious bodily injury.
3038	459.013 (1)	3rd	Practicing medicine without a license.
3039	460.411 (1)	3rd	Practicing osteopathic medicine without a license.
3040	461.012 (1)	3rd	Practicing chiropractic medicine without a license.
3041	462.17	3rd	Practicing naturopathy without a license.

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3042	463.015 (1)	3rd	Practicing optometry without a license.
3043	464.016 (1)	3rd	Practicing nursing without a license.
3044	465.015 (2)	3rd	Practicing pharmacy without a license.
3045	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
3046	467.201	3rd	Practicing midwifery without a license.
3047	468.366	3rd	Delivering respiratory care services without a license.
3048	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
3049	483.901 (9)	3rd	Practicing medical physics without a

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3050	484.013 (1) (c)	3rd	license.
3051	484.053	3rd	Preparing or dispensing optical devices without a prescription.
3052	494.0018 (2)	1st	Dispensing hearing aids without a license.
3053	560.123 (8) (b) 1.	3rd	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.
			Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by <u>a money services business</u> transmitter .

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3054	560.125 (5) (a)	3rd	Money <u>services</u> transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
3055	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
3056	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
3057	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.

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3058	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
3059	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
3060	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
3061	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner

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3062	782.072	2nd	(vehicular homicide).
3063	784.045 (1) (a) 1.	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
3064	784.045 (1) (a) 2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
3065	784.045 (1) (b)	2nd	Aggravated battery; using deadly weapon.
3066	784.048 (4)	3rd	Aggravated battery; perpetrator aware victim pregnant.
3067	784.048 (7)	3rd	Aggravated stalking; violation of injunction or court order.
			Aggravated stalking;

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			violation of court order.
3068	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
3069	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
3070	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
3071	784.081 (1)	1st	Aggravated battery on specified official or employee.
3072	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
3073	784.083 (1)	1st	Aggravated battery on code inspector.
3074			

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3075	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
3076	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
3077	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
3078	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
3079	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
	790.166 (4)	2nd	Possessing,

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3080	794.08 (4)	3rd	displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
3081	796.03	2nd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
3082	800.04 (5) (c) 1.	2nd	Procuring any person under 16 years for prostitution.
3083	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
			Lewd or lascivious molestation; victim

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3084	806.01 (2)	2nd	12 years of age or older but less than 16 years; offender 18 years or older.
3085	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
3086	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
3087	810.02 (3) (d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
3088	810.02 (3) (e)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
3089	812.014 (2) (a) 1.	1st	Burglary of authorized emergency vehicle.
			Property stolen,

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3090	812.014 (2) (b) 2.	2nd	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.
3091	812.014 (2) (b) 3.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
3092	812.014 (2) (b) 4.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3093	812.0145 (2) (a)	1st	Property stolen, law enforcement equipment from authorized emergency vehicle. Theft from person 65 years of age or older; \$50,000 or

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3094	812.019 (2)	1st	<p>more.</p> <p>Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.</p>
3095	812.131 (2) (a)	2nd	<p>Robbery by sudden snatching.</p>
3096	812.133 (2) (b)	1st	<p>Carjacking; no firearm, deadly weapon, or other weapon.</p>
3097	817.234 (8) (a)	2nd	<p>Solicitation of motor vehicle accident victims with intent to defraud.</p>
3098	817.234 (9)	2nd	<p>Organizing, planning, or participating in an intentional motor vehicle collision.</p>

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3099	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
3100	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
3101	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
3102	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more,

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3103	827.03 (3) (b)	2nd	but less than \$100,000.
3104	827.04 (3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
3105	837.05 (2)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
3106	838.015	2nd	Giving false information about alleged capital felony to a law enforcement officer.
3107	838.016	2nd	Bribery.
3108	838.021 (3) (a)	2nd	Unlawful compensation or reward for official behavior.
			Unlawful harm to a public servant.

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3109	838.22	2nd	Bid tampering.
3110	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
3111	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
3112	872.06	2nd	Abuse of a dead human body.
3113	893.13(1)(c)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 (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly

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3114	893.13(1)(e)1.	1st	owned recreational facility or community center.
3115	893.13(4)(a)	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 (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
3116	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).
			Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

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3117	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
3118	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
3119	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
3120	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
3121	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
3122	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less

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3123	893.135 (1) (h) 1.a.	1st	than 14 grams.
3124	893.135 (1) (j) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
3125	893.135 (1) (k) 2.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
3126	896.101 (5) (a)	3rd	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
3127	896.104 (4) (a) 1.	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
			Structuring transactions to evade reporting or

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3128	943.0435 (4) (c)	2nd	registration requirements, financial transactions exceeding \$300 but less than \$20,000.
3129	943.0435 (8)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
3130	943.0435 (9) (a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
3131	943.0435 (13)	3rd	Sexual offender; failure to comply with reporting requirements.
			Failure to report or providing false

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3132	943.0435(14)	3rd	information about a sexual offender; harbor or conceal a sexual offender.
3133	944.607(9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
3134	944.607(10)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
3135	944.607(12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
			Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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3136

944.607(13) 3rd Sexual offender;
failure to report
and reregister;
failure to respond
to address
verification.

3137

985.4815(10) 3rd Sexual offender;
failure to submit to
the taking of a
digitized
photograph.

3138

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

3139

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

3140

3141

Section 56. Sections 560.101, 560.102, 560.106, 560.1073,

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3142 560.108, 560.112. 560.117, 560.200, 560.202, 560.206, 560.207,
3143 560.301, 560.302, 560.305, 560.306, 560.307, 560.308, 560.401,
3144 560.402, and 560.407, Florida Statutes, are repealed.

3145 Section 57. Except as otherwise expressly provided in this
3146 act, this act shall take effect October 1, 2008.