

By the Committees on General Government Appropriations; Finance and Tax; Banking and Insurance; Banking and Insurance

601-06947A-08

20082158c3

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"; amending s.
11 560.104, F.S.; revising provision providing exemptions
12 from ch. 560, F.S.; amending s. 560.105, F.S.; revising
13 provisions relating to the powers of the Office of
14 Financial Regulation and the Financial Services
15 Commission; amending s. 560.109, F.S.; revising provisions
16 relating to examinations and investigations conducted by
17 the office; requiring that the office periodically examine
18 each licensee and each new licensee within 6 months after
19 issuing a license; requiring the office to report certain
20 violations to a criminal investigatory agency; requiring
21 that the office annually report to the Legislature
22 information concerning investigations and examinations and
23 the total amount of fines assessed and collected;
24 requiring records in a language other than English to be
25 translated; creating s. 560.1091, F.S.; authorizing the
26 office to contract with third parties to conduct
27 examinations; authorizing the commission to adopt rules
28 relating to who can conduct examinations and the rates
29 charged; creating s. 560.1092, F.S.; requiring persons

601-06947A-08

20082158c3

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

601-06947A-08

20082158c3

59 Money Laundering in Money Services Business; creating s.
60 560.1235, F.S.; requiring a licensee to comply with state
61 and federal anti-money laundering laws and rules; amending
62 s. 560.124, F.S.; revising provisions relating to sharing
63 reported information; amending s. 560.125, F.S.; revising
64 provisions relating to unlicensed activity; amending s.
65 560.126, F.S.; revising provisions relating to certain
66 notice requirements by a licensee; amending s. 560.127,
67 F.S.; revising provisions relating to the control of a
68 money services business; amending s. 560.128, F.S.;
69 revising provisions relating to customer contacts and
70 license display; amending s. 560.129, F.S.; revising
71 provisions relating to the confidentiality of certain
72 records; creating s. 560.140, F.S.; providing licensing
73 standards for a money services business; creating s.
74 560.141, F.S.; providing for a license application;
75 creating s. 560.142, F.S.; providing for license renewal;
76 creating s. 560.143, F.S.; providing for license fees;
77 amending s. 560.203, F.S.; revising the exemption from
78 licensure for authorized vendors of a money services
79 business; amending s. 560.204, F.S.; revising provisions
80 relating to the requirement for licensure of money
81 transmitters or sellers of payment instruments under part
82 II of ch. 560, F.S.; amending s. 560.205, F.S.; providing
83 additional requirements for a license application;
84 amending s. 560.208, F.S.; revising provisions relating to
85 the conduct of a licensee; creating s. 560.2085, F.S.;
86 providing requirements for authorized vendors; amending s.
87 560.209, F.S.; revising provisions relating to a

601-06947A-08

20082158c3

88 licensee's net worth and the filing of a corporate surety
89 bond; requiring a financial audit report; increasing the
90 upper limit of the bond; deleting the option of waiving
91 the bond; amending s. 560.210, F.S.; revising provisions
92 relating to permissible investments; amending s. 560.211,
93 F.S.; revising provisions relating to required
94 recordkeeping under part II of ch. 560, F.S.; amending s.
95 560.212, F.S.; revising provisions relating to licensee
96 liability; amending s. 560.213, F.S.; revising provisions
97 relating information that must be printed on a payment
98 instrument; amending s. 560.303, F.S.; revising provisions
99 relating to the licensure of check cashers under part II
100 of ch. 560, F.S.; amending s. 560.304, F.S.; revising
101 provisions relating to exemptions from licensure; limiting
102 the exemption for the payment of instruments below a
103 certain value; amending s. 560.309, F.S.; revising
104 provisions relating to the conduct of check cashers;
105 providing additional requirements; amending s. 560.310,
106 F.S.; revising requirements for licensee records;
107 specifying the maintenance of identification records for
108 certain customers; amending s. 560.402, F.S.; revising
109 definitions relating to deferred presentment providers;
110 amending s. 560.403, F.S.; revising provisions relating to
111 the licensing requirements for deferred presentment
112 providers; amending s. 560.404, F.S.; revising provisions
113 relating to deferred presentment transactions; amending s.
114 560.405, F.S.; revising provisions relating to the
115 redemption or deposit of a deferred presentment
116 transaction; amending s. 560.406, F.S.; revising

601-06947A-08

20082158c3

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

142

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

144

145 Section 1. Section 560.103, Florida Statutes, is amended to

601-06947A-08

20082158c3

146 read:

147 560.103 Definitions.--As used in this chapter, the term ~~the~~
148 ~~code, unless the context otherwise requires:~~

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

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

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

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

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

170 (6) ~~(3)~~ "Check casher" means a person who, ~~for compensation,~~
171 sells currency in exchange for payment instruments received,
172 except travelers checks and foreign-drawn payment instruments.

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

601-06947A-08

20082158c3

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

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

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

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

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

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

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

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

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

202 (10) "Deferred presentment provider" means a person who is
203 licensed under part II or part III of this chapter and has filed

601-06947A-08

20082158c3

204 a declaration of intent with the office to engage in deferred
205 presentment transactions as provided under part IV of this
206 chapter.

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

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

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

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

231 (13) "Foreign affiliate" means a person located outside
232 this state who has been designated by a licensee to make payments

601-06947A-08

20082158c3

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

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

239 ~~(14)~~(9) "Foreign currency exchanger" means a person who
240 exchanges, for compensation, currency of the United States or a
241 foreign government to currency of another government.

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

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

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

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

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

259 (19) "Money transmitter" means a corporation, limited
260 liability company, limited liability partnership, or foreign
261 entity qualified to do business in this state which receives

601-06947A-08

20082158c3

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

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

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

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

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

289 (23) "Outstanding money transmission" means a money
290 transmission to a designated recipient or a refund to a sender

601-06947A-08

20082158c3

291 that has not been completed.

292 ~~(24)-(14)~~ "Outstanding payment instrument ~~instruments~~" means
293 an unpaid payment instrument ~~instruments~~ whose sale has been
294 reported to a licensee ~~registrant~~.

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

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

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

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

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

317 ~~(29)-(20)~~ "Sells ~~Sell~~" means to sell, issue, provide, or
318 deliver.

319 (30) "Stored value" means funds or monetary value

601-06947A-08

20082158c3

320 represented in digital electronics format, whether or not
321 specially encrypted, and stored or capable of storage on
322 electronic media in such a way as to be retrievable and
323 transferred electronically.

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

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

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

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

340 Section 2. Section 560.104, Florida Statutes, is amended to
341 read:

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

344 (1) Banks, credit card banks, credit unions, trust
345 companies, associations, offices of an international banking
346 corporation, Edge Act or agreement corporations, or other
347 financial depository institutions organized under the laws of any
348 state or the United States, ~~provided that they do not sell~~

601-06947A-08

20082158c3

349 ~~payment instruments through authorized vendors who are not such~~
350 ~~entities.~~

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

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

354 Section 3. Section 560.105, Florida Statutes, is amended to
355 read:

356 560.105 Supervisory powers; rulemaking.--

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

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

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

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

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

373 (a) ~~(3)~~ The commission may adopt rules ~~pursuant to ss.~~
374 ~~120.536(1) and 120.54~~ requiring electronic submission of any
375 forms, documents, or fees required by this chapter, which must
376 ~~code if such rules~~ reasonably accommodate technological or
377 financial hardship. ~~The commission may prescribe by rule~~

601-06947A-08

20082158c3

378 ~~requirements~~ and provide procedures for obtaining an exemption
379 due to a technological or financial hardship.

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

384 Section 4. Section 560.109, Florida Statutes, is amended to
385 read:

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

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

399 (1) The office may examine each licensee as often as is
400 warranted for the protection of customers and in the public
401 interest, but at least once every 5 years. A new licensee shall
402 be examined within 6 months after the issuance of the license.
403 The office shall provide at least 15 days' notice to a money
404 services business, its authorized vendor, or license applicant
405 before conducting an examination or investigation. However, the
406 office may conduct an examination or investigation of a money

601-06947A-08

20082158c3

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

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

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

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

429 (b) Upon notice, the office may require that records
430 written in a language other than English be accompanied by a
431 certified translation at the expense of the licensee. For
432 purposes of this section, the term "certified translation" means
433 a document translated by a person who is currently certified as a
434 translator by the American Translators Association or other
435 organization designated by rule.

601-06947A-08

20082158c3

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

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

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

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

461 ~~(c) In connection with any such investigation or~~
462 ~~examination,~~ The office may allow permit a person to file a
463 statement in writing, under oath, or otherwise as the office
464 ~~determines,~~ as to facts and circumstances specified by the

601-06947A-08

20082158c3

465 office.

466 (5)~~(3)~~~~(a)~~ If a person does not comply ~~In the event of~~
467 ~~noncompliance~~ with a subpoena issued or caused to be issued by
468 the office pursuant to this section, the office may petition a
469 court of competent jurisdiction ~~the circuit court of the county~~
470 ~~in which the person subpoenaed resides or has its principal place~~
471 ~~of business~~ for an order requiring the subpoenaed person to
472 appear and testify and to produce such ~~books, records, and~~
473 ~~documents~~ as are specified in the ~~such~~ subpoena duces tecum. The
474 office is entitled to the summary procedure provided in s.
475 51.011, and the court shall advance the cause on its calendar.

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

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

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

492 (6)~~(4)~~ Witnesses are entitled to the same fees and mileage
493 ~~to which they would be entitled by law for attending as witnesses~~

601-06947A-08

20082158c3

494 in the circuit court, except that ~~no~~ fees or mileage is not
495 allowed for the testimony of a person taken at the person's
496 principal office or residence.

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

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

519 (9) The office shall prepare and submit an annual report to
520 the President of the Senate and the Speaker of the House of
521 Representatives beginning January 1, 2009, through January 1,
522 2014, which includes:

601-06947A-08

20082158c3

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

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

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

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

536 Section 5. Section 560.1091, Florida Statutes, is created
537 to read:

538 560.1091 Contracted examinations.--The office may contract
539 with third parties to conduct examinations under this chapter.

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

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

549 (a) The rates charged to the licensee examined are
550 consistent with rates charged by other firms in similar
551 professions and are comparable with the rates charged for

601-06947A-08

20082158c3

552 comparable examinations.

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

557 Section 6. Section 560.1092, Florida Statutes, is created
558 to read:

559 560.1092 Examination expenses.--

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

573 (2) All moneys collected from licensees for examinations
574 shall be deposited into the Regulatory Trust Fund, and the office
575 may make deposits into such fund from moneys appropriated for the
576 operation of the office.

577 (3) Notwithstanding s. 112.061, the office may pay to the
578 examiner or person making the examination out of the trust fund
579 the actual travel expenses, reasonable living expense allowance,
580 and compensation in accordance with the statement filed with the

601-06947A-08

20082158c3

581 office by the examiner or other person, as provided in subsection
582 (1) upon approval by the office.

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

589 Section 7. Section 560.110, Florida Statutes, is created to
590 read:

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

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

602 (2) The original of any record of a licensee or authorized
603 vendor includes a record stored or transmitted by electronic,
604 computerized, mechanized, or other information storage or
605 retrieval or transmission system or device that can generate,
606 regenerate, or transmit the precise data or other information
607 comprising the record. An original also includes the visible data
608 or other information so generated, regenerated, or transmitted if
609 it is legible or can be made legible by enlargement or other

601-06947A-08

20082158c3

610 process.

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

615 (4) Any person who willfully fails to comply with this
616 section or ss. 560.211 and 560.310 commits a felony of the third
617 degree, punishable as provided in s. 775.082, s. 775.083, or s.
618 775.084.

619 Section 8. Section 560.111, Florida Statutes, is amended to
620 read:

621 560.111 Prohibited acts ~~and practices.~~--

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

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

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

635 (c) Make any false entry in its books, accounts, reports,
636 files, or documents ~~any book, report, or statement of such money~~
637 ~~transmitter or authorized vendor~~ with intent to deceive or
638 defraud ~~such money transmitter, authorized vendor, or another~~

601-06947A-08

20082158c3

639 person, or with intent to deceive the office, any appropriate
 640 regulator ~~other state or federal regulatory agency~~, or any
 641 authorized third party representative appointed by the office to
 642 examine or investigate the affairs of the such money services
 643 business transmitter or authorized vendor.~~;~~

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

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

658 (f) Place among the assets of a money services business
 659 ~~such money transmitter~~ or authorized vendor any note, obligation,
 660 or security that the money services business transmitter or
 661 authorized vendor does not own or is known to be ~~that to the~~
 662 ~~person's knowledge is~~ fraudulent or otherwise worthless, or ~~for~~
 663 ~~any such person~~ to represent to the office that any note,
 664 obligation, or security ~~carried as an asset of such money~~
 665 ~~transmitter or authorized vendor~~ is the property of the money
 666 services business transmitter or authorized vendor and is genuine
 667 if it is known to be ~~such person that such representation is~~

601-06947A-08

20082158c3

668 ~~false or that such note, obligation, or security is fraudulent or~~
669 otherwise worthless.

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

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

681 (4) Any person who willfully violates any provision of s.
682 560.403, s. 560.404, s. 560.405, or s. 560.407 commits a felony
683 of the third degree, punishable as provided in s. 775.082, s.
684 775.083, or s. 775.084.

685 Section 9. Section 560.113, Florida Statutes, is amended to
686 read:

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

694 (1) If the office determines that any person has engaged in
695 or is about to engage in any action that is a violation of this
696 chapter or related rules, the office may, in addition to or in

601-06947A-08

20082158c3

697 lieu of other remedies, bring an action on behalf of the state in
698 the circuit court against the person and any other person acting
699 in concert with such person to enjoin such person from engaging
700 in such act. The office may apply for, and on due showing be
701 entitled to have issued, the court's subpoena requiring the
702 appearance of the person and her or his employees, associated
703 persons, or agents and the production of any documents, books, or
704 records that may appear necessary for the hearing of the
705 petition, and to testify or give evidence concerning the acts
706 complained of.

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

722 (3) In addition to, or in lieu of, any other remedies
723 provided under this chapter, the office may apply to the court
724 hearing the matter for an order directing the defendant to make
725 restitution of those sums shown by the office to have been

601-06947A-08

20082158c3

726 obtained in violation of this chapter. Such restitution shall, at
727 the option of the court, be payable to the administrator or
728 receiver appointed under this section or directly to the persons
729 whose assets were obtained in violation of this chapter.

730 Section 10. Section 560.114, Florida Statutes, is amended
731 to read:

732 560.114 Disciplinary actions; penalties.--

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

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

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

749 (c) Fraudulent misrepresentation, circumvention, or
750 concealment of any matter that must ~~required to~~ be stated or
751 furnished to a ~~money transmitter~~ customer pursuant to this
752 chapter ~~the code~~, regardless of reliance thereon by, or damage
753 to, such customer.

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

601-06947A-08

20082158c3

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

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

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

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

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

775 (j) Failure by a money services business transmitter to
776 remove an affiliated ~~a money transmitter-affiliated~~ party after
777 the office has issued and served upon the money services business
778 ~~transmitter~~ a final order setting forth a finding that the
779 affiliated ~~money transmitter-affiliated~~ party has violated a any
780 provision of this chapter ~~the code.~~

781 (k) Making a any material misstatement, ~~or~~
782 misrepresentation, or omission ~~or committing any fraud~~ in an
783 ~~initial or renewal~~ application for licensure, any amendment to

601-06947A-08

20082158c3

784 such application, or application for the appointment of an
785 authorized vendor registration.

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

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

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

810 (o) ~~(n)~~ Having been convicted of ~~or found guilty of,~~ or
811 entered a plea of ~~having pleaded~~ guilty or nolo contendere to,
812 any felony or crime punishable by imprisonment of 1 year or more

601-06947A-08

20082158c3

813 under the law of any state or ~~of~~ the United States which involves
814 fraud, moral turpitude, or dishonest dealing, regardless of
815 adjudication without regard to whether a judgment of conviction
816 has been entered by the court.

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

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

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

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

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

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

601-06947A-08

20082158c3

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

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

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

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

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

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

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

862 (z) Any practice or conduct that creates the likelihood of
863 a material loss, insolvency, or dissipation of assets of a money
864 services business or otherwise materially prejudices the
865 interests of its customers.

866 (2) The office may immediately suspend the license of any
867 money services business if the money services business fails to
868 provide to the office, upon written request, any of the records
869 required by ss. 560.123, 560.1235, 560.211, and 560.310. The
870 suspension may be rescinded if the licensee submits the requested

601-06947A-08

20082158c3

871 records to the office. For purposes of s. 120.60(6), failure to
872 provide any of the above-mentioned records constitutes immediate
873 and serious danger to the public health, safety, and welfare.

874 (3) The office may deny licensure if the applicant or an
875 affiliated party is the subject of a pending criminal prosecution
876 or governmental enforcement action in any jurisdiction until the
877 conclusion of the prosecution or action.

878 (4)~~(2)~~ The office may issue a cease and desist order or
879 removal order, suspend or revoke a license ~~any previously issued~~
880 ~~registration~~, or take any other action within the authority of
881 the office against a licensee ~~money transmitter~~ based on any fact
882 or condition that exists and that, if it had existed or been
883 known to exist at the time of license application ~~the money~~
884 ~~transmitter applied for registration~~, would have been grounds for
885 license denial ~~of registration~~.

886 (5)~~(3)~~ ~~A~~ Each ~~money~~ services business licensed under part
887 II of this chapter ~~transmitter~~ is responsible for any act of its
888 authorized vendors if the money services business ~~transmitter~~
889 should have known of the act or had ~~if the money transmitter has~~
890 actual knowledge that such act is a violation of this chapter,
891 ~~the code~~ and the money services business ~~transmitter~~ ~~willfully~~
892 ~~allowed~~ the ~~such~~ act to continue. Such responsibility is limited
893 to conduct engaged in by the authorized vendor pursuant to the
894 authority granted to it by the money services business
895 ~~transmitter~~.

896 (6)~~(4)~~ If a license ~~registration~~ granted under this chapter
897 ~~code~~ expires or is surrendered by the licensee ~~registrant~~ during
898 the pendency of an administrative action ~~under this code~~, the
899 proceeding may continue as if the license is ~~registration~~ were

601-06947A-08

20082158c3

900 still in effect.

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

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

909 Section 11. Section 560.1141, Florida Statutes, is created
910 to read:

911 560.1141 Disciplinary guidelines.--

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

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

923 (3) The commission shall adopt by rule mitigating and
924 aggravating circumstances that allow the office to impose a
925 penalty other than that provided for in the guidelines, and for
926 variations and a range of penalties permitted under such
927 circumstances.

928 Section 12. Section 560.115, Florida Statutes, is amended

601-06947A-08

20082158c3

929 to read:

930 560.115 Surrender of license registration.--A licensee ~~Any~~
931 ~~money transmitter registered pursuant to the code~~ may voluntarily
932 surrender its license registration at any time by giving written
933 notice to the office.

934 Section 13. Section 560.116, Florida Statutes, is amended
935 to read:

936 560.116 Civil immunity.--Any person having reason to
937 believe that a provision of this chapter ~~the code~~ is being
938 violated, ~~or~~ has been violated, or is about to be violated, may
939 file a complaint with the office setting forth the details of the
940 alleged violation. Such person is immune ~~An Immunity~~ from civil
941 liability ~~is hereby granted to any person who furnishes such~~
942 ~~information,~~ unless the information provided is false and has
943 been provided ~~the person providing the information does so~~ with
944 reckless disregard for the truth.

945 Section 14. Section 560.118, Florida Statutes, is amended
946 to read:

947 560.118 ~~Examinations, Reports, and internal audits;~~
948 ~~penalty.--~~

949 (1) (a) ~~The office may conduct an examination of a money~~
950 ~~transmitter or authorized vendor by providing not less than 15~~
951 ~~days' advance notice to the money transmitter or authorized~~
952 ~~vendor. However, if the office suspects that the money~~
953 ~~transmitter or authorized vendor has violated any provisions of~~
954 ~~this code or any criminal laws of this state or of the United~~
955 ~~States or is engaging in an unsafe and unsound practice, the~~
956 ~~office may, at any time without advance notice, conduct an~~
957 ~~examination of all affairs, activities, transactions, accounts,~~

601-06947A-08

20082158c3

958 ~~business records, and assets of any money transmitter or any~~
959 ~~money transmitter-affiliated party for the protection of the~~
960 ~~public. For the purpose of examinations, the office may~~
961 ~~administer oaths and examine a money transmitter or any of its~~
962 ~~affiliated parties concerning their operations and business~~
963 ~~activities and affairs. The office may accept an audit or~~
964 ~~examination from any appropriate regulatory agency or from an~~
965 ~~independent third party with respect to the operations of a money~~
966 ~~transmitter or an authorized vendor. The office may also make a~~
967 ~~joint or concurrent examination with any state or federal~~
968 ~~regulatory agency. The office may furnish a copy of all~~
969 ~~examinations made of such money transmitter or authorized vendor~~
970 ~~to the money transmitter and any appropriate regulatory agency~~
971 ~~provided that such agency agrees to abide by the confidentiality~~
972 ~~provisions as set forth in chapter 119.~~

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

982 ~~(c) The audit of a money transmitter required under this~~
983 ~~section may be performed by an independent third party that has~~
984 ~~been approved by the office or by a certified public accountant~~
985 ~~authorized to do business in the United States. The examination~~
986 ~~of a money transmitter or authorized vendor required under this~~

601-06947A-08

20082158c3

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 cost of such~~
990 ~~an independent examination or audit shall be directly borne by~~
991 ~~the money transmitter or authorized vendor.~~

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

1004 ~~(2)(b) Each licensee must submit The commission may, by~~
1005 ~~rule, require each money transmitter or authorized vendor to~~
1006 ~~submit quarterly reports to the office in a format and include~~
1007 ~~information as specified by rule. The rule ~~commission~~ may require~~
1008 ~~the ~~that~~ each report to contain a declaration by an officer, or~~
1009 ~~any other responsible person authorized to make such declaration,~~
1010 ~~that the report is true and correct to the best of her or his~~
1011 ~~knowledge and belief. ~~Such report must include such information~~~~
1012 ~~as the commission by rule requires for that type of money~~
1013 ~~transmitter.~~

1014 ~~(c) The office may levy an administrative fine of up to~~
1015 ~~\$100 per day for each day the report is past due, unless it is~~

601-06947A-08

20082158c3

1016 ~~excused for good cause. In excusing any such administrative fine,~~
1017 ~~the office may consider the prior payment history of the money~~
1018 ~~transmitter or authorized vendor.~~

1019 ~~(3) Any person who willfully violates this section or fails~~
1020 ~~to comply with any lawful written demand or order of the office~~
1021 ~~made under this section commits a felony of the third degree,~~
1022 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

1023 Section 15. Section 560.119, Florida Statutes, is
1024 transferred, renumbered as section 560.144, Florida Statutes, and
1025 amended to read:

1026 560.144 ~~560.119~~ Deposit of fees and assessments.--License
1027 ~~The~~ application fees, license ~~registration~~ renewal fees, late
1028 payment penalties, civil penalties, administrative fines, and
1029 other fees, costs, or penalties provided for in this chapter ~~the~~
1030 ~~code shall, in all cases,~~ be paid directly to the office, which
1031 shall deposit such proceeds into the Regulatory Trust Fund, and
1032 use the proceeds to pay the costs of the office as necessary to
1033 carry out its responsibilities under this chapter. ~~Each year, the~~
1034 ~~Legislature shall appropriate from the trust fund to the office~~
1035 ~~sufficient moneys to pay the office's costs for administration of~~
1036 ~~the code. The Regulatory Trust Fund is subject to the service~~
1037 ~~charge imposed pursuant to chapter 215.~~

1038 Section 16. Section 560.121, Florida Statutes, is amended
1039 to read:

1040 560.121 Access to records; record retention; penalties
1041 ~~limited restrictions upon public access.--~~

1042 (1) ~~(a)~~ Orders of courts or of administrative law judges for
1043 the production of confidential records or information must ~~shall~~
1044 provide for inspection in camera by the court or the

601-06947A-08

20082158c3

1045 administrative law judge; and, if after the court or
1046 administrative law judge determines ~~has made a determination~~ that
1047 the documents requested are relevant or would likely lead to the
1048 discovery of admissible evidence, ~~said documents shall be subject~~
1049 ~~to further orders~~ by the court or the administrative law judge
1050 must issue further orders to protect the confidentiality of the
1051 documents ~~thereof~~. Any order directing the release of information
1052 is ~~shall be~~ immediately reviewable, and a petition by the office
1053 for review of the ~~such~~ order shall automatically stay further
1054 proceedings in the trial court or the administrative hearing
1055 until the disposition of the ~~such~~ petition by the reviewing
1056 court. ~~If any other party files such~~ A petition for review of the
1057 order filed by any other party shall, ~~it will~~ operate as a stay
1058 of the ~~such~~ proceedings only upon order of the reviewing court.

1059 (2)(b) Confidential records and information furnished
1060 pursuant to a legislative subpoena must ~~shall~~ be kept
1061 confidential ~~by the legislative body or committee which receives~~
1062 ~~the records or information,~~ except in cases ~~a case~~ involving the
1063 investigation of charges against a public official subject to
1064 impeachment or removal, and then disclosure of such information
1065 shall be only to the extent determined to be necessary by the
1066 legislative body or committee ~~to be necessary~~.

1067 (3)(2) ~~The commission may prescribe by rule the minimum~~
1068 ~~information that must be shown in the books, accounts, records,~~
1069 ~~and documents of licensees for purposes of enabling the office to~~
1070 ~~determine the licensee's compliance with this chapter. In~~
1071 ~~addition, the commission may prescribe by rule requirements for~~
1072 ~~the destruction of books, accounts, records, and documents~~
1073 ~~retained by the licensee after completion of the time period~~

601-06947A-08

20082158c3

1074 ~~specified in this subsection.~~ Examination reports, investigatory
1075 records, applications, and related information compiled by the
1076 office, or photographic copies thereof, must ~~shall~~ be retained by
1077 the office for a ~~period of~~ at least 5 ~~3~~ years after ~~following~~ the
1078 date ~~that~~ the examination or investigation ceases to be active.

1079 Application records, 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 ~~2~~ years after ~~following~~ the
1082 date ~~that~~ the license registration ceases to be active.

1083 ~~(3) A copy of any document on file with the office which is~~
1084 ~~certified by the office as being a true copy may be introduced in~~
1085 ~~evidence as if it were the original. The commission shall~~
1086 ~~establish a schedule of fees for preparing true copies of~~
1087 ~~documents.~~

1088 (4) Any person who willfully discloses information made
1089 confidential by this section commits a felony of the third
1090 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1091 775.084.

1092 Section 17. Section 560.123, Florida Statutes, is amended
1093 to read:

1094 560.123 Florida Control of Money Laundering in ~~the~~ Money
1095 Services Business Act Transmitters' Code; ~~reports of transactions~~
1096 ~~involving currency or monetary instruments; when required;~~
1097 ~~purpose; definitions; penalties; corpus delicti.--~~

1098 (1) This section may be cited as the "Florida Control of
1099 Money Laundering in Money Services Business Transmitters Act."

1100 (2) ~~It is~~ The purpose of this section is to require the
1101 ~~submission to the office of reports and the maintenance of~~
1102 certain records of transactions involving currency or payment

601-06947A-08

20082158c3

1103 ~~monetary instruments in order to which reports and records~~ deter
1104 the use of a money services business ~~money transmitters~~ to
1105 conceal proceeds from criminal activity and to ensure the
1106 availability of such records for ~~are useful in~~ criminal, tax, or
1107 regulatory investigations or proceedings.

1108 (3)(a) A Every money services business must transmitter
1109 ~~shall~~ keep a record of every each financial transaction ~~occurring~~
1110 ~~in this state~~ known to it which occurs in this state; involves to
1111 ~~involve~~ currency or other payment monetary instrument, as
1112 prescribed the commission prescribes by rule, having of a value
1113 greater than in excess of \$10,000; and involves, to involve the
1114 proceeds of ~~specified~~ unlawful activity, ~~or is to be~~ designed to
1115 evade the reporting requirements of this section or chapter 896.
1116 The money services business must and shall maintain appropriate
1117 procedures to ensure compliance with this section and chapter
1118 896.

1119 (a)(b) Multiple financial transactions shall be treated as
1120 a single transaction if the money services business transmitter
1121 has knowledge that they are made by or on behalf of any one
1122 person and result in ~~either~~ cash in or cash out totaling more
1123 than \$10,000 during any day.

1124 (b)(e) A Any money services business transmitter may keep a
1125 record of any financial transaction occurring in this state,
1126 regardless of the value, if it suspects that the transaction
1127 involves the proceeds of ~~specified~~ unlawful activity.

1128 (c) The money services business must file a report with the
1129 office of any records required by this subsection, at such time
1130 and containing such information as required by rule. The timely
1131 filing of the report required by 31 U.S.C. s. 5313 with the

601-06947A-08

20082158c3

1132 appropriate federal agency shall be deemed compliance with the
1133 reporting requirements of this subsection unless the reports are
1134 not regularly and comprehensively transmitted by the federal
1135 agency to the office.

1136 (d) A money services business transmitter, or officer,
1137 employee, or agent thereof, that files a report in good faith
1138 pursuant to this section is not liable to any person for loss or
1139 damage caused in whole or in part by the making, filing, or
1140 governmental use of the report, or any information contained
1141 therein.

1142 ~~(4)(3)~~ A money services business transmitters must comply
1143 with adhere to the money laundering, enforcement, and reporting
1144 provisions of s. 655.50~~7~~ relating to reports of transactions
1145 involving currency transactions and payment monetary instruments,
1146 and of chapter 896~~7~~ concerning offenses relating to financial
1147 transactions.

1148 ~~(5)(4)~~ In enforcing this section, the ~~commission and~~ office
1149 shall acknowledge and take into consideration the requirements of
1150 Title 31, United States Code, in order both to reduce the burden
1151 of ~~fulfilling~~ duplicate requirements and to acknowledge the
1152 economic advantage of having similar reporting and recordkeeping
1153 requirements between state and federal regulatory authorities.

1154 ~~(5)(a)~~ Each money transmitter must file a report with the
1155 office of the record required by this section. Each record filed
1156 pursuant to this section must be filed at such time and contain
1157 such information as the commission requires by rule.

1158 ~~(b)~~ The timely filing of the report required by 31 U.S.C.
1159 s. 5313, with the appropriate federal agency is deemed compliance
1160 with the reporting requirements of this subsection unless the

601-06947A-08

20082158c3

1161 ~~reports are not regularly and comprehensively transmitted by the~~
1162 ~~federal agency to the office.~~

1163 (6) The office must retain a copy of all reports received
1164 under subsection (3) ~~(5)~~ for a minimum of 5 ~~3~~ ~~calendar~~ years
1165 after receipt of the report. However, if a report or information
1166 contained in a report is known by the office to be the subject of
1167 an existing criminal proceeding, the report must be retained for
1168 a minimum of 10 ~~calendar~~ years after ~~from~~ the date of receipt.

1169 (7) In addition to any other powers conferred upon the
1170 office to enforce and administer this chapter ~~the code~~, the
1171 office may:

1172 (a) Bring an action in any court of competent jurisdiction
1173 to enforce or administer this section. In such action, the office
1174 may seek award of any civil penalty authorized by law and any
1175 other appropriate relief at law or equity.

1176 (b) Issue and serve upon a person an order requiring the
1177 ~~such~~ person to cease and desist and take corrective action if
1178 ~~whenever~~ the office finds that the ~~such~~ person is violating, has
1179 violated, or is about to violate any provision of this section or
1180 chapter 896; any rule or order adopted under this section or
1181 chapter 896; or any written agreement related to this section or
1182 chapter 896 which is entered into with the office.

1183 (c) Issue and serve upon a person an order suspending or
1184 revoking the ~~such~~ person's money services business license if
1185 ~~transmitter registration whenever~~ the office finds that the ~~such~~
1186 person is violating, has violated, or is about to violate any
1187 provision of this section or chapter 896; any rule or order
1188 adopted under this section or chapter 896; or any written
1189 agreement related to this section or chapter 896 which is entered

601-06947A-08

20082158c3

1190 into with the office.

1191 (d) Issue and serve upon any person an order of removal
1192 whenever the office finds that the ~~such~~ person is violating, has
1193 violated, or is about to violate any provision of this section or
1194 chapter 896; any rule or order adopted under this section or
1195 chapter 896; or any written agreement related to this section or
1196 chapter 896 which is entered into with the office.

1197 (e) Impose and collect an administrative fine against any
1198 person found to have violated any provision of this section or
1199 chapter 896; any rule or order adopted under this section or
1200 chapter 896; or any written agreement related to this section or
1201 chapter 896 which is entered into with the office, of up to ~~in an~~
1202 ~~amount not exceeding~~ \$10,000 per a day for each willful violation
1203 or \$500 per a day for each negligent violation.

1204 (8) (a) Except as provided in paragraph (b), a person who
1205 willfully violates any provision of this section commits a
1206 misdemeanor of the first degree, punishable as provided in s.
1207 775.082 or s. 775.083.

1208 (b) A person who willfully violates any provision of this
1209 section, if the violation involves:

1210 1. Currency or payment instruments exceeding \$300 but less
1211 than \$20,000 in any 12-month period, commits a felony of the
1212 third degree, punishable as provided in s. 775.082, s. 775.083,
1213 or s. 775.084.

1214 2. Currency or payment instruments totaling or exceeding
1215 \$20,000 but less than \$100,000 in any 12-month period, commits a
1216 felony of the second degree, punishable as provided in s.
1217 775.082, s. 775.083, or s. 775.084.

1218 3. Currency or payment instruments totaling or exceeding

601-06947A-08

20082158c3

1219 \$100,000 in any 12-month period, commits a felony of the first
1220 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1221 775.084.

1222 (c) In addition to the penalties ~~otherwise~~ authorized by s.
1223 775.082, s. 775.083, or s. 775.084, a person who has been
1224 convicted of, or entered a plea of ~~who has pleaded~~ guilty or nolo
1225 contendere, regardless of adjudication, to having violated
1226 paragraph (b) may be sentenced to pay a fine of up to ~~not~~
1227 ~~exceeding~~ \$250,000 or twice the value of the currency or payment
1228 instruments, whichever is greater, except that on a second or
1229 subsequent conviction for or plea of guilty or nolo contendere,
1230 regardless of adjudication, to a violation of paragraph (b), the
1231 fine may be up to \$500,000 or quintuple the value of the currency
1232 or payment instruments, whichever is greater.

1233 (d) A person who violates this section is also liable for a
1234 civil penalty of not more than the greater of the value of the
1235 currency or payment instruments involved or \$25,000.

1236 (9) In any prosecution brought pursuant to this section,
1237 the common law corpus delicti rule does not apply. The
1238 defendant's confession or admission is admissible during trial
1239 without the state having to prove the corpus delicti if the court
1240 finds in a hearing conducted outside the presence of the jury
1241 that the defendant's confession or admission is trustworthy.
1242 Before the court admits the defendant's confession or admission,
1243 the state must prove by a preponderance of the evidence that
1244 there is sufficient corroborating evidence that tends to
1245 establish the trustworthiness of the statement by the defendant.
1246 Hearsay evidence is admissible during the presentation of
1247 evidence at the hearing. In making its determination, the court

601-06947A-08

20082158c3

1248 may consider all relevant corroborating evidence, including the
1249 defendant's statements.

1250 Section 18. Section 560.1235, Florida Statutes, is created
1251 to read:

1252 560.1235 Anti-money laundering requirements.--

1253 (1) A licensee and authorized vendor must comply with all
1254 state and federal laws and rules relating to the detection and
1255 prevention of money laundering, including, as applicable, s.
1256 560.123, and 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27.
1257 103.28, 103.29, 103.33, 103.37, and 103.41.

1258 (2) A licensee and authorized vendor must maintain an anti-
1259 money laundering program in accordance with 31 C.F.R. s. 103.125.
1260 The program must be reviewed and updated as necessary to ensure
1261 that the program continues to be effective in detecting and
1262 detering money laundering activities.

1263 (3) A licensee must comply with United States Treasury
1264 Interpretive Release 2004-1.

1265 Section 19. Section 560.124, Florida Statutes, is amended
1266 to read:

1267 560.124 Sharing of information.--

1268 ~~(1) It is not unlawful for~~ Any person may ~~to~~ provide
1269 ~~information~~ to a money services business ~~transmitter~~, authorized
1270 vendor, law enforcement agency, prosecutorial agency, or
1271 appropriate regulator, or ~~for~~ any money services business
1272 ~~transmitter~~, authorized vendor, law enforcement agency,
1273 prosecutorial agency, or appropriate regulator may ~~to~~ provide
1274 ~~information~~ to any person, information about any ~~other~~ person's
1275 known or suspected involvement in a violation of any state,
1276 federal, or foreign law, rule, or regulation relating to the

601-06947A-08

20082158c3

1277 business of a money services business or deferred present
1278 provider transmitter which has been reported to state, federal,
1279 or foreign authorities, and is not.

1280 ~~(2) No person shall be liable in any civil action for~~
1281 ~~providing such information.~~

1282 Section 20. Section 560.125, Florida Statutes, is amended
1283 to read:

1284 560.125 Unlicensed activity Money transmitter business by
1285 unauthorized persons; penalties.--

1286 (1) A person ~~other than a registered money transmitter or~~
1287 ~~authorized vendor~~ may not engage in the business of a money
1288 services business or deferred presentment provider transmitter in
1289 this state unless the person is licensed or exempted from
1290 licensure under this chapter ~~from the registration requirements~~
1291 ~~of the code.~~

1292 (2) Only a money services business licensed under part II
1293 of this chapter may appoint an authorized vendor. ~~No person shall~~
1294 ~~act as a vendor of a money transmitter when such money~~
1295 ~~transmitter is subject to registration under the code but has not~~
1296 ~~registered.~~ Any ~~such~~ person acting as a vendor for an unlicensed
1297 money transmitter or payment instrument issuer becomes the
1298 principal thereof, and no longer merely acts as a vendor, and
1299 ~~such person~~ is liable to the holder or remitter as a principal
1300 money transmitter or payment instrument seller.

1301 (3) Any person whose substantial interests are affected by
1302 a proceeding brought by the office pursuant to this chapter ~~the~~
1303 ~~code~~ may, pursuant to s. 560.113, petition any court of competent
1304 jurisdiction to enjoin the person or activity that is the subject
1305 of the proceeding from violating any of the provisions of this

601-06947A-08

20082158c3

1306 section. For the purpose of this subsection, any money services
1307 business licensed under this chapter ~~transmitter registered~~
1308 ~~pursuant to the code~~, any person residing in this state, and any
1309 person whose principal place of business is in this state are
1310 presumed to be substantially affected. In addition, the interests
1311 of a trade organization or association are deemed substantially
1312 affected if the interests of any of its members are ~~se~~ affected.

1313 (4) The office may issue and serve upon any person who
1314 violates any of the provisions of this section a complaint
1315 seeking a cease and desist order or impose an administrative fine
1316 as provided in s. 560.114 ~~in accordance with the procedures and~~
1317 ~~in the manner prescribed by s. 560.112. The office may also~~
1318 ~~impose an administrative fine pursuant to s. 560.117(3) against~~
1319 ~~any person who violates any of the provisions of this section.~~

1320 (5) A person who violates this section, if the violation
1321 involves:

1322 (a) Currency or payment instruments exceeding \$300 but less
1323 than \$20,000 in any 12-month period, commits a felony of the
1324 third degree, punishable as provided in s. 775.082, s. 775.083,
1325 or s. 775.084.

1326 (b) Currency or payment instruments totaling or exceeding
1327 \$20,000 but less than \$100,000 in any 12-month period, commits a
1328 felony of the second degree, punishable as provided in s.
1329 775.082, s. 775.083, or s. 775.084.

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

1334 (6) In addition to the penalties authorized by s. 775.082,

601-06947A-08

20082158c3

1335 s. 775.083, or s. 775.084, a person who has been convicted of, or
1336 entered a plea of found guilty of or who has pleaded guilty or
1337 nolo contendere, to having violated this section may be sentenced
1338 to pay a fine of up to ~~not exceeding~~ \$250,000 or twice the value
1339 of the currency or payment instruments, whichever is greater,
1340 except that on a second or subsequent violation of this section,
1341 the fine may be up to \$500,000 or quintuple the value of the
1342 currency or payment instruments, whichever is greater.

1343 (7) A person who violates this section is also liable for a
1344 civil penalty of not more than the value of the currency or
1345 payment instruments involved or \$25,000, whichever is greater.

1346 (8) In any prosecution brought pursuant to this section,
1347 the common law corpus delicti rule does not apply. The
1348 defendant's confession or admission is admissible during trial
1349 without the state having to prove the corpus delicti if the court
1350 finds in a hearing conducted outside the presence of the jury
1351 that the defendant's confession or admission is trustworthy.
1352 Before the court admits the defendant's confession or admission,
1353 the state must prove by a preponderance of the evidence that
1354 there is sufficient corroborating evidence that tends to
1355 establish the trustworthiness of the statement by the defendant.
1356 Hearsay evidence is admissible during the presentation of
1357 evidence at the hearing. In making its determination, the court
1358 may consider all relevant corroborating evidence, including the
1359 defendant's statements.

1360 Section 21. Section 560.126, Florida Statutes, is amended
1361 to read:

1362 560.126 ~~Significant events; notice~~ Required notice by
1363 licensee.--

601-06947A-08

20082158c3

1364 (1) A licensee ~~Unless exempted by the office, every money~~
1365 ~~transmitter~~ must provide the office with a written notice sent by
1366 registered mail within 30 days after the occurrence or knowledge
1367 of, whichever period of time is greater, any of the following
1368 events:

1369 (a) The filing of a petition under the United States
1370 Bankruptcy Code for bankruptcy or reorganization by the licensee
1371 ~~money transmitter~~.

1372 (b) The commencement of an administrative or judicial
1373 license ~~any registration~~ suspension or revocation proceeding,
1374 ~~either administrative or judicial,~~ or the denial of a license ~~any~~
1375 ~~original registration~~ request or a ~~registration~~ renewal, by any
1376 state, the District of Columbia, any United States territory, or
1377 any foreign country, in which the licensee ~~money transmitter~~
1378 operates, ~~or~~ plans to operate, or is licensed ~~or has registered~~
1379 to operate.

1380 (c) A felony indictment relating to a the money services
1381 ~~transmission~~ business or deferred presentment provider involving
1382 the licensee, its authorized vendor, or an affiliated ~~money~~
1383 ~~transmitter or a money transmitter-affiliated party of the money~~
1384 ~~transmitter~~.

1385 (d) The felony conviction, guilty plea, or plea of nolo
1386 contendere, regardless of adjudication, of the licensee, its
1387 authorized vendor, or an affiliated ~~if the court adjudicates the~~
1388 ~~nolo contendere pleader guilty, or the adjudication of guilt of a~~
1389 ~~money transmitter or money transmitter-affiliated party~~.

1390 (e) The interruption of any corporate surety bond required
1391 under this chapter ~~by the code~~.

1392 (f) Any suspected criminal act, ~~as defined by the~~

601-06947A-08

20082158c3

1393 ~~commission by rule,~~ perpetrated in this state relating to
1394 activities regulated under this chapter by an affiliated party
1395 against a money services business ~~transmitter~~ or authorized
1396 vendor.

1397 (g) Notification by a law enforcement or prosecutorial
1398 agency that the licensee or its authorized vendor is under
1399 criminal investigation including, but not limited to, subpoenas
1400 to produce records or testimony and warrants issued by a court of
1401 competent jurisdiction which authorize the search and seizure of
1402 any records relating to a business activity regulated under this
1403 chapter.

1404
1405 ~~However, a person does not incur liability as a result of making~~
1406 ~~a good faith effort to fulfill this disclosure requirement.~~

1407 (2)(a) A licensee must ~~Each registrant under this code~~
1408 ~~shall~~ report, on a form adopted ~~prescribed~~ by rule ~~of the~~
1409 ~~commission,~~ any change in the information contained in an ~~any~~
1410 initial license application form, ~~or~~ any amendment to such
1411 application, or the appointment of an authorized vendor within
1412 ~~thereto not later than~~ 30 days after the change is effective.

1413 (3)(b) Each licensee must ~~registrant under the code shall~~
1414 report any change ~~changes~~ in the partners, officers, members,
1415 joint venturers, directors, controlling shareholders, or
1416 responsible persons of the licensee ~~any registrant~~ or changes in
1417 the form of business organization by written amendment in such
1418 form and at such time as specified ~~the commission specifies~~ by
1419 rule.

1420 (a)1. If ~~In~~ any case in which a person ~~or a group of~~
1421 ~~persons,~~ directly or indirectly or acting by or through one or

601-06947A-08

20082158c3

1422 more persons, proposes to purchase or acquire a controlling
1423 interest in a licensee, such person or group must submit an
1424 ~~initial~~ application for licensure registration as a money
1425 services business or deferred presentment provider transmitter
1426 before such purchase or acquisition at such time and in such form
1427 as prescribed ~~the commission prescribes~~ by rule.

1428 2. As used in this subsection, the term "controlling
1429 interest" means the same as described in s. 560.127 ~~possession of~~
1430 ~~the power to direct or cause the direction of the management or~~
1431 ~~policies of a company whether through ownership of securities, by~~
1432 ~~contract, or otherwise. Any person who directly or indirectly has~~
1433 ~~the right to vote 25 percent or more of the voting securities of~~
1434 ~~a company or is entitled to 25 percent or more of its profits is~~
1435 ~~presumed to possess a controlling interest.~~

1436 **(b)3.** The ~~Any~~ addition of a partner, officer, member, joint
1437 venturer, director, controlling shareholder, or responsible
1438 person of the applicant who does not have a controlling interest
1439 and who has not previously complied with the applicable
1440 provisions of ss. 560.140 and 560.141 ~~is ss. 560.205 and 560.306~~
1441 ~~shall be subject to such provisions unless required to file an~~
1442 ~~initial application in accordance with subparagraph 1.~~ If the
1443 office determines that the licensee registrant does not continue
1444 to meet the licensure registration requirements, the office may
1445 bring an administrative action in accordance with s. 560.114 to
1446 enforce the provisions of this chapter ~~code~~.

1447 **(c)4.** The commission shall adopt rules ~~pursuant to ss.~~
1448 ~~120.536(1) and 120.54~~ providing for the waiver of the license
1449 application required by this subsection if the person or group of
1450 persons proposing to purchase or acquire a controlling interest

601-06947A-08

20082158c3

1451 in a licensee ~~registrant~~ has previously complied with the
1452 applicable provisions of ss. 560.140 and 560.141 under ~~ss.~~
1453 ~~560.205 and 560.306~~ with the same legal entity or is currently
1454 licensed ~~registered with the office~~ under this chapter code.

1455 Section 22. Section 560.127, Florida Statutes, is amended
1456 to read:

1457 560.127 Control of a money services business
1458 ~~transmitter.~~--A person has a controlling interest in control over
1459 a money services business ~~transmitter~~ if the person:

1460 (1) ~~The individual, partnership, corporation, trust, or~~
1461 ~~other organization~~ Possesses the power, directly or indirectly,
1462 to direct the management or policies of the money services
1463 business ~~a company~~, whether through ownership ~~of securities~~, by
1464 contract, or otherwise; ~~A person is presumed to control a~~
1465 ~~company if, with respect to a particular company, that person:~~

1466 ~~(a) Is a director, general partner, or officer exercising~~
1467 ~~executive responsibility or having similar status or functions;~~

1468 ~~(2) (b)~~ Directly or indirectly may vote 25 percent or more
1469 of a class of a voting security or sell or direct the sale of 25
1470 percent or more of a class of voting securities; or

1471 ~~(3) (c)~~ In the case of a partnership, may receive upon
1472 dissolution or has contributed 25 percent or more of the capital.

1473 ~~(2) The office determines, after notice and opportunity for~~
1474 ~~hearing, that the person directly or indirectly exercises a~~
1475 ~~controlling influence over the activities of the money~~
1476 ~~transmitter.~~

1477 Section 23. Section 560.128, Florida Statutes, is amended
1478 to read:

1479 560.128 Customer contacts; license display ~~Consumer~~

601-06947A-08

20082158c3

1480 disclosure.--

1481 (1) A money services business and authorized vendor must
1482 provide each customer with ~~Every money transmitter and authorized~~
1483 ~~vendor shall provide each consumer of a money transmitter~~
1484 ~~transaction~~ a toll-free telephone number for the purpose of
1485 contacting the money services business or authorized vendor or,
1486 ~~consumer contacts; However,~~ in lieu of a such toll-free telephone
1487 number, ~~the money transmitter or authorized vendor may provide~~
1488 the address and telephone number of the office may be provided
1489 ~~and the Division of Consumer Services of the Department of~~
1490 ~~Financial Services.~~

1491 (2) The commission may by rule require a licensee ~~every~~
1492 ~~money transmitter~~ to display its license ~~registration~~ at each
1493 location, ~~including the location of each person designated by the~~
1494 ~~registrant as an authorized vendor,~~ where the licensee ~~the money~~
1495 ~~transmitter~~ engages in the activities authorized by the license
1496 ~~registration.~~

1497 Section 24. Section 560.129, Florida Statutes, is amended
1498 to read:

1499 560.129 Confidentiality.--

1500 (1) ~~(a)~~ Except as otherwise provided in this section, all
1501 information concerning an investigation or examination conducted
1502 by the office pursuant to this chapter, including any customer
1503 ~~consumer~~ complaint received by the office or the Department of
1504 Financial Services, is confidential and exempt from s. 119.07(1)
1505 and s. 24(a), Art. I of the State Constitution until the
1506 investigation or examination ceases to be active. For purposes of
1507 this section, an investigation or examination is considered
1508 "active" so long as the office or any other administrative,

601-06947A-08

20082158c3

1509 regulatory, or law enforcement agency of any jurisdiction is
1510 proceeding with reasonable dispatch and has a reasonable good
1511 faith belief that action may be initiated by the office or other
1512 administrative, regulatory, or law enforcement agency.

1513 (2)(b) ~~Notwithstanding paragraph (a),~~ All information
1514 obtained by the office in the course of its investigation or
1515 examination which is a trade secret, as defined in s. 688.002, or
1516 which is personal financial information shall remain confidential
1517 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1518 Constitution. If any administrative, civil, or criminal
1519 proceeding against a the money services business, its authorized
1520 vendor, transmitter or an affiliated a money transmitter-
1521 affiliated party is initiated and the office seeks to use matter
1522 that a licensee registrant believes to be a trade secret or
1523 personal financial information, such records shall be subject to
1524 an in camera review by the administrative law judge, if the
1525 matter is before the Division of Administrative Hearings, or a
1526 judge of any court of this state, any other state, or the United
1527 States, as appropriate, for the purpose of determining if the
1528 matter is a trade secret or is personal financial information. If
1529 it is determined that the matter is a trade secret, the matter
1530 shall remain confidential. If it is determined that the matter is
1531 personal financial information, the matter shall remain
1532 confidential unless the administrative law judge or judge
1533 determines that, in the interests of justice, the matter should
1534 become public.

1535 (3)(e) If an any administrative, civil, or criminal
1536 proceeding against a the money services business, its authorized
1537 vendor, transmitter or an affiliated a money transmitter-

601-06947A-08

20082158c3

1538 affiliated party results in an acquittal or the dismissal of all
1539 of the allegations ~~against the money transmitter or a money~~
1540 ~~transmitter-affiliated party~~, upon the request of any party, the
1541 administrative law judge or the judge may order all or a portion
1542 of the record of the proceeding to be sealed, and it shall
1543 thereafter be confidential and exempt from s. 119.07(1) and s.
1544 24(a), Art. I of the State Constitution.

1545 (4) ~~(d)~~ Except as necessary for the office or any other
1546 administrative, regulatory, or law enforcement agency of any
1547 jurisdiction to enforce the provisions of this chapter or the law
1548 of any other state or the United States, a consumer complaint and
1549 other information concerning an investigation or examination
1550 shall remain confidential and exempt from s. 119.07(1) and s.
1551 24(a), Art. I of the State Constitution after the investigation
1552 or examination ceases to be active to the extent that disclosure
1553 would:

1554 (a)1. Jeopardize the integrity of another active
1555 investigation;

1556 (b)2. Reveal personal financial information;

1557 (c)3. Reveal the identity of a confidential source; or

1558 (d)4. Reveal investigative techniques or procedures.

1559 (5) ~~(2)~~ This section does not prevent or restrict:

1560 (a) Furnishing records or information to any appropriate
1561 regulatory, prosecutorial, ~~agency~~ or law enforcement agency if
1562 such agency adheres to the confidentiality provisions of this
1563 chapter ~~the code~~;

1564 (b) Furnishing records or information to an appropriate
1565 regulator or independent third party ~~or a certified public~~
1566 ~~accountant~~ who has been approved by the office to conduct an

601-06947A-08

20082158c3

1567 examination under s. 560.1091 ~~s. 560.118(1)(b)~~, if the
1568 independent third party ~~or certified public accountant~~ adheres to
1569 the confidentiality provisions of this chapter ~~the code~~; or

1570 (c) Reporting any suspicious ~~suspected criminal~~ activity,
1571 with supporting documents and information, to appropriate
1572 regulatory, law enforcement, or prosecutorial agencies.

1573 ~~(6)(3)~~ All quarterly reports submitted ~~by a money~~
1574 ~~transmitter~~ to the office under s. 560.118(2) ~~s. 560.118(2)(b)~~
1575 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
1576 I of the State Constitution.

1577 ~~(4) Examination reports, investigatory records,~~
1578 ~~applications, and related information compiled by the office, or~~
1579 ~~photographic copies thereof, shall be retained by the office for~~
1580 ~~a period of at least 3 years following the date that the~~
1581 ~~examination or investigation ceases to be active. Application~~
1582 ~~records, 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 2 years following the date that the~~
1585 ~~registration ceases to be active.~~

1586 ~~(7)(5)~~ Any person who willfully discloses information made
1587 confidential by this section commits a felony of the third
1588 degree, punishable as provided in s. 775.082 or s. 775.083.

1589 Section 25. Section 560.140, Florida Statutes, is created
1590 to read:

1591 560.140 Licensing standards.--To qualify for licensure as a
1592 money services business under this chapter, an applicant must:

1593 (1) Demonstrate to the office the character and general
1594 fitness necessary to command the confidence of the public and
1595 warrant the belief that the money services business or deferred

601-06947A-08

20082158c3

1596 presentment provider shall be operated lawfully and fairly.

1597 (2) Be legally authorized to do business in this state.

1598 (3) Be registered as a money services business with the
1599 Financial Crimes Enforcement Network as required by 31 C.F.R. s.
1600 103.41, if applicable.

1601 (4) Have an anti-money laundering program in place which
1602 meets the requirements of 31 C.F.R. s. 103.125.

1603 (5) Provide the office with all the information required
1604 under this chapter and related rules.

1605 Section 26. Section 560.141, Florida Statutes, is created
1606 to read:

1607 560.141 License application.--

1608 (1) To apply for a license as a money services business
1609 under this chapter the applicant must:

1610 (a) Submit an application to the office on forms prescribed
1611 by rule which includes the following information:

1612 1. The legal name and address of the applicant, including
1613 any fictitious or trade names used by the applicant in the
1614 conduct of its business.

1615 2. The date of the applicant's formation and the state in
1616 which the applicant was formed, if applicable.

1617 3. The name, social security number, alien identification
1618 or taxpayer identification number, business and residence
1619 addresses, and employment history for the past 5 years for each
1620 officer, director, responsible person, the compliance officer,
1621 each controlling shareholder, any other person who has a
1622 controlling interest in the money services business as provided
1623 in s. 560.127.

1624 4. A description of the organizational structure of the

601-06947A-08

20082158c3

1625 applicant, including the identity of any parent or subsidiary of
1626 the applicant, and the disclosure of whether any parent or
1627 subsidiary is publicly traded.

1628 5. The applicant's history of operations in other states if
1629 applicable and a description of the money services business or
1630 deferred presentment provider activities proposed to be conducted
1631 by the applicant in this state.

1632 6. If the applicant or its parent is a publicly traded
1633 company, copies of all filings made by the applicant with the
1634 United States Securities and Exchange Commission, or with a
1635 similar regulator in a country other than the United States,
1636 within the preceding year.

1637 7. The location at which the applicant proposes to
1638 establish its principal place of business and any other location,
1639 including branch offices and authorized vendors operating in this
1640 state. For each branch office identified and each authorized
1641 vendor appointed, the applicant shall include the nonrefundable
1642 fee required by s. 560.143.

1643 8. The name and address of the clearing financial
1644 institution or financial institutions through which the
1645 applicant's payment instruments are drawn or through which the
1646 payment instruments are payable.

1647 9. The history of the applicant's material litigation,
1648 criminal convictions, pleas of nolo contendere, and cases of
1649 adjudication withheld.

1650 10. The history of material litigation, arrests, criminal
1651 convictions, pleas of nolo contendere, and cases of adjudication
1652 withheld for each executive officer, director, controlling
1653 shareholder, and responsible person.

601-06947A-08

20082158c3

1654 11. The name of the registered agent in this state for
1655 service of process unless the applicant is a sole proprietor.

1656 12. Any other information specified in this chapter or by
1657 rule.

1658 (b) In addition to the application form, submit:

1659 1. A nonrefundable application fee as provided in s.
1660 560.143.

1661 2. A fingerprint card for each of the persons listed in
1662 subparagraph (a)3. unless the applicant is a publicly traded
1663 corporation, or is exempted from this chapter under s.
1664 560.104(1). The fingerprints must be taken by an authorized law
1665 enforcement agency. The office shall submit the fingerprints to
1666 the Department of Law Enforcement for state processing and the
1667 Department of Law Enforcement shall forward the fingerprints to
1668 the Federal Bureau of Investigations for federal processing. The
1669 cost of the fingerprint processing may be borne by the office,
1670 the employer, or the person subject to the criminal records
1671 background check. The office shall screen the background results
1672 to determine if the applicant meets licensure requirements. As
1673 used in this section, the term "publicly traded" means a stock is
1674 currently traded on a national securities exchange registered
1675 with the federal Securities and Exchange Commission or traded on
1676 an exchange in a country other than the United States regulated
1677 by a regulator equivalent to the Securities and Exchange
1678 Commission and the disclosure and reporting requirements of such
1679 regulator are substantially similar to those of the commission.

1680 3. A copy of the applicant's written anti-money laundering
1681 program required under 31 C.F.R. s. 103.125.

1682 4. Within the time allotted by rule, any information needed

601-06947A-08

20082158c3

1683 to resolve any deficiencies found in the application.

1684 (2) If the office determines that the applicant meets the
1685 qualifications and requirements of this chapter, the office shall
1686 issue a license to the applicant. A license may not be issued for
1687 more than 2 years.

1688 (a) A license issued under part II of this chapter shall
1689 expire on April 30 of the second year following the date of
1690 issuance of the license unless during such period the license is
1691 surrendered, suspended, or revoked.

1692 (b) A license issued under part III of this chapter shall
1693 expire on December 31 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 Section 27. Section 560.142, Florida Statutes, is created
1697 to read:

1698 560.142 License renewal.--

1699 (1) A license may be renewed for a subsequent 2-year period
1700 by furnishing such application as required by rule, together with
1701 the payment of a nonrefundable renewal fee as provided under s.
1702 560.143, on or before the license expiration date, or for the
1703 remainder of any such period without proration following the date
1704 of license expiration.

1705 (2) In addition to the renewal fee, each part II licensee
1706 must pay a 2-year nonrefundable renewal fee as provided in s.
1707 560.143 for each authorized vendor or location operating within
1708 this state.

1709 (3) A licensee who has on file with the office a
1710 declaration of intent to engage in deferred presentment
1711 transactions may renew a declaration upon license renewal by

601-06947A-08

20082158c3

1712 submitting a nonrefundable deferred presentment provider renewal
 1713 fee as provided in s. 560.143.

1714 (4) If a license or declaration of intent to engage in
 1715 deferred presentment transactions expires, the license or
 1716 declaration of intent may be reinstated only if a renewal
 1717 application or declaration of intent, all required renewal fees,
 1718 and any applicable late fees are received by the office within 60
 1719 days after expiration. If not submitted within 60 days, the
 1720 license or declaration on intent expires and a new license
 1721 application or declaration of intent must be filed with the
 1722 office pursuant to this chapter.

1723 (5) The commission may adopt rules to administer this
 1724 section.

1725 Section 28. Section 560.143, Florida Statutes, is created
 1726 to read:

1727 560.143 Fees.--

1728 (1) LICENSE APPLICATION FEES.--The applicable non-
 1729 refundable fees must accompany an application for licensure:

1730 (a) Under part II \$375.

1731 (b) Part III \$188.

1732 (c) Per branch office \$38.

1733 (d) For each appointment of an authorized vendor \$38.

1734 (e) Declaration as a deferred presentment provider \$1,000.

1735 (f) Fingerprint fees as prescribed by rule.

1736 (2) LICENSE RENEWAL FEES.--The applicable non-refundable
 1737 license renewal fees must accompany a renewal of licensure:

1738 (a) Part II \$750.

1739 (b) Part III \$375.

1740 (c) Per branch office \$38.

601-06947A-08

20082158c3

1770 engage in the activities authorized under part III of this
1771 chapter without the imposition of any additional licensing fees
1772 ~~and is exempt from the registration fee required by s. 560.307.~~

1773 Section 31. Section 560.205, Florida Statutes, is amended
1774 to read:

1775 560.205 Additional license application requirements
1776 ~~Qualifications of applicant for registration; contents.--In~~
1777 addition to the license application requirements under part I of
1778 this chapter, an applicant seeking a license under this part must
1779 also submit to the office:

1780 (1) A sample authorized vendor contract, if applicable.

1781 (2) A sample form of payment instrument, if applicable.

1782 (3) Documents demonstrating that the net worth and bonding
1783 requirements specified in s. 560.209 have been fulfilled.

1784 (4) A copy of the applicant's financial audit report for
1785 the most recent fiscal year. If the applicant is a wholly owned
1786 subsidiary of another corporation, the financial audit report on
1787 the parent corporation's financial statements shall satisfy this
1788 requirement.

1789 ~~(1) To qualify for registration under this part, an~~
1790 ~~applicant must demonstrate to the office such character and~~
1791 ~~general fitness as to command the confidence of the public and~~
1792 ~~warrant the belief that the registered business will be operated~~
1793 ~~lawfully and fairly. The office may investigate each applicant to~~
1794 ~~ascertain whether the qualifications and requirements prescribed~~
1795 ~~by this part have been met. The office's investigation may~~
1796 ~~include a criminal background investigation of all controlling~~
1797 ~~shareholders, principals, officers, directors, members, and~~
1798 ~~responsible persons of a funds transmitter and a payment~~

601-06947A-08

20082158c3

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

1823 ~~(2) Each application for registration must be submitted~~
1824 ~~under oath to the office on such forms as the commission~~
1825 ~~prescribes by rule and must be accompanied by a nonrefundable~~
1826 ~~application fee. Such fee may not exceed \$500 for each payment~~
1827 ~~instrument seller or funds transmitter and \$50 for each~~

601-06947A-08

20082158c3

1828 ~~authorized vendor or location operating within this state. The~~
1829 ~~application must contain such information as the commission~~
1830 ~~requires by rule, including, but not limited to:~~

1831 ~~(a) The name and address of the applicant, including any~~
1832 ~~fictitious or trade names used by the applicant in the conduct of~~
1833 ~~its business.~~

1834 ~~(b) The history of the applicant's material litigation,~~
1835 ~~criminal convictions, pleas of nolo contendere, and cases of~~
1836 ~~adjudication withheld.~~

1837 ~~(c) A description of the activities conducted by the~~
1838 ~~applicant, the applicant's history of operations, and the~~
1839 ~~business activities in which the applicant seeks to engage in~~
1840 ~~this state.~~

1841 ~~(d) A sample authorized vendor contract, if applicable.~~

1842 ~~(e) A sample form of payment instrument, if applicable.~~

1843 ~~(f) The name and address of the clearing financial~~
1844 ~~institution or financial institutions through which the~~
1845 ~~applicant's payment instruments will be drawn or through which~~
1846 ~~such payment instruments will be payable.~~

1847 ~~(g) Documents revealing that the net worth and bonding~~
1848 ~~requirements specified in s. 560.209 have been or will be~~
1849 ~~fulfilled.~~

1850 ~~(3) Each application for registration by an applicant that~~
1851 ~~is a corporation shall contain such information as the commission~~
1852 ~~requires by rule, including, but not limited to:~~

1853 ~~(a) The date of the applicant's incorporation and state of~~
1854 ~~incorporation.~~

1855 ~~(b) A certificate of good standing from the state or~~
1856 ~~country in which the applicant was incorporated.~~

601-06947A-08

20082158c3

1857 ~~(c) A description of the corporate structure of the~~
1858 ~~applicant, including the identity of any parent or subsidiary of~~
1859 ~~the applicant, and the disclosure of whether any parent or~~
1860 ~~subsidiary is publicly traded on any stock exchange.~~

1861 ~~(d) The name, social security number, business and~~
1862 ~~residence addresses, and employment history for the past 5 years~~
1863 ~~for each executive officer, each director, each controlling~~
1864 ~~shareholder, and the responsible person who will be in charge of~~
1865 ~~all the applicant's business activities in this state.~~

1866 ~~(e) The history of material litigation and criminal~~
1867 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
1868 ~~withheld for each officer, each director, each controlling~~
1869 ~~shareholder, and the responsible person who will be in charge of~~
1870 ~~the applicant's registered activities.~~

1871 ~~(f) Copies of the applicant's audited financial statements~~
1872 ~~for the current year and, if available, for the immediately~~
1873 ~~preceding 2-year period. In cases where the applicant is a wholly~~
1874 ~~owned subsidiary of another corporation, the parent's~~
1875 ~~consolidated audited financial statements may be submitted to~~
1876 ~~satisfy this requirement. An applicant who is not required to~~
1877 ~~file audited financial statements may satisfy this requirement by~~
1878 ~~filing unaudited financial statements verified under penalty of~~
1879 ~~perjury, as provided by the commission by rule.~~

1880 ~~(g) An applicant who is not required to file audited~~
1881 ~~financial statements may file copies of the applicant's~~
1882 ~~unconsolidated, unaudited financial statements for the current~~
1883 ~~year and, if available, for the immediately preceding 2-year~~
1884 ~~period.~~

1885 ~~(h) If the applicant is a publicly traded company, copies~~

601-06947A-08

20082158c3

1886 ~~of all filings made by the applicant with the United States~~
1887 ~~Securities and Exchange Commission, or with a similar regulator~~
1888 ~~in a country other than the United States, within the year~~
1889 ~~preceding the date of filing of the application.~~

1890 ~~(4) Each application for registration submitted to the~~
1891 ~~office by an applicant that is not a corporation shall contain~~
1892 ~~such information as the commission requires by rule, including,~~
1893 ~~but not limited to:~~

1894 ~~(a) Evidence that the applicant is registered to do~~
1895 ~~business in this state.~~

1896 ~~(b) The name, business and residence addresses, personal~~
1897 ~~financial statement and employment history for the past 5 years~~
1898 ~~for each individual having a controlling ownership interest in~~
1899 ~~the applicant, and each responsible person who will be in charge~~
1900 ~~of the applicant's registered activities.~~

1901 ~~(c) The history of material litigation and criminal~~
1902 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
1903 ~~withheld for each individual having a controlling ownership~~
1904 ~~interest in the applicant and each responsible person who will be~~
1905 ~~in charge of the applicant's registered activities.~~

1906 ~~(d) Copies of the applicant's audited financial statements~~
1907 ~~for the current year, and, if available, for the preceding 2~~
1908 ~~years. An applicant who is not required to file audited financial~~
1909 ~~statements may satisfy this requirement by filing unaudited~~
1910 ~~financial statements verified under penalty of perjury, as~~
1911 ~~provided by the commission by rule.~~

1912 ~~(5) Each applicant shall designate and maintain an agent in~~
1913 ~~this state for service of process.~~

1914 Section 32. Section 560.208, Florida Statutes, is amended

601-06947A-08

20082158c3

1915 to read:

1916 560.208 Conduct of business.--In addition to the
1917 requirements specified in s. 560.140, a licensee under this part:

1918 (1) ~~A registrant~~ May conduct its business at one or more
1919 locations within this state through branches or by means of
1920 authorized vendors, as designated by the licensee registrant,
1921 including the conduct of business through electronic transfer,
1922 such as by the telephone or the Internet.

1923 (2) Notwithstanding and without violating s. 501.0117, a
1924 ~~registrant~~ may charge a different price for a money transmitter
1925 ~~funds transmission~~ service based on the mode of transmission used
1926 in the transaction as, so long as the price charged for a service
1927 paid for with a credit card is not more ~~greater~~ than the price
1928 charged when the ~~that~~ service is paid for with currency or other
1929 similar means accepted within the same mode of transmission.

1930 (3) Is responsible for the acts of its authorized vendors
1931 in accordance with the terms of its written contract with the
1932 vendor.

1933 (4) Shall place assets that are the property of a customer
1934 in a segregated account in a federally insured financial
1935 institution and shall maintain separate accounts for operating
1936 capital and the clearing of customer funds.

1937 (5) Shall, in the normal course of business, ensure that
1938 money transmitted is available to the designated recipient within
1939 10 business days after receipt.

1940 (6) Shall immediately upon receipt of currency or payment
1941 instrument provide a confirmation or sequence number to the
1942 customer verbally, by paper, or electronically.

1943 ~~(2) Within 60 days after the date a registrant either opens~~

601-06947A-08

20082158c3

1944 ~~a location within this state or authorizes an authorized vendor~~
1945 ~~to operate on the registrant's behalf within this state, the~~
1946 ~~registrant shall notify the office on a form prescribed by the~~
1947 ~~commission by rule. The notification shall be accompanied by a~~
1948 ~~nonrefundable \$50 fee for each authorized vendor or location.~~
1949 ~~Each notification shall also be accompanied by a financial~~
1950 ~~statement demonstrating compliance with s. 560.209(1), unless~~
1951 ~~compliance has been demonstrated by a financial statement filed~~
1952 ~~with the registrant's quarterly report in compliance with s.~~
1953 ~~560.118(2). The financial statement must be dated within 90 days~~
1954 ~~of the date of designation of the authorized vendor or location.~~
1955 ~~This subsection shall not apply to any authorized vendor or~~
1956 ~~location that has been designated by the registrant before~~
1957 ~~October 1, 2001.~~

1958 ~~(3) Within 60 days after the date a registrant closes a~~
1959 ~~location within this state or withdraws authorization for an~~
1960 ~~authorized vendor to operate on the registrant's behalf within~~
1961 ~~this state, the registrant shall notify the office on a form~~
1962 ~~prescribed by the commission by rule.~~

1963 Section 33. Section 560.2085, Florida Statutes, is created
1964 to read:

1965 560.2085 Authorized vendors.--A licensee under this part
1966 shall:

1967 (1) Within 60 days after an authorized vendor commences
1968 business, file with the office such information as prescribed by
1969 rule together with the nonrefundable appointment fee as provided
1970 by s. 560.143. This requirement applies to vendors who are also
1971 terminated within the 60-day period.

1972 (2) Enter into a written contract, signed by the licensee

601-06947A-08

20082158c3

1973 and the authorized vendor, which:

1974 (a) Sets forth the nature and scope of the relationship
1975 between the licensee and the authorized vendor, including the
1976 respective rights and responsibilities of the parties; and

1977 (b) Includes contract provisions that require the
1978 authorized vendor to:

1979 1. Report to the licensee, immediately upon discovery, the
1980 theft or loss of currency received for a transmission or payment
1981 instrument;

1982 2. Display a notice to the public, in such form as
1983 prescribed by rule, that the vendor is the authorized vendor of
1984 the licensee;

1985 3. Remit all amounts owed to the licensee for all
1986 transmissions accepted and all payment instruments sold in
1987 accordance with the contract between the licensee and the
1988 authorized vendor;

1989 4. Hold in trust all currency or payment instruments
1990 received for transmissions or for the purchase of payment
1991 instruments from the time of receipt by the licensee or
1992 authorized vendor until the time the transmission obligation is
1993 completed;

1994 5. Not commingle the money received for transmissions
1995 accepted or payment instruments sold on behalf of the licensee
1996 with the money or property of the authorized vendor, except for
1997 making change in the ordinary course of the vendor's business,
1998 and ensure that the money is accounted for at the end of the
1999 business day;

2000 6. Consent to examination or investigation by the office;

2001 7. Adhere to the applicable state and federal laws and

601-06947A-08

20082158c3

2002 rules pertaining to a money services business; and

2003 8. Provide such other information or disclosure as may be
2004 required by rule.

2005 (3) Develop and implement written policies and procedures
2006 to monitor compliance with applicable state and federal law by
2007 its authorized vendors.

2008 Section 34. Section 560.209, Florida Statutes, is amended
2009 to read:

2010 560.209 Net worth; corporate surety bond; collateral
2011 deposit in lieu of bond.--

2012 (1) A licensee must ~~Any person engaging in a registered~~
2013 ~~activity shall~~ have a net worth of at least \$100,000 ~~computed~~
2014 ~~according to generally accepted accounting principles.~~ A licensee
2015 operating in ~~Applicants proposing to conduct registered~~
2016 ~~activities at more than one location~~ must ~~shall~~ have an
2017 additional net worth of \$10,000 ~~\$50,000~~ per location in this
2018 state, up as applicable, ~~to a maximum of \$2 million~~ \$500,000. The
2019 required net worth must be maintained at all times.

2020 (2) A licensee must obtain an annual financial audit
2021 report, which must be submitted to the office within 120 days
2022 after the end of the licensee's fiscal year end, as disclosed to
2023 the office. If the applicant is a wholly owned subsidiary of
2024 another corporation, the financial audit report on the parent
2025 corporation's financial statements shall satisfy this
2026 requirement.

2027 (3) ~~(2)~~ Before the office may issue a license under this
2028 part registration, the applicant must provide to the office a
2029 corporate surety bond, issued by a bonding company or insurance
2030 company authorized to do business in this state.

601-06947A-08

20082158c3

2031 (a) The corporate surety bond shall be in an ~~such~~ amount as
2032 specified ~~may be determined~~ by ~~commission~~ rule, but may ~~shall~~ not
2033 be less than \$50,000 or exceed \$2 million ~~\$250,000~~. The rule
2034 shall provide allowances for the financial condition, number of
2035 locations, and anticipated volume of the licensee. ~~However, the~~
2036 ~~commission and office may consider extraordinary circumstances,~~
2037 ~~such as the registrant's financial condition, the number of~~
2038 ~~locations, and the existing or anticipated volume of outstanding~~
2039 ~~payment instruments or funds transmitted, and require an~~
2040 ~~additional amount above \$250,000, up to \$500,000.~~

2041 (b) The corporate surety bond must ~~shall~~ be in a form
2042 satisfactory to the office and shall run to the state for the
2043 benefit of any claimants in this state against the applicant or
2044 its authorized vendors to secure the faithful performance of the
2045 obligations of the applicant and its ~~authorized~~ vendors with
2046 respect to the receipt, handling, transmission, and payment of
2047 funds. The aggregate liability of the corporate surety bond may
2048 not in no event shall exceed the principal sum of the bond. ~~Such~~
2049 Claimants against the applicant or its authorized vendors may
2050 ~~themselves~~ bring suit directly on the corporate surety bond, or
2051 the Department of Legal Affairs may bring suit ~~thereon~~ on behalf
2052 of the ~~such~~ claimants, ~~in either one action or in successive~~
2053 ~~actions.~~

2054 (c) The ~~A~~ corporate surety bond ~~filed with the office for~~
2055 ~~purposes of compliance with this section~~ may not be canceled by
2056 ~~either~~ the licensee ~~registrant~~ or the corporate surety except
2057 upon written notice to the office by registered ~~or certified~~ mail
2058 ~~with return receipt requested~~. A cancellation may ~~shall~~ not take
2059 effect until ~~less than~~ 30 days after receipt by the office of the

601-06947A-08

20082158c3

2060 ~~such~~ written notice.

2061 (d) The corporate surety must, within 10 days after it pays
2062 any claim ~~to any claimant~~, give written notice to the office by
2063 registered ~~or certified~~ mail of such payment with details
2064 sufficient to identify the claimant and the claim or judgment ~~so~~
2065 paid.

2066 (e) If ~~Whenever~~ the principal sum of the ~~such~~ bond is
2067 reduced by one or more recoveries or payments, the licensee
2068 ~~registrant~~ must furnish a new or additional bond so that the
2069 total or aggregate principal sum of the ~~such~~ bond equals the sum
2070 required pursuant to paragraph (a) ~~by the commission~~.

2071 Alternatively, a licensee ~~registrant~~ may furnish an endorsement
2072 executed by the corporate surety reinstating the bond to the
2073 required principal sum ~~thereof~~.

2074 (4)(3) ~~(3)~~ In lieu of a ~~such~~ corporate surety bond, or of any
2075 portion of the principal sum ~~thereof~~ required by this section,
2076 the applicant may deposit collateral cash, securities, or
2077 alternative security devices as provided by rule ~~approved by the~~
2078 ~~commission~~, with a ~~any~~ federally insured financial institution.

2079 (a) Acceptable collateral deposit items ~~in lieu of a bond~~
2080 include cash and interest-bearing stocks and bonds, notes,
2081 debentures, or other obligations of the United States or any
2082 agency or instrumentality thereof, or guaranteed by the United
2083 States, or of this state.

2084 (b) The collateral deposit must be in an aggregate amount,
2085 based upon principal amount or market value, whichever is lower,
2086 of at least ~~not less than~~ the amount of the required corporate
2087 surety bond or portion thereof.

2088 (c) Collateral deposits must ~~made under this subsection~~

601-06947A-08

20082158c3

2089 shall be pledged to the office and held by the insured financial
2090 institution to secure the same obligations as ~~would~~ the corporate
2091 surety bond, but the depositor is entitled to receive any ~~all~~
2092 interest and dividends thereon and may, with the approval of the
2093 office, substitute other securities or deposits for those
2094 deposited. The principal amount of the deposit shall be released
2095 only on written authorization of the office or on the order of a
2096 court of competent jurisdiction.

2097 ~~(5)(4)~~ A licensee ~~registrant~~ must at all times ~~have and~~
2098 maintain the bond or collateral deposit in the required amount
2099 ~~prescribed by the commission~~. If the office ~~at any time~~
2100 reasonably determines that the bond or elements of the collateral
2101 deposit are insecure, deficient in amount, or exhausted in whole
2102 or in part, the office may, by written order, require the filing
2103 of a new or supplemental bond or the deposit of new or additional
2104 collateral deposit items.

2105 ~~(6)(5)~~ The bond and collateral deposit shall remain in
2106 place for 5 years after the licensee ~~registrant~~ ceases licensed
2107 ~~registered~~ operations in this state. The office may allow ~~permit~~
2108 the bond or collateral deposit to be reduced or eliminated prior
2109 to that time to the extent that the amount of the licensee's
2110 ~~registrant's~~ outstanding payment instruments or money funds
2111 transmitted in this state are reduced. The office may also allow
2112 a licensee ~~permit a registrant~~ to substitute a letter of credit
2113 or ~~such~~ other form of acceptable security for the bond or
2114 collateral deposit at the time the licensee ~~registrant~~ ceases
2115 licensed ~~money transmission~~ operations in this state.

2116 ~~(6)~~ ~~The office may waive or reduce a registrant's net worth~~
2117 ~~or bond or collateral deposit requirement. Such waiver or~~

601-06947A-08

20082158c3

2118 ~~modification must be requested by the applicant or registrant,~~
2119 ~~and may be granted upon a showing by the applicant or registrant~~
2120 ~~to the satisfaction of the office that:~~

2121 ~~(a) The existing net worth, bond, or collateral deposit~~
2122 ~~requirement is sufficiently in excess of the registrant's highest~~
2123 ~~potential level of outstanding payment instruments or money~~
2124 ~~transmissions in this state;~~

2125 ~~(b) The direct and indirect cost of meeting the net worth,~~
2126 ~~bond, or collateral deposit requirement will restrict the ability~~
2127 ~~of the money transmitter to effectively serve the needs of its~~
2128 ~~customers and the public; or~~

2129 ~~(c) The direct and indirect cost of meeting the net worth,~~
2130 ~~bond, or collateral requirement will not only have a negative~~
2131 ~~impact on the money transmitter but will severely hinder the~~
2132 ~~ability of the money transmitter to participate in and promote~~
2133 ~~the economic progress and welfare of this state or the United~~
2134 ~~States.~~

2135 Section 35. Section 560.210, Florida Statutes, is amended
2136 to read:

2137 560.210 Permissible investments.--

2138 (1) A licensee must ~~registrant shall~~ at all times possess
2139 permissible investments with an aggregate market value,
2140 calculated in accordance with ~~United States~~ generally accepted
2141 accounting principles, of at least ~~not less than~~ the aggregate
2142 face amount of all outstanding money ~~funds~~ transmissions and
2143 payment instruments issued or sold by the licensee ~~registrant~~ or
2144 an authorized vendor in the United States. As used in this
2145 section,

2146 ~~(2) Acceptable~~ permissible investments include:

601-06947A-08

20082158c3

- 2147 (a) Cash.
- 2148 (b) Certificates of deposit or other deposit liabilities of
2149 a domestic or foreign financial institution, ~~either domestic or~~
2150 ~~foreign~~.
- 2151 (c) Bankers' acceptances eligible for purchase by member
2152 banks of the Federal Reserve System.
- 2153 (d) An investment bearing a rating of one of the three
2154 highest grades as defined by a nationally recognized rating
2155 service of such securities.
- 2156 (e) Investment securities that are obligations of the
2157 United States, its agencies or instrumentalities, or obligations
2158 that are guaranteed fully as to principal and interest by the
2159 United States, or any obligations of any state or municipality,
2160 or any political subdivision thereof.
- 2161 (f) Shares in a money market mutual fund.
- 2162 (g) A demand borrowing agreement or agreements made to a
2163 corporation or a subsidiary of a corporation whose capital stock
2164 is listed on a national exchange.
- 2165 (h) Receivables that are due to a licensee ~~registrant~~ from
2166 the licensee's ~~registrant's~~ authorized vendors except those that
2167 are more than 90 ~~30~~ days past due or are doubtful of collection.
- 2168 (i) Any other investment approved by rule ~~the commission~~.
- 2169 (2) ~~(3)~~ Notwithstanding any other provision of this part,
2170 the office, with respect to any particular licensee ~~registrant~~ or
2171 all licensees ~~registrants~~, may limit the extent to which any
2172 class of permissible investments may be considered a permissible
2173 investment, except for cash and certificates of deposit.
- 2174 (3) ~~(4)~~ The office may waive the permissible investments
2175 requirement if the dollar value of a licensee's ~~registrant's~~

601-06947A-08

20082158c3

2176 outstanding payment instruments and money ~~funds~~ transmitted do
2177 not exceed the bond or collateral deposit posted by the licensee
2178 ~~registrant~~ under s. 560.209.

2179 Section 36. Section 560.211, Florida Statutes, is amended
2180 to read:

2181 560.211 Required records.--

2182 (1) In addition to the record retention requirements under
2183 s. 560.110, each licensee under this part ~~Each registrant~~ must
2184 make, keep, and preserve the following books, accounts, records,
2185 and documents ~~other records~~ for 5 ~~a period of 3~~ years:

2186 (a) A daily record ~~or records~~ of payment instruments sold
2187 and money ~~funds~~ transmitted.

2188 (b) A general ledger containing all asset, liability,
2189 capital, income, and expense accounts, which ~~general ledger~~ shall
2190 be posted at least monthly.

2191 (c) Daily settlement records ~~sheets~~ received from
2192 authorized vendors.

2193 (d) Monthly financial institution statements and
2194 reconciliation records.

2195 (e) Records of outstanding payment instruments and money
2196 ~~funds~~ transmitted.

2197 (f) Records of each payment instrument paid and money ~~funds~~
2198 transmission delivered ~~within the 3-year period.~~

2199 (g) A list of the names and addresses of all of the
2200 licensee's ~~registrant's~~ authorized vendors, ~~as well as copies of~~
2201 ~~each authorized vendor contract.~~

2202 (h) Records that document the establishment, monitoring,
2203 and termination of relationships with authorized vendors and
2204 foreign affiliates.

601-06947A-08

20082158c3

2205 (i) Any additional records, as prescribed by rule, designed
2206 to detect and prevent money laundering.

2207 ~~(2) The records required to be maintained by the code may~~
2208 ~~be maintained by the registrant at any location if the registrant~~
2209 ~~notifies the office in writing of the location of the records in~~
2210 ~~its application or otherwise by amendment as prescribed by~~
2211 ~~commission rule. The registrant shall make such records available~~
2212 ~~to the office for examination and investigation in this state, as~~
2213 ~~permitted by the code, within 7 days after receipt of a written~~
2214 ~~request.~~

2215 ~~(3) Registrants and authorized vendors need not preserve or~~
2216 ~~retain any of the records required by this section or copies~~
2217 ~~thereof for a period longer than 3 years unless a longer period~~
2218 ~~is expressly required by the laws of this state or federal law. A~~
2219 ~~registrant or authorized vendor may destroy any of its records or~~
2220 ~~copies thereof after the expiration of the retention period~~
2221 ~~required by this section.~~

2222 ~~(4) The original of any record of a registrant or~~
2223 ~~authorized vendor includes the data or other information~~
2224 ~~comprising a record stored or transmitted in or by means of any~~
2225 ~~electronic, computerized, mechanized, or other information~~
2226 ~~storage or retrieval or transmission system or device which can~~
2227 ~~upon request generate, regenerate, or transmit the precise data~~
2228 ~~or other information comprising the record; and an original also~~
2229 ~~includes the visible data or other information so generated,~~
2230 ~~regenerated, or transmitted if it is legible or can be made~~
2231 ~~legible by enlargement or other process.~~

2232 (2)(5) Any person who willfully fails to comply with this
2233 section commits a felony of the third degree, punishable as

601-06947A-08

20082158c3

2234 provided in s. 775.082, s. 775.083, or s. 775.084.

2235 Section 37. Section 560.212, Florida Statutes, is amended
2236 to read:

2237 560.212 Financial liability.--A licensee ~~Each registrant~~
2238 under this part is liable for the payment of all money funds
2239 transmitted and payment instruments that it sells, in whatever
2240 form and whether directly or through an authorized vendor, as the
2241 maker, drawer, or principal thereof, regardless of whether such
2242 item is negotiable or nonnegotiable.

2243 Section 38. Section 560.213, Florida Statutes, is amended
2244 to read:

2245 560.213 Payment instrument information.--Each payment
2246 instrument sold or issued by a licensee ~~registrant~~, directly or
2247 through an authorized vendor, must ~~shall~~ bear the name of the
2248 licensee, and any other information as may be required by rule,
2249 ~~registrant~~ clearly imprinted thereon.

2250 Section 39. Section 560.303, Florida Statutes, is amended
2251 to read:

2252 560.303 License required ~~Requirement of registration~~--

2253 (1) A ~~No~~ person may not ~~shall~~ engage in, or in any manner
2254 advertise engagement in, the business of cashing payment
2255 instruments or ~~the~~ exchanging ~~of~~ foreign currency without being
2256 licensed ~~first registering~~ under ~~the provisions of~~ this part.

2257 (2) A person licensed under ~~registered pursuant to~~ this
2258 part may not engage ~~in the activities authorized by this part.~~ ~~A~~
2259 ~~person registered under this part is prohibited from engaging~~
2260 directly in the activities that require a license under ~~are~~
2261 ~~authorized under a registration issued pursuant to part II of~~
2262 this chapter, ~~but may be~~ ~~such person is not prohibited from~~

601-06947A-08

20082158c3

2263 ~~engaging in an authorized vendor for relationship with a person~~
2264 ~~licensed registered~~ under part II.

2265 (3) A person exempt from licensure under registration
2266 ~~pursuant to this part~~ engaging in the business of cashing payment
2267 instruments or the exchanging of foreign currency ~~may shall~~ not
2268 charge fees in excess of those provided in s. 560.309.

2269 Section 40. Section 560.304, Florida Statutes, is amended
2270 to read:

2271 560.304 Exemption from licensure ~~Exceptions to~~
2272 ~~registration.--The requirement for licensure under provisions of~~
2273 this part does ~~do~~ not apply to:

2274 (1) A person cashing payment instruments that have an
2275 aggregate face value of less than \$2,000 per person per day
2276 ~~Authorized vendors of any person registered pursuant to the~~
2277 ~~provisions of the code, acting within the scope of authority~~
2278 ~~conferred by the registrant.~~

2279 (2) A person cashing a tax refund check issued by the
2280 United States Treasury in an amount less than \$4,000 ~~Persons~~
2281 ~~engaged in the cashing of payment instruments or the exchanging~~
2282 ~~of foreign currency which is incidental to the retail sale of~~
2283 ~~goods or services whose compensation for cashing payment~~
2284 ~~instruments or exchanging foreign currency at each site does not~~
2285 ~~exceed 5 percent of the total gross income from the retail sale~~
2286 ~~of goods or services by such person during its most recently~~
2287 ~~completed fiscal year.~~

2288 Section 41. Section 560.309, Florida Statutes, is amended
2289 to read:

2290 560.309 Conduct of business Rules.--

2291 (1) A licensee may transact business under this part only

601-06947A-08

20082158c3

2292 under the legal name under which the person is licensed. The use
2293 of a fictitious name is allowed if the fictitious name has been
2294 registered with the Department of State and disclosed to the
2295 office as part of an initial license application, or subsequent
2296 amendment to the application, prior to its use. Before a
2297 registrant shall deposit, with any financial institution, a
2298 payment instrument that is cashed by a registrant, each such item
2299 must be endorsed with the actual name under which such registrant
2300 is doing business.

2301 (2) At the time a licensee accepts a payment instrument
2302 that is cashed by the licensee, the payment instrument must be
2303 endorsed using the legal name under which the licensee is
2304 licensed. Registrants must comply with all the laws of this state
2305 and any federal laws relating to money laundering, including, as
2306 applicable, the provisions of s. 560.123.

2307 (3) A licensee under this part must deposit payment
2308 instruments into a commercial account at a federally insured
2309 financial institution or sell payment instruments within 5
2310 business days after the acceptance of the payment instrument.

2311 (4) A licensee may not accept or cash multiple payment
2312 instruments from a person who is not the original payee, unless
2313 the person is licensed to cash payment instruments pursuant to
2314 this part and all payment instruments accepted are endorsed with
2315 the legal name of the person.

2316 (5) A licensee must report all suspicious activity to the
2317 office in accordance with the criteria set forth in 31 C.F.R. s.
2318 103.20. In lieu of filing such reports, the commission may
2319 prescribe by rule that the licensee may file such reports with an
2320 appropriate regulator.

601-06947A-08

20082158c3

2321 (6) Each location of a licensee where checks are cashed
2322 must be equipped with a security camera system that is capable of
2323 recording and retrieving an image in order to assist in
2324 identifying and apprehending an offender. The licensee does not
2325 have to install a security camera system if the licensee has
2326 installed a bulletproof or bullet-resistant partition or
2327 enclosure in the area where checks are cashed.

2328

2329

2330 (7)~~(3)~~ The commission may by rule require a every check
2331 cashier to display its license registration and post a notice
2332 listing ~~containing~~ its charges for cashing payment instruments.

2333 (8)~~(4)~~ Exclusive of the direct costs of verification which
2334 shall be established by ~~commission~~ rule, a ~~no~~ check cashier may
2335 not shall:

2336 (a) Charge fees, except as otherwise provided by this part,
2337 in excess of 5 percent of the face amount of the payment
2338 instrument, ~~or 6 percent without the provision of identification,~~
2339 or \$5, whichever is greater;

2340 (b) Charge fees in excess of 3 percent of the face amount
2341 of the payment instrument, ~~or 4 percent without the provision of~~
2342 ~~identification,~~ or \$5, whichever is greater, if such payment
2343 instrument is the payment of any kind of state public assistance
2344 or federal social security benefit payable to the bearer of the
2345 ~~such~~ payment instrument; or

2346 (c) Charge fees for personal checks or money orders in
2347 excess of 10 percent of the face amount of those payment
2348 instruments, or \$5, whichever is greater.

2349 ~~(d) As used in this subsection, "identification" means, and~~

601-06947A-08

20082158c3

2350 ~~is limited to, an unexpired and otherwise valid driver license, a~~
2351 ~~state identification card issued by any state of the United~~
2352 ~~States or its territories or the District of Columbia, and~~
2353 ~~showing a photograph and signature, a United States Government~~
2354 ~~Resident Alien Identification Card, a United States passport, or~~
2355 ~~a United States Military identification card.~~

2356 (9) A licensee cashing payment instruments may not assess
2357 the cost of collections, other than fees for insufficient funds
2358 as provided by law, without a judgment from a court of competent
2359 jurisdiction.

2360 (10) If a check is returned to a licensee from a payor
2361 financial institution due to lack of funds, a closed account, or
2362 a stop-payment order, the licensee may seek collection pursuant
2363 to s. 68.065. In seeking collection, the licensee must comply
2364 with the prohibitions against harassment or abuse, false or
2365 misleading representations, and unfair practices in the Fair Debt
2366 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f.
2367 A violation of this subsection is a deceptive and unfair trade
2368 practice and constitutes a violation of the Deceptive and Unfair
2369 Trade Practices Act under part II of chapter 501. In addition, a
2370 licensee must comply with the applicable provisions of the
2371 Consumer Collection Practices Act under part VI of chapter 559,
2372 including s. 559.77.

2373 Section 42. Section 560.310, Florida Statutes, is amended
2374 to read:

2375 560.310 Records of check cashers and foreign currency
2376 exchangers.--

2377 (1) In addition to the record retention requirements
2378 specified in s. 560.110, a licensee engaged in check cashing must

601-06947A-08

20082158c3

2379 maintain the following:

2380 (a) Customer files, as prescribed by rule, on all customers
2381 who cash corporate or third-party payment instruments exceeding
2382 \$1,000.

2383 (b) For any payment instrument accepted having a face value
2384 of \$1,000 or more:

2385 1. A copy of the personal identification that bears a
2386 photograph of the customer used as identification and presented
2387 by the customer. Acceptable personal identification is limited to
2388 a valid driver's license; a state identification card issued by
2389 any state of the United States or its territories or the District
2390 of Columbia, and showing a photograph and signature; a United
2391 States Government Resident Alien Identification Card; a passport;
2392 or a United States Military identification card.

2393 2. A thumbprint of the customer taken by the licensee.

2394 (c) A payment instrument log that must be maintained
2395 electronically as prescribed by rule. For purposes of this
2396 paragraph, multiple payment instruments accepted from any one
2397 person on any given day which total \$1,000 or more must be
2398 aggregated and reported on the log. ~~Each registrant must maintain~~
2399 ~~all books, accounts, records, and documents necessary to~~
2400 ~~determine the registrant's compliance with the provisions of the~~
2401 ~~code. Such books, accounts, records, and documents shall be~~
2402 ~~retained for a period of at least 3 years.~~

2403 (2) A licensee under this part may engage the services of a
2404 third party that is not a depository institution for the
2405 maintenance and storage of records required by this section if
2406 all the requirements of this section are met. ~~The records~~
2407 ~~required to be maintained by the code may be maintained by the~~

601-06947A-08

20082158c3

2408 ~~registrant at any location if the registrant notifies the office,~~
2409 ~~in writing, of the location of the records in its application or~~
2410 ~~otherwise by amendment as prescribed by commission rule. The~~
2411 ~~registrant shall make such records available to the office for~~
2412 ~~examination and investigation in this state, as permitted by the~~
2413 ~~code, within 7 days after receipt of a written request.~~

2414 ~~(3) Registrants and authorized vendors need not preserve or~~
2415 ~~retain any of the records required by this section or copies~~
2416 ~~thereof for a period longer than 3 years unless a longer period~~
2417 ~~is expressly required by the laws of this state or any federal~~
2418 ~~law. A registrant or authorized vendor may destroy any of its~~
2419 ~~records or copies thereof after the expiration of the retention~~
2420 ~~period required by this section.~~

2421 ~~(4) The original of any record of a registrant or~~
2422 ~~authorized vendor includes the data or other information~~
2423 ~~comprising a record stored or transmitted in or by means of any~~
2424 ~~electronic, computerized, mechanized, or other information~~
2425 ~~storage or retrieval or transmission system or device which can~~
2426 ~~upon request generate, regenerate, or transmit the precise data~~
2427 ~~or other information comprising the record; and an original also~~
2428 ~~includes the visible data or other information so generated,~~
2429 ~~regenerated, or transmitted if it is legible or can be made~~
2430 ~~legible by enlargement or other process.~~

2431 ~~(5) Any person who willfully violates this section or fails~~
2432 ~~to comply with any lawful written demand or order of the office~~
2433 ~~made pursuant to this section commits a felony of the third~~
2434 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
2435 ~~775.084.~~

2436 Section 43. Section 560.402, Florida Statutes, is amended

601-06947A-08

20082158c3

2437 to read:

2438 560.402 Definitions.--~~In addition to the definitions~~
2439 ~~provided in ss. 560.103, 560.202, and 560.302 and unless~~
2440 ~~otherwise clearly indicated by the context,~~ For the purposes of
2441 this part, the term:

2442 (1) "Affiliate" means a person who, directly or indirectly,
2443 through one or more intermediaries controls, or is controlled by,
2444 or is under common control with, a deferred presentment provider.

2445 ~~(2) "Business day" means the hours during a particular day~~
2446 ~~during which a deferred presentment provider customarily conducts~~
2447 ~~business, not to exceed 15 consecutive hours during that day.~~

2448 ~~(3) "Days" means calendar days.~~

2449 (2) ~~(4)~~ "Deferment period" means the number of days a
2450 deferred presentment provider agrees to defer depositing, or
2451 presenting, or redeeming a payment instrument.

2452 ~~(5) "Deferred presentment provider" means a person who~~
2453 ~~engages in a deferred presentment transaction and is registered~~
2454 ~~under part II or part III of the code and has filed a declaration~~
2455 ~~of intent with the office.~~

2456 (3) ~~(6)~~ "Deferred presentment transaction" means providing
2457 currency or a payment instrument in exchange for a drawer's
2458 ~~person's~~ check and agreeing to hold the ~~that person's~~ check for a
2459 deferment period ~~of time prior to presentment, deposit, or~~
2460 redemption.

2461 (4) ~~(7)~~ "Drawer" means a customer ~~any person~~ who writes a
2462 personal check and upon whose account the check is drawn.

2463 (5) "Extension of a deferred presentment agreement" means
2464 continuing a deferred presentment transaction past the deferment
2465 period by having the drawer pay additional fees and the deferred

601-06947A-08

20082158c3

2466 presentment provider continuing to hold the check for another
2467 deferment period.

2468 ~~(6)(8)~~ "Rollover" means the termination or extension of a
2469 ~~an existing~~ deferred presentment agreement by the payment of an
2470 ~~any~~ additional fee and the continued holding of the check, or the
2471 substitution of a new check ~~drawn~~ by the drawer pursuant to a new
2472 deferred presentment agreement.

2473 ~~(9)~~ ~~"Fee" means the fee authorized for the deferral of the~~
2474 ~~presentation of a check pursuant to this part.~~

2475 ~~(7)(10)~~ "Termination of a ~~an existing~~ deferred presentment
2476 agreement" means that the check that is the basis for the ~~an~~
2477 agreement is redeemed by the drawer by payment in full in cash,
2478 or is deposited and the deferred presentment provider has
2479 evidence that such check has cleared. ~~A~~ Verification of
2480 sufficient funds in the drawer's account by the deferred
2481 presentment provider is ~~shall~~ ~~be~~ sufficient evidence to deem
2482 that the ~~existing~~ deferred deposit transaction is ~~to be~~
2483 terminated.

2484 ~~(11)~~ ~~"Extension of an existing deferred presentment~~
2485 ~~agreement" means that a deferred presentment transaction is~~
2486 ~~continued by the drawer paying any additional fees and the~~
2487 ~~deferred presentment provider continues to hold the check for~~
2488 ~~another period of time prior to deposit, presentment, or~~
2489 ~~redemption.~~

2490 Section 44. Section 560.403, Florida Statutes, is amended
2491 to read:

2492 560.403 ~~Requirements of registration;~~ Declaration of
2493 intent.--

2494 ~~(1)~~ Except for financial institutions as defined in s.

601-06947A-08

20082158c3

2495 655.005 ~~No person, Unless otherwise exempt from this chapter, a~~
2496 ~~person may not shall~~ engage in a deferred presentment transaction
2497 unless the person is licensed as a money services business
2498 ~~registered under the provisions of part II or part III of this~~
2499 ~~chapter~~ and has on file with the office a declaration of intent
2500 to engage in deferred presentment transactions, regardless of
2501 whether such person is exempted from licensure under any other
2502 provision of this chapter. The declaration of intent must shall
2503 be under oath and on such form as prescribed ~~the commission~~
2504 ~~prescribes~~ by rule. The declaration of intent must shall be filed
2505 ~~together~~ with a nonrefundable filing fee as provided in s.
2506 560.143 of \$1,000. ~~Any person who is registered under part II or~~
2507 ~~part III on the effective date of this act and intends to engage~~
2508 ~~in deferred presentment transactions shall have 60 days after the~~
2509 ~~effective date of this act to file a declaration of intent. A~~
2510 ~~declaration of intent expires after 24 months and must be~~
2511 renewed.

2512 ~~(2) A registrant under this part shall renew his or her~~
2513 ~~intent to engage in the business of deferred presentment~~
2514 ~~transactions or to act as a deferred presentment provider upon~~
2515 ~~renewing his or her registration under part II or part III and~~
2516 ~~shall do so by indicating his or her intent by submitting a~~
2517 ~~nonrefundable deferred presentment provider renewal fee of~~
2518 ~~\$1,000, in addition to any fees required for renewal of~~
2519 ~~registration under part II or part III.~~

2520 ~~(3) A registrant under this part who fails to timely renew~~
2521 ~~his or her intent to engage in the business of deferred~~
2522 ~~presentment transactions or to act as a deferred presentment~~
2523 ~~provider shall immediately cease to engage in the business of~~

601-06947A-08

20082158c3

2524 ~~deferred presentment transactions or to act as a deferred~~
2525 ~~presentment provider.~~

2526 ~~(4) The notice of intent of a registrant under this part~~
2527 ~~who fails to timely renew his or her intent to engage in the~~
2528 ~~business of deferred presentment transactions or to act as a~~
2529 ~~deferred presentment provider on or before the expiration date of~~
2530 ~~the registration period automatically expires. A renewal fee and~~
2531 ~~a nonrefundable late fee of \$500 must be filed within 60 calendar~~
2532 ~~days after the expiration of an existing registration in order~~
2533 ~~for the declaration of intent to be reinstated. The office shall~~
2534 ~~grant a reinstatement of registration if an application is filed~~
2535 ~~during the 60-day period, and the reinstatement is effective upon~~
2536 ~~receipt of the required fees and any information that the~~
2537 ~~commission requires by rule. If the registrant has not filed a~~
2538 ~~reinstatement of a renewal declaration of intent within 60~~
2539 ~~calendar days after the expiration date of an existing~~
2540 ~~registration, the notice of intent expires and a new declaration~~
2541 ~~of intent must be filed with the office.~~

2542 ~~(5) No person, other than a financial institution as~~
2543 ~~defined in s. 655.005, shall be exempt from registration and~~
2544 ~~declaration if such person engages in deferred presentment~~
2545 ~~transactions, regardless of whether such person is currently~~
2546 ~~exempt from registration under any provision of this code.~~

2547 Section 45. Section 560.404, Florida Statutes, is amended
2548 to read:

2549 560.404 Requirements for deferred presentment
2550 transactions.--

2551 (1) Each ~~Every~~ deferred presentment transaction must ~~shall~~
2552 be documented in a written agreement signed by ~~both~~ the deferred

601-06947A-08

20082158c3

2553 presentment provider and the drawer.

2554 (2) The deferred presentment transaction agreement must
2555 ~~shall~~ be executed on the day the deferred presentment provider
2556 furnishes currency or a payment instrument to the drawer.

2557 (3) Each written agreement must ~~shall contain the following~~
2558 ~~information,~~ in addition to any information required ~~the~~
2559 ~~commission requires~~ by rule, contain the following information:

2560 (a) The name or trade name, address, and telephone number
2561 of the deferred presentment provider and the name and title of
2562 the person who signs the agreement on behalf of the ~~deferred~~
2563 ~~presentment~~ provider.

2564 (b) The date the deferred presentment transaction is ~~was~~
2565 made.

2566 (c) The amount of the drawer's check.

2567 (d) The length of the deferment ~~deferral~~ period.

2568 (e) The last day of the deferment period.

2569 (f) The address and telephone number of the office ~~and the~~
2570 ~~Division of Consumer Services of the Department of Financial~~
2571 ~~Services.~~

2572 (g) A clear description of the drawer's payment obligations
2573 under the deferred presentment transaction.

2574 (h) The transaction number assigned by the office's
2575 database.

2576 (4) The ~~Every~~ deferred presentment provider must ~~shall~~
2577 furnish ~~to the drawer~~ a copy of the deferred presentment
2578 transaction agreement to the drawer.

2579 (5) The face amount of a check taken for deferred
2580 presentment may not exceed \$500 exclusive of the fees allowed
2581 under ~~by~~ this part.

601-06947A-08

20082158c3

2582 (6) A ~~No~~ deferred presentment provider or its affiliate may
2583 not shall charge fees that exceed ~~in excess of~~ 10 percent of the
2584 currency or payment instrument provided. However, a verification
2585 fee may be charged as provided in s. 560.309(7) ~~in accordance~~
2586 ~~with s. 560.309(4) and the rules adopted pursuant to the code.~~
2587 The 10-percent fee may not be applied to the verification fee. A
2588 deferred presentment provider may charge only those fees
2589 specifically authorized in this section.

2590 (7) The fees authorized by this section may not be
2591 collected before the drawer's check is presented or redeemed.

2592 (8) A ~~No~~ deferred presentment agreement may not shall be
2593 for a term longer than ~~in excess of~~ 31 days or less than 7 days.

2594 (9) A ~~No~~ deferred presentment provider may not shall
2595 require a drawer person to provide any additional security for
2596 the deferred presentment transaction or any extension or require
2597 the drawer a person to provide any additional guaranty from
2598 another person.

2599 (10) A deferred presentment provider may shall not include
2600 any of the following provisions in a deferred provider any
2601 ~~written~~ agreement:

2602 (a) A hold harmless clause.†

2603 (b) A confession of judgment clause.†

2604 (c) Any assignment of or order for payment of wages or
2605 other compensation for services.†

2606 (d) A provision in which the drawer agrees not to assert
2607 any claim or defense arising out of the agreement.† or

2608 (e) A waiver of any provision of this part.

2609 (11) A ~~Each~~ deferred presentment provider shall immediately
2610 provide the drawer with the full amount of any check to be held,

601-06947A-08

20082158c3

2611 less only the fees allowed ~~permitted~~ under this section.

2612 (12) The deferred presentment agreement and the drawer's
2613 check must ~~shall~~ bear the same date, and the number of days of
2614 the deferment period shall be calculated from that ~~this~~ date. The
2615 ~~No~~ deferred presentment provider and the drawer ~~or person~~ may not
2616 alter or delete the date on any written agreement or check held
2617 by the deferred presentment provider.

2618 (13) For each deferred presentment transaction, the
2619 deferred presentment provider must comply with the disclosure
2620 requirements of 12 C.F.R., part 226, relating to the federal
2621 Truth-in-Lending Act, and Regulation Z of the Board of Governors
2622 of the Federal Reserve Board. A copy of the disclosure must be
2623 provided to the drawer at the time the deferred presentment
2624 transaction is initiated.

2625 (14) A ~~No~~ deferred presentment provider or its affiliate
2626 may not accept or hold an undated check or a check dated on a
2627 date other than the date on which the deferred presentment
2628 provider agreed to hold the check and signed the deferred
2629 presentment transaction agreement.

2630 (15) A ~~Every~~ deferred presentment provider must ~~shall~~ hold
2631 the drawer's check for the agreed number of days, unless the
2632 drawer chooses to redeem the check before the ~~agreed~~ presentment
2633 date.

2634 (16) Proceeds in a deferred presentment transaction may be
2635 made to the drawer in the form of the deferred presentment
2636 provider's payment instrument if the deferred presentment
2637 provider is registered under part II; however, an ~~no~~ additional
2638 fee may not be charged by a deferred presentment provider or its
2639 affiliate for issuing or cashing the deferred presentment

601-06947A-08

20082158c3

2640 provider's payment instrument.

2641 (17) A ~~No~~ deferred presentment provider may not require the
2642 drawer to accept its payment instrument in lieu of currency.

2643 (18) A ~~No~~ deferred presentment provider or its affiliate
2644 may not engage in the rollover of a ~~any~~ deferred presentment
2645 agreement. A deferred presentment provider may ~~shall~~ not redeem,
2646 extend, or otherwise consolidate a deferred presentment agreement
2647 with the proceeds of another deferred presentment transaction
2648 made by the same or an affiliate ~~affiliated deferred presentment~~
2649 ~~provider~~.

2650 (19) A deferred presentment provider may not enter into a
2651 deferred presentment transaction with a drawer ~~person~~ who has an
2652 outstanding deferred presentment transaction with that provider
2653 or with any other deferred presentment provider, or with a person
2654 whose previous deferred presentment transaction with that
2655 provider or with any other provider has been terminated for less
2656 than 24 hours. The deferred presentment provider must verify such
2657 information as follows:

2658 (a) The deferred presentment provider shall maintain a
2659 common database and shall verify whether the ~~that~~ ~~deferred~~
2660 ~~presentment~~ provider or an affiliate has an outstanding deferred
2661 presentment transaction with a particular person or has
2662 terminated a transaction with that person within the previous 24
2663 hours.

2664 (b) The deferred presentment provider shall access the
2665 office's database established pursuant to subsection (23) and
2666 shall verify whether any other deferred presentment provider has
2667 an outstanding deferred presentment transaction with a particular
2668 person or has terminated a transaction with that person within

601-06947A-08

20082158c3

2669 | the previous 24 hours. If a provider has not established ~~Prior to~~
2670 | ~~the time that the office has implemented~~ such a database, the
2671 | deferred presentment provider may rely upon the written
2672 | verification of the drawer as provided in subsection (20).

2673 | (20) A deferred presentment provider shall provide the
2674 | following notice in a prominent place on each deferred
2675 | presentment agreement in at least 14-point type in substantially
2676 | the following form and must obtain the signature of the drawer
2677 | where indicated:

2678 |
2679 | NOTICE

2680 |
2681 | 1. STATE LAW PROHIBITS YOU FROM HAVING MORE THAN ONE DEFERRED
2682 | PRESENTMENT AGREEMENT AT ANY ONE TIME. STATE LAW ALSO PROHIBITS
2683 | YOU FROM ENTERING INTO A DEFERRED PRESENTMENT AGREEMENT WITHIN 24
2684 | HOURS AFTER ~~OF~~ TERMINATING ANY PREVIOUS DEFERRED PRESENTMENT
2685 | AGREEMENT. FAILURE TO OBEY THIS LAW COULD CREATE SEVERE FINANCIAL
2686 | HARDSHIP FOR YOU AND YOUR FAMILY.

2687 |
2688 | YOU MUST SIGN THE FOLLOWING STATEMENT:

2689 |
2690 | I DO NOT HAVE AN OUTSTANDING DEFERRED PRESENTMENT AGREEMENT WITH
2691 | ANY DEFERRED PRESENTMENT PROVIDER AT THIS TIME. I HAVE NOT
2692 | TERMINATED A DEFERRED PRESENTMENT AGREEMENT WITHIN THE PAST 24
2693 | HOURS.

2694 |
2695 | (Signature of Drawer)

2696 |
2697 | 2. YOU CANNOT BE PROSECUTED IN CRIMINAL COURT FOR A CHECK

601-06947A-08

20082158c3

2698 WRITTEN UNDER THIS AGREEMENT, BUT ALL LEGALLY AVAILABLE CIVIL
2699 MEANS TO ENFORCE THE DEBT MAY BE PURSUED AGAINST YOU.

2700

2701 3. STATE LAW PROHIBITS A DEFERRED PRESENTMENT PROVIDER (THIS
2702 BUSINESS) FROM ALLOWING YOU TO "ROLL OVER" YOUR DEFERRED
2703 PRESENTMENT TRANSACTION. THIS MEANS THAT YOU CANNOT BE ASKED OR
2704 REQUIRED TO PAY AN ADDITIONAL FEE IN ORDER TO FURTHER DELAY THE
2705 DEPOSIT OR PRESENTMENT OF YOUR CHECK FOR PAYMENT. IF YOU INFORM
2706 THE PROVIDER IN PERSON THAT YOU CANNOT COVER THE CHECK OR PAY IN
2707 FULL THE AMOUNT OWING AT THE END OF THE TERM OF THIS AGREEMENT,
2708 YOU WILL RECEIVE A GRACE PERIOD EXTENDING THE TERM OF THE
2709 AGREEMENT FOR AN ADDITIONAL 60 DAYS AFTER THE ORIGINAL
2710 TERMINATION DATE, WITHOUT ANY ADDITIONAL CHARGE. THE DEFERRED
2711 PRESENTMENT PROVIDER SHALL REQUIRE THAT YOU, AS A CONDITION OF
2712 OBTAINING THE GRACE PERIOD, COMPLETE CONSUMER CREDIT COUNSELING
2713 PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED
2714 TO YOU BY THIS PROVIDER. YOU MAY ALSO AGREE TO COMPLY WITH AND
2715 ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY. IF YOU DO NOT
2716 COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT
2717 AGENCY, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR PAYMENT AND
2718 PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE THE DEBT AT
2719 THE END OF THE 60-DAY GRACE PERIOD.

2720 (21) The deferred presentment provider may not deposit or
2721 present the drawer's check if the drawer informs the provider in
2722 person that the drawer cannot redeem or pay in full in cash the
2723 amount due and owing the deferred presentment provider. No
2724 additional fees or penalties may be imposed on the drawer by
2725 virtue of any misrepresentation made by the drawer as to the
2726 sufficiency of funds in the drawer's account. ~~In no event shall~~

601-06947A-08

20082158c3

2727 ~~any~~ Additional fees may not be added to the amounts due and owing
2728 to the deferred presentment provider.

2729 (22) ~~(a)~~ If, by the end of the deferment period, the drawer
2730 informs the deferred presentment provider in person that the
2731 drawer cannot redeem or pay in full in cash the amount due and
2732 owing the deferred presentment provider, the deferred presentment
2733 provider shall provide a grace period extending the term of the
2734 agreement for an additional 60 days after the original
2735 termination date, without any additional charge.

2736 (a) The provider shall require that as a condition of
2737 providing a ~~this~~ grace period, that ~~within the first 7 days of~~
2738 ~~the grace period~~ the drawer make an appointment with a consumer
2739 credit counseling agency within 7 days after the end of the
2740 deferment period and complete the counseling by the end of the
2741 grace period. The drawer may agree to, comply with, and adhere to
2742 a repayment plan approved by the counseling agency. If the drawer
2743 agrees to comply with and adhere to a repayment plan approved by
2744 the counseling agency, the provider must ~~is also required to~~
2745 comply with and adhere to that repayment plan. The deferred
2746 presentment provider may not deposit or present the drawer's
2747 check for payment before the end of the 60-day grace period
2748 unless the drawer fails to comply with such conditions or the
2749 drawer fails to notify the provider of such compliance. Before
2750 each deferred presentment transaction, the provider may verbally
2751 advise the drawer of the availability of the grace period
2752 consistent with ~~the provisions of~~ the written notice in
2753 subsection (20), and may ~~shall~~ not discourage the drawer from
2754 using the grace period.

2755 (b) At the commencement of the grace period, the deferred

601-06947A-08

20082158c3

2756 presentment provider shall provide the drawer:

2757 1. Verbal notice of the availability of the grace period
2758 consistent with the written notice in subsection (20).

2759 2. A list of approved consumer credit counseling agencies
2760 prepared by the office. The office list shall include nonprofit
2761 consumer credit counseling agencies affiliated with the National
2762 Foundation for Credit Counseling which provide credit counseling
2763 services to state Florida residents in person, by telephone, or
2764 through the Internet. The office list must include phone numbers
2765 for the agencies, the counties served by the agencies, and
2766 indicate the agencies that provide telephone counseling and those
2767 that provide Internet counseling. The office shall update the
2768 list at least once each year.

2769 3. The following notice in at least 14-point type in
2770 substantially the following form:

2771
2772
2773 AS A CONDITION OF OBTAINING A GRACE PERIOD EXTENDING THE TERM OF
2774 YOUR DEFERRED PRESENTMENT AGREEMENT FOR AN ADDITIONAL 60 DAYS,
2775 UNTIL [DATE], WITHOUT ANY ADDITIONAL FEES, YOU MUST COMPLETE
2776 CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE
2777 LIST THAT WILL BE PROVIDED TO YOU BY THIS PROVIDER. YOU MAY ALSO
2778 AGREE TO COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY
2779 THE AGENCY. THE COUNSELING MAY BE IN PERSON, BY TELEPHONE, OR
2780 THROUGH THE INTERNET. YOU MUST NOTIFY US WITHIN 7 ~~SEVEN (7)~~ DAYS,
2781 BY [DATE], THAT YOU HAVE MADE AN APPOINTMENT WITH ~~SUCH~~ A CONSUMER
2782 CREDIT COUNSELING AGENCY. YOU MUST ALSO NOTIFY US WITHIN 60 ~~SIXTY~~
2783 ~~(60)~~ DAYS, BY [DATE], THAT YOU HAVE COMPLETED THE CONSUMER CREDIT
2784 COUNSELING. WE MAY VERIFY THIS INFORMATION WITH THE AGENCY. IF

601-06947A-08

20082158c3

2785 YOU FAIL TO PROVIDE ~~EITHER~~ THE 7-DAY OR 60-DAY NOTICE, OR IF YOU
2786 HAVE NOT MADE THE APPOINTMENT OR COMPLETED THE COUNSELING WITHIN
2787 THE TIME REQUIRED, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR
2788 PAYMENT AND PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE
2789 THE DEBT.

2790 (c) If a drawer completes an approved payment plan, the
2791 deferred presentment provider shall pay one-half of the drawer's
2792 fee for the deferred presentment agreement to the consumer credit
2793 counseling agency.

2794 (23) The office shall implement a common database with
2795 real-time access through an Internet connection for deferred
2796 presentment providers, as provided in this subsection. The
2797 database must be accessible to the office and the deferred
2798 presentment providers in order to verify whether any deferred
2799 presentment transactions are outstanding for a particular person.
2800 Deferred presentment providers shall submit such data before
2801 entering into each deferred presentment transaction in such
2802 format as required ~~the commission shall require~~ by rule,
2803 including the drawer's name, social security number or employment
2804 authorization alien number, address, driver's license number,
2805 amount of the transaction, date of transaction, the date that the
2806 transaction is closed, and such additional information as is
2807 required by rule ~~the commission~~. The commission may by rule
2808 impose a fee of up to ~~not to exceed~~ \$1 per transaction for data
2809 that must ~~required to~~ be submitted by a deferred presentment
2810 provider. A deferred presentment provider may rely on the
2811 information contained in the database as accurate and is not
2812 subject to any administrative penalty or civil liability due to
2813 ~~as a result of~~ relying on inaccurate information contained in the

601-06947A-08

20082158c3

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

2828 (24) A deferred presentment provider may not accept more
2829 than one check or authorization to initiate more than one
2830 automated clearinghouse transaction to collect on a deferred
2831 presentment transaction for a single deferred presentment
2832 transaction.

2833 Section 46. Section 560.405, Florida Statutes, is amended
2834 to read:

2835 560.405 Deposit; redemption.--

2836 (1) The deferred presentment provider or its affiliate may
2837 ~~shall~~ not present the drawer's check before the end of the
2838 deferment period ~~prior to the agreed-upon date of presentment~~, as
2839 reflected in the deferred presentment transaction agreement.

2840 (2) Before a deferred presentment provider presents the
2841 drawer's check, the check must ~~shall~~ be endorsed with the ~~actual~~
2842 name under which the deferred presentment provider is doing

601-06947A-08

20082158c3

2843 business.

2844 (3) Notwithstanding ~~the provisions of~~ subsection (1), in
2845 lieu of presentment, a deferred presentment provider may allow
2846 the check to be redeemed at any time upon payment ~~to the deferred~~
2847 ~~presentment provider in the amount~~ of the face amount of the
2848 drawer's check. However, payment may not be made in the form of a
2849 personal check. Upon redemption, the deferred presentment
2850 provider shall return the drawer's check ~~that was being held~~ and
2851 provide a signed, dated receipt showing that the drawer's check
2852 has been redeemed.

2853 (4) A ~~No~~ drawer may not ~~can~~ be required to redeem his or
2854 her check before ~~prior to~~ the agreed-upon date; however, the
2855 drawer may choose to redeem the check before the agreed-upon
2856 presentment date.

2857 Section 47. Section 560.406, Florida Statutes, is amended
2858 to read:

2859 560.406 Worthless checks.--

2860 (1) If a check is returned to a deferred presentment
2861 provider from a payor financial institution due to lack of funds,
2862 a closed account, or a stop-payment order, the deferred
2863 presentment provider may seek collection pursuant to s. 68.065,
2864 except a deferred presentment provider may ~~shall~~ not be entitled
2865 ~~to~~ collect treble damages ~~pursuant s. 68.065~~. The notice sent by
2866 the a deferred deposit provider may ~~pursuant to s. 68.065~~ shall
2867 not include any references to treble damages and must clearly
2868 state that the deferred presentment provider is not entitled to
2869 recover such damages. Except as otherwise provided in this part,
2870 an individual who issues a personal check to a deferred
2871 presentment provider under a deferred presentment agreement is

601-06947A-08

20082158c3

2872 | not subject to criminal penalty.

2873 | (2) If a check is returned to a deferred presentment
2874 | provider from a payor financial institution due to insufficient
2875 | funds, a closed account, or a stop-payment order, the deferred
2876 | presentment provider may pursue all legally available civil
2877 | remedies to collect the check, including, but not limited to, the
2878 | imposition of all charges imposed on the deferred presentment
2879 | provider by the ~~any~~ financial institution. In its collection
2880 | practices, a deferred presentment provider must ~~shall~~ comply with
2881 | the prohibitions against harassment or abuse, false or misleading
2882 | representations, and unfair practices that ~~which~~ are contained in
2883 | ~~ss. 806, 807, and 808~~ of the Fair Debt Collections Practices Act,
2884 | 15 U.S.C. ss. 1692d, 1692e, 1692f. A violation of this act is a
2885 | deceptive and unfair trade practice and constitutes a violation
2886 | of the Deceptive and Unfair Trade Practices Act under,~~7~~ part II of
2887 | chapter 501. In addition, a deferred presentment provider must
2888 | ~~shall~~ comply with the applicable provisions of ~~part VI of chapter~~
2889 | ~~559~~, the Consumer Collection Practices Act under part VI of
2890 | chapter 559, including,~~7~~ ~~but not limited to,~~ ~~the provisions of s.~~
2891 | 559.77.

2892 | (3) A deferred presentment provider may not assess the cost
2893 | of collection, other than charges for insufficient funds as
2894 | allowed by law, without a judgment from a court of competent
2895 | jurisdiction.

2896 | Section 48. Subsection (7) of section 499.005, Florida
2897 | Statutes, is amended to read:

2898 | 499.005 Prohibited acts.--It is unlawful for a person to
2899 | perform or cause the performance of any of the following acts in
2900 | this state:

601-06947A-08

20082158c3

2901 (7) The purchase or sale of prescription drugs for
2902 wholesale distribution in exchange for currency, as defined in s.
2903 560.103 ~~s. 560.103(6)~~.

2904 Section 49. Paragraph (i) of subsection (2) of section
2905 499.0691, Florida Statutes, is amended to read:

2906 499.0691 Criminal punishment for violations related to
2907 drugs; dissemination of false advertisement.--

2908 (2) Any person who violates any of the following provisions
2909 commits a felony of the third degree, punishable as provided in
2910 s. 775.082, s. 775.083, or s. 775.084, or as otherwise provided
2911 in ss. 499.001-499.081.

2912 (i) The purchase or sale of prescription drugs for
2913 wholesale distribution in exchange for currency, as defined in s.
2914 560.103 ~~s. 560.103(6)~~.

2915 Section 50. Paragraph (b) of subsection (2) of section
2916 501.95, Florida Statutes, is amended to read:

2917 501.95 Gift certificates and credit memos.--

2918 (2)

2919 (b) Paragraph (a) does not apply to a gift certificate or
2920 credit memo sold or issued by a financial institution, as defined
2921 in s. 655.005, or by a money services business ~~transmitter~~, as
2922 defined in s. 560.103, if the gift certificate or credit memo is
2923 redeemable by multiple unaffiliated merchants.

2924 Section 51. Paragraph (n) of subsection (2) of section
2925 538.03, Florida Statutes, is amended to read:

2926 538.03 Definitions; applicability.--

2927 (2) This chapter does not apply to:

2928 (n) A business that contracts with other persons or
2929 entities to offer its secondhand goods for sale, purchase,

601-06947A-08

20082158c3

2930 | consignment, or trade via an Internet website, and that maintains
2931 | a shop, store, or other business premises for this purpose, if
2932 | all of the following apply:

2933 | 1. The secondhand goods must be available on the website
2934 | for viewing by the public at no charge;

2935 | 2. The records of the sale, purchase, consignment, or trade
2936 | must be maintained for at least 2 years;

2937 | 3. The records of the sale, purchase, consignment, or
2938 | trade, and the description of the secondhand goods as listed on
2939 | the website, must contain the serial number of each item, if any;

2940 | 4. The secondhand goods listed on the website must be
2941 | searchable based upon the state or zip code;

2942 | 5. The business must provide the appropriate law
2943 | enforcement agency with the name or names under which it conducts
2944 | business on the website;

2945 | 6. The business must allow the appropriate law enforcement
2946 | agency to inspect its business premises at any time during normal
2947 | business hours;

2948 | 7. Any payment by the business resulting from such a sale,
2949 | purchase, consignment, or trade must be made to the person or
2950 | entity with whom the business contracted to offer the goods and
2951 | must be made by check or via a money services business
2952 | ~~transmitter~~ licensed under part II of chapter 560; and

2953 | 8.a. At least 48 hours after the estimated time of
2954 | contracting to offer the secondhand goods, the business must
2955 | verify that any item having a serial number is not stolen
2956 | property by entering the serial number of the item into the
2957 | Department of Law Enforcement's stolen article database located
2958 | at the Florida Crime Information Center's public access system

601-06947A-08

20082158c3

2959 | website. The business shall record the date and time of such
2960 | verification on the contract covering the goods. If such
2961 | verification reveals that an item is stolen property, the
2962 | business shall immediately remove the item from any website on
2963 | which it is being offered and notify the appropriate law
2964 | enforcement agency; or

2965 | b. The business must provide the appropriate law
2966 | enforcement agency with an electronic copy of the name, address,
2967 | phone number, driver's license number, and issuing state of the
2968 | person with whom the business contracted to offer the goods, as
2969 | well as an accurate description of the goods, including make,
2970 | model, serial number, and any other unique identifying marks,
2971 | numbers, names, or letters that may be on an item, in a format
2972 | agreed upon by the business and the appropriate law enforcement
2973 | agency. This information must be provided to the appropriate law
2974 | enforcement agency within 24 hours after entering into the
2975 | contract unless other arrangements are made between the business
2976 | and the law enforcement agency.

2977 | Section 52. Subsection (10) of section 896.101, Florida
2978 | Statutes, is amended to read:

2979 | 896.101 Florida Money Laundering Act; definitions;
2980 | penalties; injunctions; seizure warrants; immunity.--

2981 | (10) Any financial institution, licensed money services
2982 | business transmitter, or other person served with and complying
2983 | with the terms of a warrant, temporary injunction, or other court
2984 | order, including any subpoena issued under ~~the authority granted~~
2985 | ~~by~~ s. 16.56 or s. 27.04, obtained in furtherance of an
2986 | investigation of any crime in this section, including any crime
2987 | listed as specified unlawful activity under this section or any

601-06947A-08

20082158c3

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

3006 Section 53. Subsection (5) of section 896.104, Florida
3007 Statutes, is amended to read:

3008 896.104 Structuring transactions to evade reporting or
3009 registration requirements prohibited.--

3010 (5) INFERENCE.--Proof that a person engaged for monetary
3011 consideration in the business of a money funds transmitter, as
3012 defined in s. 560.103, ~~s. 560.103(10)~~ and who is transporting
3013 more than \$10,000 in currency, or the foreign equivalent, without
3014 being licensed ~~registered~~ as a money transmitter or designated as
3015 an authorized vendor under ~~the provisions of~~ chapter 560, gives
3016 rise to an inference that the transportation was done with

601-06947A-08

20082158c3

3017 knowledge of the licensure ~~registration~~ requirements of chapter
 3018 560 and the reporting requirements of this chapter.

3019 Section 54. Paragraph (g) of subsection (3) of section
 3020 921.0022, Florida Statutes, is amended to read:

3021 921.0022 Criminal Punishment Code; offense severity ranking
 3022 chart.--

3023 (3) OFFENSE SEVERITY RANKING CHART

3024 (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 wanton disregard for safety while fleeing or attempting to elude law enforcement officer

601-06947A-08

20082158c3

3028	327.35 (3) (c) 2.	3rd	who is in a patrol vehicle with siren and lights activated.
3029	402.319 (2)	2nd	Vessel BUI resulting in serious bodily injury.
3030	409.920 (2)	3rd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
3031	456.065 (2)	3rd	Medicaid provider fraud.
3032	456.065 (2)	2nd	Practicing a health care profession without a license.
			Practicing a health care profession

601-06947A-08

20082158c3

			without a license which results in serious bodily injury.
3033	458.327 (1)	3rd	Practicing medicine without a license.
3034	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
3035	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
3036	461.012 (1)	3rd	Practicing podiatric medicine without a license.
3037	462.17	3rd	Practicing naturopathy without a license.
3038	463.015 (1)	3rd	Practicing optometry without a license.
3039	464.016 (1)	3rd	Practicing nursing

601-06947A-08

20082158c3

3040			without a license.
	465.015 (2)	3rd	Practicing pharmacy without a license.
3041			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
3042			
	467.201	3rd	Practicing midwifery without a license.
3043			
	468.366	3rd	Delivering respiratory care services without a license.
3044			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
3045			
	483.901 (9)	3rd	Practicing medical physics without a license.
3046			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a

601-06947A-08

20082158c3

3047	484.053	3rd	prescription.
3048	494.0018 (2)	1st	Dispensing hearing aids without a license.
3049	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.
3050	560.125 (5) (a)	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by <u>a money services business</u> transmitter . Money <u>services</u> transmitter business by unauthorized person, currency or

601-06947A-08

20082158c3

3051	655.50 (10) (b) 1.	3rd	<p>payment instruments exceeding \$300 but less than \$20,000.</p>
3052	775.21 (10) (a)	3rd	<p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
3053	775.21 (10) (b)	3rd	<p>Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.</p>
3054	775.21 (10) (g)	3rd	<p>Sexual predator working where children regularly congregate.</p>
			<p>Failure to report or providing false information about a sexual predator;</p>

601-06947A-08

20082158c3

3055	782.051 (3)	2nd	harbor or conceal a sexual predator.
3056	782.07 (1)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
3057	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
3058	782.072	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
			Killing of a human being by the

601-06947A-08

20082158c3

3059	784.045 (1) (a) 1.	2nd	operation of a vessel in a reckless manner (vessel homicide).
3060	784.045 (1) (a) 2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
3061	784.045 (1) (b)	2nd	Aggravated battery; using deadly weapon.
3062	784.048 (4)	3rd	Aggravated battery; perpetrator aware victim pregnant.
3063	784.048 (7)	3rd	Aggravated stalking; violation of injunction or court order.
3064	784.07 (2) (d)	1st	Aggravated stalking; violation of court order.
			Aggravated battery on law enforcement

601-06947A-08

20082158c3

3065	784.074 (1) (a)	1st	officer.
3066	784.08 (2) (a)	1st	Aggravated battery on sexually violent predators facility staff.
3067	784.081 (1)	1st	Aggravated battery on a person 65 years of age or older.
3068	784.082 (1)	1st	Aggravated battery on specified official or employee.
3069	784.083 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
3070	790.07 (4)	1st	Aggravated battery on code inspector. Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

601-06947A-08

20082158c3

3071	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
3072	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
3073	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
3074	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
3075	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or

601-06947A-08

20082158c3

3076	794.08 (4)	3rd	attempting to commit a felony.
3077	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.
3078	800.04 (5) (c) 1.	2nd	Procuring any person under 16 years for prostitution.
3079	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
3080			Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.

601-06947A-08

20082158c3

3081	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
3082	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
3083	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
3084	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
3085	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
3085	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property

601-06947A-08

20082158c3

3086	812.014 (2) (b) 2.	2nd	stolen while causing other property damage; 1st degree grand theft.
3087	812.014 (2) (b) 3.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
3088	812.014 (2) (b) 4.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3089	812.0145 (2) (a)	1st	Property stolen, law enforcement equipment from authorized emergency vehicle.
3090	812.019 (2)	1st	Theft from person 65 years of age or older; \$50,000 or more.
			Stolen property; initiates, organizes, plans,

601-06947A-08

20082158c3

3091	812.131 (2) (a)	2nd	etc., the theft of property and traffics in stolen property.
3092	812.133 (2) (b)	1st	Robbery by sudden snatching.
3093	817.234 (8) (a)	2nd	Carjacking; no firearm, deadly weapon, or other weapon.
3094	817.234 (9)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
3095	817.234 (11) (c)	1st	Organizing, planning, or participating in an intentional motor vehicle collision.
3096			Insurance fraud; property value \$100,000 or more.

601-06947A-08

20082158c3

3097	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.
3098	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
3099	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
3099	827.03 (3) (b)	2nd	Neglect of a child causing great bodily

601-06947A-08

20082158c3

3100	827.04 (3)	3rd	harm, disability, or disfigurement.
3101	837.05 (2)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
3102	838.015	2nd	Giving false information about alleged capital felony to a law enforcement officer.
3103	838.016	2nd	Bribery. Unlawful compensation or reward for official behavior.
3104	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
3105	838.22	2nd	Bid tampering.
3106	847.0135 (3)	3rd	Solicitation of a child, via a

601-06947A-08

20082158c3

3107	847.0135(4)	2nd	computer service, to commit an unlawful sex act.
3108	872.06	2nd	Traveling to meet a minor to commit an unlawful sex act.
3109	893.13(1)(c)1.	1st	Abuse of a dead human body.
3110	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
			Sell, manufacture,

601-06947A-08

20082158c3

			<p>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.</p>
3111	893.13(4)(a)	1st	<p>Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).</p>
3112	893.135(1)(a)1.	1st	<p>Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.</p>
3113	893.135(1)(b)1.a.	1st	<p>Trafficking in cocaine, more than 28 grams, less than 200 grams.</p>

601-06947A-08

20082158c3

3114	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
3115	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
3116	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
3117	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
3118	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
3119	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1

601-06947A-08

20082158c3

3120	893.135(1)(j)1.a.	1st	kilogram or more, less than 5 kilograms.
3121	893.135(1)(k)2.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
3122	896.101(5)(a)	3rd	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
3123	896.104(4)(a)1.	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
			Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but

601-06947A-08

20082158c3

3124	943.0435 (4) (c)	2nd	less than \$20,000.
3125	943.0435 (8)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
3126	943.0435 (9) (a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
3127	943.0435 (13)	3rd	Sexual offender; failure to comply with reporting requirements.
3128			Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

601-06947A-08

20082158c3

3129	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
3130	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
3131	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
3132	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond

601-06947A-08

20082158c3

3133 to address
verification.

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

3134 985.4815(12) 3rd Failure to report or
providing false
information about a
sexual offender;
harbor or conceal a
sexual offender.

3135 985.4815(13) 3rd Sexual offender;
failure to report
and reregister;
failure to respond
to address
verification.

3136
3137 Section 55. Sections 560.101, 560.102, 560.106, 560.1073,
3138 560.108, 560.112. 560.117, 560.200, 560.202, 560.206, 560.207,
3139 560.301, 560.302, 560.305, 560.306, 560.307, 560.308, 560.401,
3140 and 560.407, Florida Statutes, are repealed.

3141 Section 56. This act shall take effect January 1, 2009.