

FOR CONSIDERATION By the Committee on Banking and Insurance

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1 A bill to be entitled

2 An act relating to money services businesses; changing the  
3 name of money transmitters to money services businesses;  
4 requiring licensure rather than registration; amending s.  
5 560.103, F.S.; revising definitions; defining the terms  
6 "adjusted net worth," "affiliated party," "branch office,"  
7 "cashing," "compliance officer," "electronic instrument,"  
8 "financial audit report," "foreign affiliate," "licensee,"  
9 "location," "monetary value," "outstanding money  
10 transmission," and "stored value"; amending s. 560.104,  
11 F.S.; revising provision providing exemptions from ch.  
12 560, F.S.; amending s. 560.105, F.S.; revising provisions  
13 relating to the powers of the Office of Financial  
14 Regulation and the Financial Services Commission; amending  
15 s. 560.109, F.S.; revising provisions relating to  
16 examinations and investigations conducted by the office;  
17 requiring that the office to periodically examine each  
18 licensee; requiring the office to report certain  
19 violations to a criminal investigatory agency; requiring  
20 that the office annually report to the Legislature  
21 information concerning investigations and examinations and  
22 the total amount of fines assessed and collected; creating  
23 s. 560.1091, F.S.; requiring persons examined to pay the  
24 expenses of examination as set by rule of the commission;  
25 providing for the deposit of funds collected from  
26 licensees; requiring payment for travel expenses and  
27 living expenses and compensation for persons making the  
28 examinations from such funds or from funds budgeted for  
29 such purposes; creating s. 560.110, F.S.; providing for

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30 record retention by licensees; amending s. 560.111, F.S.;  
31 revising the list of prohibited acts by a money services  
32 business; amending s. 560.113, F.S.; providing for the  
33 establishment of a receivership or the payment of  
34 restitution by a person found to have violated ch. 560,  
35 F.S.; amending s. 560.114, F.S.; revising grounds for the  
36 disciplinary actions; amending s. 560.115, F.S.; revising  
37 provision relating to the voluntary surrender of a  
38 license; amending s. 560.116, F.S.; revising provisions  
39 relating to the granting of immunity for providing  
40 information about alleged violations of ch. 560, F.S.;  
41 amending s. 560.118, F.S.; revising provisions relating to  
42 required reports; deleting an exemption from the  
43 requirement to file an annual financial report;  
44 transferring, renumbering, and amending s. 560.119, F.S.;  
45 revising provisions providing for the deposit of fees and  
46 assessments; amending s. 560.121, F.S.; revising  
47 restriction on access to records held by a court or the  
48 Legislature; amending s. 560.123, F.S.; revising  
49 provisions relating to the Florida Control of Money  
50 Laundering in Money Services Business; creating s.  
51 560.1235, F.S.; requiring a licensee to comply with state  
52 and federal money laundering laws and rules; amending s.  
53 560.124, F.S.; revising provisions relating to sharing  
54 reported information; amending s. 560.125, F.S.; revising  
55 provisions relating to unlicensed activity; amending s.  
56 560.126, F.S.; revising provisions relating to certain  
57 notice requirements by a licensee; amending s. 560.127,  
58 F.S.; revising provisions relating to the control of a

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59 | money services business; amending s. 560.128, F.S.;

60 | revising provisions relating to customer contacts and

61 | license display; amending s. 560.129, F.S.; revising

62 | provisions relating to the confidentiality of certain

63 | records; creating s. 560.140, F.S.; providing licensing

64 | standards for a money services business; creating s.

65 | 560.141, F.S.; providing for a license application;

66 | creating s. 560.142, F.S.; providing for license renewal;

67 | creating s. 560.143, F.S.; providing for license fees;

68 | amending s. 560.203, F.S.; revising the exemption from

69 | licensure for authorized agents of a money services

70 | business; amending s. 560.204, F.S.; revising provisions

71 | relating to the requirement for licensure of money

72 | transmitters or sellers of payment instruments under part

73 | II of ch. 560, F.S.; amending s. 560.205, F.S.; providing

74 | additional requirements for a license application;

75 | amending s. 560.208, F.S.; revising provisions relating to

76 | the conduct of a licensee; creating s. 560.2085, F.S.;

77 | providing requirements for authorized agents; amending s.

78 | 560.209, F.S.; revising provisions relating to a

79 | licensee's adjusted net worth and the filing of a

80 | corporate surety bond; requiring a financial audit report;

81 | increasing the upper limit of the bond; deleting the

82 | option of waiving the bond; amending s. 560.210, F.S.;

83 | revising provisions relating to permissible investments;

84 | amending s. 560.211, F.S.; revising provisions relating to

85 | required recordkeeping under part II of ch. 560, F.S.;

86 | amending s. 560.212, F.S.; revising provisions relating to

87 | licensee liability; amending s. 560.213, F.S.; revising

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88 provisions relating information that must be printed on a  
89 payment instrument; amending s. 560.303, F.S.; revising  
90 provisions relating to the licensure of check cashers  
91 under part II of ch. 560, F.S.; amending s. 560.304, F.S.;  
92 revising provisions relating to exemptions from licensure;  
93 limiting the exemption for the payment of instruments  
94 below a certain value; amending s. 560.309, F.S.; revising  
95 provisions relating to the conduct of check cashers;  
96 providing additional requirements; amending s. 560.310,  
97 F.S.; revising requirements for licensee records;  
98 specifying the maintenance of identification records for  
99 certain customers; amending s. 560.402, F.S.; revising  
100 definitions relating to deferred presentment providers;  
101 amending s. 560.403, F.S.; revising provisions relating to  
102 the licensing requirements for deferred presentment  
103 providers; amending s. 560.404, F.S.; revising provisions  
104 relating to deferred presentment transactions; amending s.  
105 560.405, F.S.; revising provisions relating to the  
106 redemption or deposit of a deferred presentment  
107 transaction; amending s. 560.406, F.S.; revising  
108 provisions relating to worthless checks; amending ss.  
109 499.005, 499.0691, 501.95, 538.03, 896.101, 896.104, and  
110 921.0022, F.S.; conforming cross-references; repealing s.  
111 560.101, F.S., relating to a short title; repealing s.  
112 560.102, F.S., relating to purpose and application;  
113 repealing s. 560.106, F.S., relating to chapter  
114 constructions; repealing s. 560.1073, F.S., relating to  
115 false or misleading statements or documents; repealing s.  
116 560.108, F.S., relating to administrative enforcement

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117 guidelines; repealing s. 560.112, F.S., relating to  
118 disciplinary action procedures; repealing s. 560.117,  
119 F.S., relating to administrative fines; repealing s.  
120 560.200, F.S., relating to a short title; repealing s.  
121 560.202, F.S., relating to definitions; repealing s.  
122 560.206, F.S., relating to the investigation of  
123 applicants; repealing s. 560.207, F.S., relating to  
124 registration; repealing s. 560.301, F.S., relating to a  
125 short title; repealing s. 560.302, F.S., relating to  
126 definitions; repealing s. 560.305, F.S., relating to  
127 application for registration; repealing s. 560.306, F.S.,  
128 relating to standards; repealing s. 560.307, F.S.,  
129 relating to fees; repealing s. 560.308, F.S., relating to  
130 registration; repealing s. 560.401, F.S., relating to a  
131 short title; repealing s. 560.407, F.S., relating to  
132 required records; providing effective dates.

133

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

135

136 Section 1. Section 560.103, Florida Statutes, is amended to  
137 read:

138 560.103 Definitions.--As used in this chapter, the term ~~the~~  
139 ~~code, unless the context otherwise requires:~~

140 (1) "Adjusted net worth" means assets minus liabilities,  
141 determined in accordance with United States generally accepted  
142 accounting principles, that have been adjusted to exclude the  
143 following assets:

144 (a) Goodwill.

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145 (b) A home, home furnishings, automobiles, and any other  
146 personal items.

147 (c) Advances or loans to an affiliated party.

148 (d) Receivables from officers, directors, shareholders, or  
149 affiliated parties other than receivables in the normal course of  
150 business.

151 (e) Accounts receivables owed by authorized agents which  
152 are due more than 90 days after the date of receipt of monetary  
153 value from the customer.

154 (2) "Affiliated party" means a director, officer,  
155 responsible person, employee, or foreign affiliate of a money  
156 services business, or a person who has a controlling interest in  
157 a money services business as provided in s. 560.127.

158 (3)(1) "Appropriate regulator" means a any state, or  
159 federal, or foreign agency that, including the commission or  
160 office, which has been granted state or federal statutory  
161 authority to enforce state, federal, or foreign laws related to a  
162 money services business or deferred presentment provider with  
163 regard to the money transmission function.

164 (4)(2) "Authorized agent ~~vendor~~" means a person designated  
165 by a money services business licensed under part II of this  
166 chapter a registrant to act engage in the business of a money  
167 transmitter on behalf of the licensee the registrant at locations  
168 in this state pursuant to a written contract with the licensee  
169 registrant.

170 (5) "Branch office" means the physical location, other than  
171 the principal place of business, of a money services business  
172 operated by a licensee under this chapter.

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173 (6) "Cashing" means providing currency for payment  
174 instruments except for travelers checks.

175 ~~(7)(3) "Check casher" means a person who, for compensation,~~  
176 ~~sells currency in exchange for payment instruments received,~~  
177 ~~except travelers checks and foreign drawn payment instruments.~~

178 ~~(4) "Code" means the "Money Transmitters' Code," consisting~~  
179 ~~of:~~

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

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

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

186 ~~(d) Part IV of this chapter, relating to deferred~~  
187 ~~presentments.~~

188 (8) "Commission" means the Financial Services Commission.

189 (9) "Compliance officer" means the individual in charge of  
190 overseeing, managing, and ensuring that a money services business  
191 is in compliance with all state and federal laws and rules  
192 relating to money services businesses, as applicable, including  
193 all money laundering laws and rules.

194 ~~(5) "Consideration" means and includes any premium charged~~  
195 ~~for the sale of goods, or services provided in connection with~~  
196 ~~the sale of the goods, which is in excess of the cash price of~~  
197 ~~such goods.~~

198 (10)(6) "Currency" means the coin and paper money of the  
199 United States or of any other country which is designated as  
200 legal tender and which circulates and is customarily used and  
201 accepted as a medium of exchange in the country of issuance.

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202 Currency includes United States silver certificates, United  
203 States notes, and Federal Reserve notes. Currency also includes  
204 official foreign bank notes that are customarily used and  
205 accepted as a medium of exchange in a foreign country.

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

207 (11) "Deferred presentment provider" means a person who is  
208 licensed under part II or part III of this chapter and has filed  
209 a declaration of intent with the office to engage in deferred  
210 presentment transactions as provided under part IV of this  
211 chapter.

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

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

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

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

236 (14) "Foreign affiliate" means a person located outside  
237 this state who has been designated by a licensee to make payments  
238 on behalf of the licensee to persons who reside outside this  
239 state. The term also includes a person located outside of this  
240 state for whom the licensee has been designated to make payments  
241 in this state.

242 ~~(8) "Office" means the Office of Financial Regulation of~~  
243 ~~the commission.~~

244 (15)~~(9)~~ "Foreign currency exchanger" means a person who  
245 exchanges, for compensation, currency of the United States or a  
246 foreign government to currency of another government.

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

252 (16) "Licensee" means a person licensed under this chapter.

253 (17) "Location" means a branch office, mobile location, or  
254 an authorized agent whose business activity is regulated under  
255 this chapter.

256 (18) "Monetary value" means a medium of exchange, whether  
257 or not redeemable in currency.

258 (19)~~(11)~~ "Money services business transmitter" means any  
259 person located in or doing business in this state, from this

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260 state, or into this state from locations outside this state or  
261 country who acts as a payment instrument seller, foreign currency  
262 exchanger, check casher, or money funds transmitter,~~or deferred~~  
263 ~~presentment provider.~~

264 (20) "Money transmitter" means a person who receives  
265 currency, monetary value, or payment instruments for the purpose  
266 of transmitting the same by any means, including transmission by  
267 wire, facsimile, electronic transfer, courier, the Internet, or  
268 through bill payment services or other businesses that facilitate  
269 such transfer within this country, or to or from this country.

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

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.

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289        (23) "Outstanding money transmission" means a money  
290 transmission request to a designated recipient or a refund to a  
291 sender 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 person who  
302 sells a payment instrument.

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

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

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

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

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

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

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

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

333

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

338        Section 2. Section 560.104, Florida Statutes, is amended to  
339 read:

340        560.104 Exemptions.--The following entities are exempt from  
341 the provisions of this chapter ~~the code~~:

342        (1) Banks, credit card banks, credit unions, trust  
343 companies, associations, offices of an international banking  
344 corporation, Edge Act or agreement corporations, or other  
345 financial depository institutions organized under the laws of any

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346 state or the United States, ~~provided that they do not sell~~  
347 ~~payment instruments through authorized vendors who are not such~~  
348 ~~entities.~~

349 (2) The United States or any agency or ~~department,~~  
350 ~~instrumentality, or agency~~ thereof.

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

352 Section 3. Section 560.105, Florida Statutes, is amended to  
353 read:

354 560.105 Supervisory powers; rulemaking.--

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

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

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

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

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

371 (a) ~~(3)~~ The commission may adopt rules pursuant to ss.  
372 120.536(1) and 120.54 requiring electronic submission of any  
373 forms, documents, or fees required by this chapter, which must  
374 ~~code if such rules~~ reasonably accommodate technological or

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375 financial hardship. ~~The commission may prescribe by rule~~  
376 ~~requirements~~ and provide procedures for obtaining an exemption  
377 due to a technological or financial hardship.

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

382 Section 4. Section 560.109, Florida Statutes, is amended to  
383 read:

384 560.109 Examinations and investigations, ~~subpoenas,~~  
385 ~~hearings, and witnesses.--~~

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

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

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

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

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

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

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

429 (4)-(2)-(a) In the course of or in connection with any  
430 examination or ~~an~~ investigation conducted by the office:

431 (a) An employee of the office holding the title and  
432 position of a ~~pursuant to the provisions of subsection (1) or an~~

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433 ~~investigation or examination in connection with any application~~  
434 ~~to the office for the organization or establishment of a money~~  
435 ~~transmitter business, or in connection with an examination or~~  
436 ~~investigation of a money transmitter or its authorized vendor,~~  
437 ~~the office, or any of its officers holding no lesser title and~~  
438 ~~position than~~ financial examiner or analyst, financial  
439 investigator, ~~or~~ attorney at law, or higher may:

440 1. Administer oaths and affirmations.

441 2. Take or cause to be taken testimony and depositions.

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

454 (c) ~~In connection with any such investigation or~~  
455 ~~examination,~~ The office may allow ~~permit~~ a person to file a  
456 statement in writing, under oath, or otherwise as the office  
457 ~~determines,~~ as to facts and circumstances specified by the  
458 office.

459 (5)(3)(a) ~~If a person does not comply In the event of~~  
460 ~~noncompliance~~ with a subpoena issued or caused to be issued by  
461 the office pursuant to this section, the office may petition a

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462 court of competent jurisdiction ~~the circuit court of the county~~  
463 ~~in which the person subpoenaed resides or has its principal place~~  
464 ~~of business~~ for an order requiring the subpoenaed person to  
465 appear and testify and to produce such ~~books, records, and~~  
466 ~~documents~~ as ~~are~~ specified in the ~~such~~ subpoena duces tecum. The  
467 office is entitled to the summary procedure provided in s.  
468 51.011, and the court shall advance the cause on its calendar.

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

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

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

485 (6) ~~(4)~~ Witnesses are entitled to the same fees and mileage  
486 ~~to which they would be entitled by law for attending~~ as witnesses  
487 in the circuit court, except that ~~no~~ fees or mileage is not  
488 allowed for the testimony of a person taken at the person's  
489 principal office or residence.

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490            (7)~~(5)~~ Reasonable and necessary costs incurred by the  
491 office and payable to third parties in connection ~~persons~~  
492 ~~involved~~ with examinations or investigations may be assessed  
493 against any person on the basis of actual costs incurred.  
494 Assessable expenses include, but are not limited to, ~~+~~ expenses  
495 for: interpreters; certified translations of documents into the  
496 English language required by this chapter or related rules;  
497 ~~expenses for~~ communications; ~~expenses for~~ legal representation;  
498 ~~expenses for~~ economic, legal, or other research, analyses, and  
499 testimony; and fees and expenses for witnesses. ~~The failure to~~  
500 ~~reimburse the office is a ground for denial of the registration~~  
501 ~~application or for revocation of any approval thereof. No such~~  
502 Costs may not shall be assessed against a person unless the  
503 office has determined that the person has operated or is  
504 operating in violation of this chapter ~~the code~~.

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

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

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

514            (b) The total number of initial referrals received from  
515 another state or federal agency, the total number of examinations  
516 and investigations opened as a result of referrals, and the  
517 disposition of each of those cases.

518            (c) The number of examinations or investigations undertaken

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519 by the office which were not the result of a referral from  
520 another state agency or a federal agency.

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

524 Section 5. Section 560.1091, Florida Statutes, is created  
525 to read:

526 560.1091 Contracted examinations.--The office may contract  
527 with third parties to conduct examinations under this chapter.

528 (1) The person or firm selected by the office must not have  
529 a conflict of interest that might affect its ability to  
530 independently perform its responsibilities with respect to an  
531 examination.

532 (2) The examiner must be an independent certified public  
533 accountant or information technologist meeting criteria specified  
534 in rule.

535 (3) The licensee subject to the examination must pay to the  
536 office the expenses of the examination at rates adopted by  
537 commission rule.

538 (a) The rates charged must be consistent with rates charged  
539 by other persons in a similar profession and comparable with the  
540 rates charged for comparable examinations.

541 (b) Allowable expenses include actual travel expenses, an  
542 allowance for reasonable living expenses, compensation of the  
543 examiner or other person making the examination, and necessary  
544 administrative costs directly related to the examination.  
545 Allowances for travel and living expenses are limited to those  
546 expenses incurred to conduct the examination.

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547 (c) A detailed statement of allowable expenses shall be  
548 submitted to the office by the examiner and must be approved by  
549 the office prior to being submitted by the office to the licensee  
550 for payment.

551 (d) Notwithstanding s. 112.061, an examiner conducting an  
552 examination of a licensee may be paid for his or her actual  
553 travel expenses, reasonable allowance for living expenses, and  
554 compensation in accordance with the statement filed with the  
555 office by the contractor under paragraph (c). When not examining  
556 a licensee, the travel expenses, per diem, and compensation for  
557 examiners shall be paid out of moneys budgeted for such purpose  
558 and in accordance with s. 112.061.

559 (4) All moneys collected from a licensee for the expenses  
560 of an examination shall be deposited into the Regulatory Trust  
561 Fund and used by the office to pay the examiner.

562 (5) The commission shall adopt rules to administer this  
563 section.

564 Section 6. Section 560.110, Florida Statutes, is created to  
565 read:

566 560.110 Records retention.--Each licensee and its  
567 authorized agents must maintain all books, accounts, documents,  
568 files, and information necessary for determining compliance with  
569 this chapter and related rules for 5 years unless a longer period  
570 is required by other state or federal law.

571 (1) The records required under this chapter may be  
572 maintained by the licensee at any location identified in its  
573 license application or by amendment to the application. The  
574 licensee must make such records available to the office for

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575 examination and investigation in this state within 3 business  
576 days after receipt of a written request.

577 (2) The original of any record of a licensee or authorized  
578 agent includes a record stored or transmitted by electronic,  
579 computerized, mechanized, or other information storage or  
580 retrieval or transmission system or device that can generate,  
581 regenerate, or transmit the precise data or other information  
582 comprising the record. An original also includes the visible data  
583 or other information so generated, regenerated, or transmitted if  
584 it is legible or can be made legible by enlargement or other  
585 process.

586 (3) The commission may adopt rules to administer this  
587 section and ss. 560.211 and 560.310. In adopting rules, the  
588 commission shall take into consideration the federal regulations  
589 that affect the money services business industry or a deferred  
590 payment provider, including any guidance issued by a federal  
591 regulatory agency.

592 (4) Any person who willfully fails to comply with this  
593 section or ss. 560.211 and 560.310 commits a felony of the third  
594 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
595 775.084.

596 Section 7. Section 560.111, Florida Statutes, is amended to  
597 read:

598 560.111 Prohibited acts ~~and practices~~.--

599 (1) A money services business, authorized agent, or  
600 affiliated party may not ~~It is unlawful for any money transmitter~~  
601 ~~or money transmitter-affiliated party to:~~

602 (a) Receive or possess ~~itself of~~ any property except  
603 ~~otherwise than~~ in payment of a just demand, and, with intent to

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604 deceive or defraud, to omit to make or to cause to be made a full  
605 and true entry thereof in its books and accounts, or to concur in  
606 omitting to make any material entry thereof.~~†~~

607 (b) Embezzle, abstract, or misapply any money, property, or  
608 thing of value belonging to the money services business, its  
609 authorized agent, or customer ~~of the money transmitter or~~  
610 ~~authorized vendor~~ with intent to deceive or defraud. ~~such money~~  
611 ~~transmitter or authorized vendor;~~

612 (c) Make any false entry in its books, accounts, reports,  
613 files, or documents ~~any book, report, or statement of such money~~  
614 ~~transmitter or authorized vendor~~ with intent to deceive or  
615 defraud ~~such money transmitter, authorized vendor, or another~~  
616 person, or with intent to deceive the office, any appropriate  
617 regulator ~~other state or federal regulatory agency, or any~~  
618 authorized third party representative appointed by the office to  
619 examine or investigate the affairs of the money services business  
620 or its authorized agent. ~~such money transmitter or authorized~~  
621 ~~vendor;~~

622 (d) Engage in an act that violates 18 U.S.C. s. 1956, 18  
623 U.S.C. s. 1957, 31 U.S.C. s. 5324, or any other law, rule, or  
624 regulation of another state, ~~or of the United States,~~ or any  
625 foreign jurisdiction relating to a money services business,  
626 deferred presentment provider, ~~the business of money transmission~~  
627 or usury which may cause the denial or revocation of a money  
628 services business or deferred presentment provider transmitter  
629 license or the equivalent registration in that ~~such~~  
630 jurisdiction.~~†~~

631 (e) File with the office, sign as a duly authorized  
632 representative, or deliver or disclose, by any means, to the

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633 office or any of its employees any examination report, report of  
634 condition, report of income and dividends, audit, account,  
635 statement, file, or document known by it to be fraudulent or  
636 false as to any material matter.~~;~~ ~~or~~

637 (f) Place among the assets of a money services business or  
638 its authorized agent ~~such money transmitter or authorized vendor~~  
639 any note, obligation, or security that the money services  
640 business or its authorized agent ~~transmitter or authorized~~  
641 ~~vendor~~ does not own or is known to be ~~that to the person's~~  
642 ~~knowledge is~~ fraudulent or otherwise worthless, or ~~for any such~~  
643 ~~person~~ to represent to the office that any note, obligation, or  
644 security ~~carried as an asset of such money transmitter or~~  
645 ~~authorized vendor~~ is the property of the money services business  
646 or its authorized agent ~~transmitter or authorized vendor~~ and is  
647 genuine if it is known to be ~~such person that such representation~~  
648 ~~is false or that such note, obligation, or security is~~ fraudulent  
649 or otherwise worthless.

650 (2) ~~A It is unlawful for any person~~ may not ~~to~~ knowingly  
651 execute, or attempt to execute, a scheme or artifice to defraud a  
652 money services business or its authorized agent ~~transmitter or~~  
653 ~~authorized vendor~~, or ~~to~~ obtain ~~any of~~ the moneys, funds,  
654 credits, assets, securities, or other property owned by, or under  
655 the custody or control of, a money services business or its  
656 authorized agent ~~transmitter or authorized vendor~~, by means of  
657 false or fraudulent pretenses, representations, or promises.

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

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661 (4) Any person who willfully violates any provision of s.  
662 560.403, s. 560.404, s. 560.405, or s. 560.407 commits a felony  
663 of the third degree, punishable as provided in s. 775.082, s.  
664 775.083, or s. 775.084.

665 Section 8. Section 560.113, Florida Statutes, is amended to  
666 read:

667 560.113 Injunctions; receiverships; restitution. ~~Whenever~~  
668 ~~a violation of the code is threatened or impending and such~~  
669 ~~violation will cause substantial injury to any person, the~~  
670 ~~circuit court has jurisdiction to hear any complaint filed by the~~  
671 ~~office and, upon proper showing, to issue an injunction~~  
672 ~~restraining such violation or granting other such appropriate~~  
673 ~~relief.~~

674 (1) If the office determines that any person has engaged in  
675 or is about to engage in any action that is a violation of this  
676 chapter or related rules, the office may, in addition to or in  
677 lieu of other remedies, bring an action on behalf of the state in  
678 the circuit court against the person and any other person acting  
679 in concert with such person to enjoin such person from engaging  
680 in such act. The office may apply for, and on due showing be  
681 entitled to have issued, the court's subpoena requiring the  
682 appearance of the person and her or his employees, associated  
683 persons, or agents and the production of any documents, books, or  
684 records that may appear necessary for the hearing of the  
685 petition, and to testify or give evidence concerning the acts  
686 complained of.

687 (2) In addition to, or in lieu of, the enforcement of a  
688 temporary restraining order, temporary injunction, or permanent  
689 injunction against the person, the court may, upon application of

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690 the office, impound and appoint a receiver or administrator for  
691 the property, assets, and business of the defendant, including,  
692 but not limited to, any related books, records, documents, or  
693 papers. The receiver or administrator shall have all powers and  
694 duties conferred by the court as to the custody, collection,  
695 administration, winding up, and liquidation of the property and  
696 business. The court may issue orders and decrees staying all  
697 pending suits and enjoining any further suits affecting the  
698 receiver's or administrator's custody or possession of the  
699 property, assets, and business or may, with the consent of the  
700 presiding judge of the circuit, require that all such suits be  
701 assigned to the judge appointing the receiver or administrator.

702 (3) In addition to, or in lieu of, any other remedies  
703 provided under this chapter, the office may apply to the court  
704 hearing the matter for an order directing the defendant to make  
705 restitution of those sums shown by the office to have been  
706 obtained in violation of this chapter. Such restitution shall, at  
707 the option of the court, be payable to the administrator or  
708 receiver appointed under this section or directly to the persons  
709 whose assets were obtained in violation of this chapter.

710 Section 9. Section 560.114, Florida Statutes, is amended to  
711 read:

712 560.114 Disciplinary actions; penalties.--

713 (1) The following actions by a money services business,  
714 authorized agent, or affiliated party ~~transmitter or money~~  
715 ~~transmitter-affiliated party are violations of the code and~~  
716 constitute grounds for the issuance of a cease and desist order,  
717 the issuance of a removal order, the denial, ~~of a registration~~  
718 ~~application or the suspension,~~ or revocation of a license ~~any~~

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719 ~~registration previously issued pursuant to the code, or the~~  
720 ~~taking of any other action within the authority of the office~~  
721 ~~pursuant to this chapter the code:~~

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

725 (b) Fraud, misrepresentation, deceit, or gross negligence  
726 in any transaction by a involving money services business  
727 ~~transmission~~, regardless of reliance thereon by, or damage to, a  
728 ~~money transmitter~~ customer.

729 (c) Fraudulent misrepresentation, circumvention, or  
730 concealment of any matter that must ~~required to~~ be stated or  
731 furnished to a ~~money transmitter~~ customer pursuant to this  
732 ~~chapter~~ the code, regardless of reliance thereon by, or damage  
733 to, such customer.

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

735 (e) Failure to maintain, preserve, ~~and~~ keep available for  
736 examination, and produce all books, accounts, files, or other  
737 documents required by this chapter or related rules or orders the  
738 ~~code, by any rule or order adopted pursuant to the code, by 31~~  
739 ~~C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29,~~  
740 ~~103.33, 103.37, 103.41, and 103.125 as they existed on March 31,~~  
741 ~~2004, or by any agreement entered into with the office.~~

742 (f) Refusing to allow ~~Refusal to permit~~ the examination or  
743 inspection of books, accounts, files, or other documents ~~and~~  
744 ~~records in an investigation or examination by the office,~~  
745 pursuant to this chapter the provisions of the code, or to comply  
746 with a subpoena issued by the office.

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

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

753 (i) Insolvency ~~or operating in an unsafe and unsound~~  
754 ~~manner~~.

755 (j) Failure by a money services business ~~transmitter~~ to  
756 remove an affiliated ~~a money transmitter-affiliated~~ party after  
757 the office has issued and served upon the money services business  
758 ~~transmitter~~ a final order setting forth a finding that the  
759 affiliated ~~money transmitter-affiliated~~ party has violated a any  
760 provision of this chapter ~~the code~~.

761 (k) Making a any material misstatement, ~~or~~  
762 misrepresentation, or omission ~~or committing any fraud~~ in an  
763 ~~initial or renewal~~ application for licensure, any amendment to  
764 such application, or application for the appointment of an  
765 authorized agent ~~registration~~.

766 (l) Committing any act that results ~~resulting~~ in a license  
767 ~~an application for registration, or a registration~~ or its  
768 equivalent, to practice any profession or occupation being  
769 denied, suspended, revoked, or otherwise acted against by a  
770 licensing ~~registering~~ authority in any jurisdiction ~~or a finding~~  
771 ~~by an appropriate regulatory body of engaging in unlicensed~~  
772 ~~activity as a money transmitter within any jurisdiction~~.

773 (m) Being the subject of final agency action or its  
774 equivalent, issued by an appropriate regulator, for engaging in

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775 unlicensed activity as a money services business or deferred  
776 presentment provider in any jurisdiction.

777 (n) ~~(m)~~ Committing any act resulting in a license  
778 ~~registration~~ or its equivalent, ~~or an application for~~  
779 ~~registration,~~ to practice any profession or occupation being  
780 denied, suspended, revoked, or otherwise acted against by a  
781 licensing ~~registering~~ authority in any jurisdiction for a  
782 violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s.  
783 1960, 31 U.S.C. s. 5324, or any other law ~~or,~~ ~~rule,~~ ~~or regulation~~  
784 of another state or of the United States relating to a money  
785 services business, deferred presentment provider, the business of  
786 ~~money transmission~~ or usury that ~~which~~ may cause the denial,  
787 suspension, or revocation of a money services business or  
788 deferred presentment provider transmitter license or its  
789 equivalent ~~or registration~~ in such jurisdiction.

790 (o) ~~(n)~~ Having been convicted of ~~or found guilty of,~~ or  
791 entered a plea of ~~having pleaded~~ guilty or nolo contendere to,  
792 any felony or crime punishable by imprisonment of 1 year or more  
793 under the law of any state or ~~of~~ the United States which involves  
794 fraud, moral turpitude, or dishonest dealing, regardless of  
795 adjudication ~~without regard to whether a judgment of conviction~~  
796 ~~has been entered by the court.~~

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

802 (q) ~~(p)~~ Having been convicted of ~~or found guilty of,~~ or  
803 entered a plea of ~~having pleaded~~ guilty or nolo contendere to,

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804 misappropriation, conversion, or unlawful withholding of moneys  
805 belonging that belong to others, regardless of adjudication and  
806 ~~were received in the conduct of the business of the money~~  
807 ~~transmitter.~~

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

815 (s)(r) Aiding, assisting, procuring, advising, or abetting  
816 any person in violating a provision of this chapter code or any  
817 order or rule of the office or commission.

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

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

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

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

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

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

830 (w)(\*) Engaging or advertising engagement in the business  
831 of a money services business or deferred presentment provider  
832 ~~transmitter~~ without a license registration, unless ~~the person is~~

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833 exempted from licensure ~~the registration requirements of the~~  
834 ~~code.~~

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

839 (y) Failure by a money services business licensed under  
840 part II of this chapter to supervise its authorized agents  
841 pursuant to s. 560.208 or s. 560.2085.

842 (z) Violations of 31 C.F.R. ss. 103.20, 103.22,  
843 103.23, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and  
844 103.125.

845 (aa) Any practice or conduct that creates the likelihood of  
846 a material loss, insolvency, or dissipation of assets of a money  
847 services business or otherwise materially prejudices the  
848 interests of its customers

849 (2) The office may deny licensure if the applicant or an  
850 affiliated party is the subject of a pending criminal prosecution  
851 or governmental enforcement action in any jurisdiction until the  
852 conclusion of the prosecution or action.

853 (3)(2) The office may issue a cease and desist order or  
854 removal order, suspend or revoke a license ~~any previously issued~~  
855 ~~registration~~, or take any other action within the authority of  
856 the office against a licensee ~~money transmitter~~ based on any fact  
857 or condition that exists and that, if it had existed or been  
858 known to exist at the time of license application ~~the money~~  
859 ~~transmitter applied for registration~~, would have been grounds for  
860 license denial ~~of registration~~.

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861        (4)-(3) A Each money services business licensed under part  
862 II of this chapter ~~transmitter~~ is responsible for any act of its  
863 authorized agents vendors if the money services business  
864 ~~transmitter~~ should have known of the act or had ~~if the money~~  
865 ~~transmitter has~~ actual knowledge that such act is a violation of  
866 this chapter, the code and the money services business  
867 ~~transmitter willfully~~ allowed the ~~such~~ act to continue. Such  
868 responsibility is limited to conduct engaged in by the authorized  
869 agent vendor pursuant to the authority granted to it by the money  
870 services business transmitter.

871        (5)-(4) If a license registration granted under this chapter  
872 ~~code~~ expires or is surrendered by the licensee registrant during  
873 the pendency of an administrative action ~~under this code~~, the  
874 proceeding may continue as if the license is registration were  
875 still in effect.

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

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

883        (8) In imposing any administrative remedy or penalty under  
884 this chapter, the office shall take into account the  
885 appropriateness of the penalty with respect to the gravity of the  
886 violation, the history of previous violations, and other matters  
887 as justice may require.

888        Section 10. Section 560.115, Florida Statutes, is amended  
889 to read:

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890           560.115 Surrender of license registration.--A licensee Any  
891 ~~money transmitter registered pursuant to the code~~ may voluntarily  
892 surrender its license registration at any time by giving written  
893 notice to the office.

894           Section 11. Section 560.116, Florida Statutes, is amended  
895 to read:

896           560.116 Civil immunity.--Any person having reason to  
897 believe that a provision of this chapter ~~the code~~ is being  
898 violated, ~~or~~ has been violated, or is about to be violated, may  
899 file a complaint with the office setting forth the details of the  
900 alleged violation. Such person is immune ~~An Immunity~~ from civil  
901 liability ~~is hereby granted to any person who furnishes such~~  
902 ~~information,~~ unless the information provided is false and has  
903 been provided ~~the person providing the information does so with~~  
904 reckless disregard for the truth.

905           Section 12. Section 560.118, Florida Statutes, is amended  
906 to read:

907           560.118 ~~Examinations, Reports, and internal audits;~~  
908 ~~penalty.--~~

909           (1) (a) ~~The office may conduct an examination of a money~~  
910 ~~transmitter or authorized vendor by providing not less than 15~~  
911 ~~days' advance notice to the money transmitter or authorized~~  
912 ~~vendor. However, if the office suspects that the money~~  
913 ~~transmitter or authorized vendor has violated any provisions of~~  
914 ~~this code or any criminal laws of this state or of the United~~  
915 ~~States or is engaging in an unsafe and unsound practice, the~~  
916 ~~office may, at any time without advance notice, conduct an~~  
917 ~~examination of all affairs, activities, transactions, accounts,~~  
918 ~~business records, and assets of any money transmitter or any~~

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919 ~~money transmitter-affiliated party for the protection of the~~  
920 ~~public. For the purpose of examinations, the office may~~  
921 ~~administer oaths and examine a money transmitter or any of its~~  
922 ~~affiliated parties concerning their operations and business~~  
923 ~~activities and affairs. The office may accept an audit or~~  
924 ~~examination from any appropriate regulatory agency or from an~~  
925 ~~independent third party with respect to the operations of a money~~  
926 ~~transmitter or an authorized vendor. The office may also make a~~  
927 ~~joint or concurrent examination with any state or federal~~  
928 ~~regulatory agency. The office may furnish a copy of all~~  
929 ~~examinations made of such money transmitter or authorized vendor~~  
930 ~~to the money transmitter and any appropriate regulatory agency~~  
931 ~~provided that such agency agrees to abide by the confidentiality~~  
932 ~~provisions as set forth in chapter 119.~~

933 ~~(b) Persons subject to this chapter who are examined shall~~  
934 ~~make available to the office or its examiners the accounts,~~  
935 ~~records, documents, files, information, assets, and matters which~~  
936 ~~are in their immediate possession or control and which relate to~~  
937 ~~the subject of the examination. Those accounts, records,~~  
938 ~~documents, files, information, assets, and matters not in their~~  
939 ~~immediate possession shall be made available to the office or the~~  
940 ~~office's examiners within 10 days after actual notice is served~~  
941 ~~on such persons.~~

942 ~~(c) The audit of a money transmitter required under this~~  
943 ~~section may be performed by an independent third party that has~~  
944 ~~been approved by the office or by a certified public accountant~~  
945 ~~authorized to do business in the United States. The examination~~  
946 ~~of a money transmitter or authorized vendor required under this~~  
947 ~~section may be performed by an independent third party that has~~

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948 ~~been approved by the office or by a certified public accountant~~  
949 ~~authorized to do business in the United States. The cost of such~~  
950 ~~an independent examination or audit shall be directly borne by~~  
951 ~~the money transmitter or authorized vendor.~~

952 ~~(2)(a) Annual financial audit reports must that are~~  
953 ~~required to be filed with the office pursuant to this chapter or~~  
954 ~~related rules under the code or any rules adopted thereunder must~~  
955 ~~be audited by an independent third party that has been approved~~  
956 ~~by the office or by a certified public accountant authorized to~~  
957 ~~do business in the United States. The licensee money transmitter~~  
958 ~~or authorized vendor shall directly bear the cost of the audit.~~  
959 ~~This paragraph does not apply to any seller of payment~~  
960 ~~instruments who can prove to the satisfaction of the office that~~  
961 ~~it has a combined total of fewer than 50 employees and authorized~~  
962 ~~vendors or that its annual payment instruments issued from its~~  
963 ~~activities as a payment instrument seller are less than \$200,000.~~

964 ~~(2)(b) Each licensee must submit The commission may, by~~  
965 ~~rule, require each money transmitter or authorized vendor to~~  
966 ~~submit quarterly reports to the office in a format and include~~  
967 ~~information as specified by rule. The rule ~~commission~~ may require~~  
968 ~~the that each report to contain a declaration by an officer, or~~  
969 ~~any other responsible person authorized to make such declaration,~~  
970 ~~that the report is true and correct to the best of her or his~~  
971 ~~knowledge and belief. Such report must include such information~~  
972 ~~as the commission by rule requires for that type of money~~  
973 ~~transmitter.~~

974 ~~(c) The office may levy an administrative fine of up to~~  
975 ~~\$100 per day for each day the report is past due, unless it is~~  
976 ~~excused for good cause. In excusing any such administrative fine,~~

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977 ~~the office may consider the prior payment history of the money~~  
978 ~~transmitter or authorized vendor.~~

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

983 Section 13. Section 560.119, Florida Statutes, is  
984 transferred, renumbered as section 560.144, Florida Statutes, and  
985 amended to read:

986 560.144 ~~560.119~~ Deposit of fees and assessments.--License  
987 The application fees, license registration renewal fees, late  
988 payment penalties, civil penalties, administrative fines, and  
989 other fees, costs, or penalties provided for in this chapter the  
990 code shall, in all cases, be paid directly to the office, which  
991 shall deposit such proceeds into the Regulatory Trust Fund, and  
992 use the proceeds to pay the costs of the office as necessary to  
993 carry out its responsibilities under this chapter. ~~Each year, the~~  
994 ~~Legislature shall appropriate from the trust fund to the office~~  
995 ~~sufficient moneys to pay the office's costs for administration of~~  
996 ~~the code. The Regulatory Trust Fund is subject to the service~~  
997 ~~charge imposed pursuant to chapter 215.~~

998 Section 14. Section 560.121, Florida Statutes, is amended  
999 to read:

1000 560.121 Access to records; record retention; penalties  
1001 ~~limited restrictions upon public access.--~~

1002 (1) ~~(a)~~ Orders of courts or of administrative law judges for  
1003 the production of confidential records or information must ~~shall~~  
1004 provide for inspection in camera by the court or the  
1005 administrative law judge; and, if ~~after~~ the court or

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1006 administrative law judge determines ~~has made a determination~~ that  
1007 the documents requested are relevant or would likely lead to the  
1008 discovery of admissible evidence, ~~said documents shall be subject~~  
1009 ~~to further orders~~ by the court or the administrative law judge  
1010 must issue further orders to protect the confidentiality of the  
1011 documents thereof. Any order directing the release of information  
1012 is ~~shall be~~ immediately reviewable, and a petition by the office  
1013 for review of the ~~such~~ order shall automatically stay further  
1014 proceedings in the trial court or the administrative hearing  
1015 until the disposition of the ~~such~~ petition by the reviewing  
1016 court. ~~If any other party files such~~ A petition for review of the  
1017 order filed by any other party shall, ~~it will~~ operate as a stay  
1018 of the ~~such~~ proceedings only upon order of the reviewing court.

1019 (2) ~~(b)~~ Confidential records and information furnished  
1020 pursuant to a legislative subpoena must ~~shall~~ be kept  
1021 confidential ~~by the legislative body or committee which receives~~  
1022 ~~the records or information,~~ except in cases ~~a case~~ involving the  
1023 investigation of charges against a public official subject to  
1024 impeachment or removal, and then disclosure of such information  
1025 shall be only to the extent determined to be necessary by the  
1026 legislative body or committee ~~to be necessary~~.

1027 (3) ~~(2)~~ ~~The commission may prescribe by rule the minimum~~  
1028 ~~information that must be shown in the books, accounts, records,~~  
1029 ~~and documents of licensees for purposes of enabling the office to~~  
1030 ~~determine the licensee's compliance with this chapter. In~~  
1031 ~~addition, the commission may prescribe by rule requirements for~~  
1032 ~~the destruction of books, accounts, records, and documents~~  
1033 ~~retained by the licensee after completion of the time period~~  
1034 ~~specified in this subsection.~~ Examination reports, investigatory

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1035 records, applications, and related information compiled by the  
1036 office, or photographic copies thereof, must ~~shall~~ be retained by  
1037 the office for a ~~period of~~ at least 5 ~~3~~ years after ~~following~~ the  
1038 date ~~that~~ the examination or investigation ceases to be active.

1039 Application records, and related information compiled by the  
1040 office, or photographic copies thereof, must ~~shall~~ be retained by  
1041 the office for a period of at least 5 ~~2~~ years after ~~following~~ the  
1042 date ~~that~~ the license registration ceases to be active.

1043 ~~(3) A copy of any document on file with the office which is~~  
1044 ~~certified by the office as being a true copy may be introduced in~~  
1045 ~~evidence as if it were the original. The commission shall~~  
1046 ~~establish a schedule of fees for preparing true copies of~~  
1047 ~~documents.~~

1048 (4) Any person who willfully discloses information made  
1049 confidential by this section commits a felony of the third  
1050 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1051 775.084.

1052 Section 15. Section 560.123, Florida Statutes, is amended  
1053 to read:

1054 560.123 Florida Control of Money Laundering in ~~the~~ Money  
1055 Services Business Act Transmitters' Code; ~~reports of transactions~~  
1056 ~~involving currency or monetary instruments; when required;~~  
1057 ~~purpose; definitions; penalties; corpus delicti.--~~

1058 (1) This section may be cited as the "Florida Control of  
1059 Money Laundering in Money Services Business ~~Transmitters~~ Act."

1060 (2) ~~It is~~ The purpose of this section is to require the  
1061 ~~submission to the office of reports and the maintenance of~~  
1062 certain records of transactions involving currency or payment  
1063 ~~monetary instruments in order to which reports and records deter~~

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1064 the use of a money services business ~~money transmitters~~ to  
1065 conceal proceeds from criminal activity and to ensure the  
1066 availability of such records for ~~are useful in~~ criminal, tax, or  
1067 regulatory investigations or proceedings.

1068 (3)(a) ~~A~~ Every money services business ~~must~~ transmitter  
1069 ~~shall~~ keep a record of every ~~each~~ financial transaction ~~occurring~~  
1070 ~~in this state~~ known to it that occurs in this state; involves ~~to~~  
1071 ~~involve~~ currency or other payment ~~monetary~~ instrument, as  
1072 prescribed ~~the commission prescribes~~ by rule, having ~~of~~ a value  
1073 greater than ~~in excess of~~ \$10,000; and involves, ~~to involve~~ the  
1074 proceeds of ~~specified~~ unlawful activity, or is ~~to be~~ designed to  
1075 evade the reporting requirements of this section or chapter 896.  
1076 The money services business must ~~and shall~~ maintain appropriate  
1077 procedures to ensure compliance with this section and chapter  
1078 896.

1079 (a)(b) Multiple financial transactions shall be treated as  
1080 a single transaction if the money services business ~~transmitter~~  
1081 has knowledge that they are made by or on behalf of any one  
1082 person and result in ~~either~~ cash in or cash out totaling more  
1083 than \$10,000 during any day.

1084 (b)(c) ~~A~~ Any money services business ~~transmitter~~ may keep a  
1085 record of any financial transaction occurring in this state,  
1086 regardless of the value, if it suspects that the transaction  
1087 involves the proceeds of ~~specified~~ unlawful activity.

1088 (c) The money services business must file a report with the  
1089 office of any records required by this subsection, at such time  
1090 and containing such information as required by rule. The timely  
1091 filing of the report required by 31 U.S.C. s. 5313 with the  
1092 appropriate federal agency shall be deemed compliance with the

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1093 reporting requirements of this subsection unless the reports are  
1094 not regularly and comprehensively transmitted by the federal  
1095 agency to the office.

1096 (d) A money services business ~~transmitter~~, or officer,  
1097 employee, or agent thereof, that files a report in good faith  
1098 pursuant to this section is not liable to any person for loss or  
1099 damage caused in whole or in part by the making, filing, or  
1100 governmental use of the report, or any information contained  
1101 therein.

1102 ~~(4)(3)~~ A money services business ~~transmitters~~ must comply  
1103 with adhere to the money laundering, enforcement, and reporting  
1104 provisions of s. 655.50~~7~~ relating to reports of transactions  
1105 involving currency transactions and payment ~~monetary~~ instruments,  
1106 and of chapter 896~~7~~ concerning offenses relating to financial  
1107 transactions.

1108 ~~(5)(4)~~ In enforcing this section, the ~~commission and~~ office  
1109 shall acknowledge and take into consideration the requirements of  
1110 Title 31, United States Code, in order ~~both~~ to reduce the burden  
1111 of ~~fulfilling~~ duplicate requirements and to acknowledge the  
1112 economic advantage of having similar reporting and recordkeeping  
1113 requirements between state and federal regulatory authorities.

1114 ~~(5)(a)~~ Each money ~~transmitter~~ must ~~file a report with the~~  
1115 ~~office of the record required by this section. Each record filed~~  
1116 ~~pursuant to this section must be filed at such time and contain~~  
1117 ~~such information as the commission requires by rule.~~

1118 ~~(b)~~ The timely filing of the report required by 31 U.S.C.  
1119 s. 5313, with the appropriate federal agency is deemed compliance  
1120 with the reporting requirements of this subsection unless the

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1121 ~~reports are not regularly and comprehensively transmitted by the~~  
1122 ~~federal agency to the office.~~

1123 (6) The office must retain a copy of all reports received  
1124 under subsection (3) ~~(5)~~ for a minimum of 5 ~~3~~ ~~calendar~~ years  
1125 after receipt of the report. However, if a report or information  
1126 contained in a report is known by the office to be the subject of  
1127 an existing criminal proceeding, the report must be retained for  
1128 a minimum of 10 ~~calendar~~ years after ~~from~~ the date of receipt.

1129 (7) In addition to any other powers conferred upon the  
1130 office to enforce and administer this chapter ~~the code~~, the  
1131 office may:

1132 (a) Bring an action in any court of competent jurisdiction  
1133 to enforce or administer this section. In such action, the office  
1134 may seek award of any civil penalty authorized by law and any  
1135 other appropriate relief at law or equity.

1136 (b) Issue and serve upon a person an order requiring the  
1137 ~~such~~ person to cease and desist and take corrective action if  
1138 ~~whenever~~ the office finds that the ~~such~~ person is violating, has  
1139 violated, or is about to violate any provision of this section or  
1140 chapter 896; any rule or order adopted under this section or  
1141 chapter 896; or any written agreement related to this section or  
1142 chapter 896 which is entered into with the office.

1143 (c) Issue and serve upon a person an order suspending or  
1144 revoking the ~~such~~ person's money services business license if  
1145 ~~transmitter registration whenever~~ the office finds that the ~~such~~  
1146 person is violating, has violated, or is about to violate any  
1147 provision of this section or chapter 896; any rule or order  
1148 adopted under this section or chapter 896; or any written

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1149 agreement related to this section or chapter 896 which is entered  
1150 into with the office.

1151 (d) Issue and serve upon any person an order of removal  
1152 whenever the office finds that the ~~such~~ person is violating, has  
1153 violated, or is about to violate any provision of this section or  
1154 chapter 896; any rule or order adopted under this section or  
1155 chapter 896; or any written agreement related to this section or  
1156 chapter 896 which is entered into with the office.

1157 (e) Impose and collect an administrative fine against any  
1158 person found to have violated any provision of this section or  
1159 chapter 896; any rule or order adopted under this section or  
1160 chapter 896; or any written agreement related to this section or  
1161 chapter 896 which is entered into with the office, of up to ~~in an~~  
1162 ~~amount not exceeding~~ \$10,000 per a day for each willful violation  
1163 or \$500 per a day for each negligent violation.

1164 (8) (a) Except as provided in paragraph (b), a person who  
1165 willfully violates any provision of this section commits a  
1166 misdemeanor of the first degree, punishable as provided in s.  
1167 775.082 or s. 775.083.

1168 (b) A person who willfully violates any provision of this  
1169 section, if the violation involves:

1170 1. Currency or payment instruments exceeding \$300 but less  
1171 than \$20,000 in any 12-month period, commits a felony of the  
1172 third degree, punishable as provided in s. 775.082, s. 775.083,  
1173 or s. 775.084.

1174 2. Currency or payment instruments totaling or exceeding  
1175 \$20,000 but less than \$100,000 in any 12-month period, commits a  
1176 felony of the second degree, punishable as provided in s.  
1177 775.082, s. 775.083, or s. 775.084.

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1178 3. Currency or payment instruments totaling or exceeding  
1179 \$100,000 in any 12-month period, commits a felony of the first  
1180 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1181 775.084.

1182 (c) In addition to the penalties ~~otherwise~~ authorized by s.  
1183 775.082, s. 775.083, or s. 775.084, a person who has been  
1184 convicted of, or entered a plea of ~~who has pleaded~~ guilty or nolo  
1185 contendere, regardless of adjudication, to having violated  
1186 paragraph (b) may be sentenced to pay a fine of up to ~~not~~  
1187 ~~exceeding~~ \$250,000 or twice the value of the currency or payment  
1188 instruments, whichever is greater, except that on a second or  
1189 subsequent conviction for or plea of guilty or nolo contendere,  
1190 regardless of adjudication, to a violation of paragraph (b), the  
1191 fine may be up to \$500,000 or quintuple the value of the currency  
1192 or payment instruments, whichever is greater.

1193 (d) A person who violates this section is also liable for a  
1194 civil penalty of not more than the greater of the value of the  
1195 currency or payment instruments involved or \$25,000.

1196 (9) In any prosecution brought pursuant to this section,  
1197 the common law corpus delicti rule does not apply. The  
1198 defendant's confession or admission is admissible during trial  
1199 without the state having to prove the corpus delicti if the court  
1200 finds in a hearing conducted outside the presence of the jury  
1201 that the defendant's confession or admission is trustworthy.  
1202 Before the court admits the defendant's confession or admission,  
1203 the state must prove by a preponderance of the evidence that  
1204 there is sufficient corroborating evidence that tends to  
1205 establish the trustworthiness of the statement by the defendant.  
1206 Hearsay evidence is admissible during the presentation of

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1207 evidence at the hearing. In making its determination, the court  
1208 may consider all relevant corroborating evidence, including the  
1209 defendant's statements.

1210 Section 16. Section 560.1235, Florida Statutes, is created  
1211 to read:

1212 560.1235 Money laundering requirements.--

1213 (1) A licensee must comply with all state and federal laws  
1214 and rules relating to the detection and prevention of money  
1215 laundering, including, as applicable, s. 560.123, and 31 C.F.R.  
1216 ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29, 103.33,  
1217 103.37, and 103.41.

1218 (2) A licensee must maintain an anti-money laundering  
1219 program in accordance with 31 C.F.R. s. 103.25. The program must  
1220 be reviewed and updated as necessary to ensure that the program  
1221 continues to be effective in detecting and deterring money  
1222 laundering activities.

1223 Section 17. Section 560.124, Florida Statutes, is amended  
1224 to read:

1225 560.124 Sharing of information.--

1226 ~~(1) It is not unlawful for~~ Any person may ~~to~~ provide  
1227 ~~information~~ to a money services business, its transmitter,  
1228 authorized agent, law enforcement agency, prosecutorial agency  
1229 ~~vendor,~~ or appropriate regulator, or ~~for~~ any money services  
1230 business, its transmitter, authorized agent, law enforcement  
1231 agency, prosecutorial agency ~~vendor,~~ or appropriate regulator may  
1232 ~~to~~ provide ~~information~~ to any person, information about any ~~other~~  
1233 person's known or suspected involvement in a violation of any  
1234 state, federal, or foreign law, rule, or regulation relating to  
1235 the business of a money services business or deferred present

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1236 provider transmitter which has been reported to state, federal,  
1237 or foreign authorities, and is not.

1238 ~~(2) No person shall be liable in any civil action for~~  
1239 providing such information.

1240 Section 18. Section 560.125, Florida Statutes, is amended  
1241 to read:

1242 560.125 Unlicensed activity ~~Money transmitter business by~~  
1243 ~~unauthorized persons; penalties.--~~

1244 (1) A person ~~other than a registered money transmitter or~~  
1245 ~~authorized vendor~~ may not engage in the business of a money  
1246 services business or deferred presentment provider transmitter in  
1247 this state unless the person is licensed or exempted from  
1248 licensure under this chapter ~~from the registration requirements~~  
1249 ~~of the code.~~

1250 (2) Only a money services business licensed under part II  
1251 of this chapter may appoint an authorized agent. ~~No person shall~~  
1252 ~~act as a vendor of a money transmitter when such money~~  
1253 ~~transmitter is subject to registration under the code but has not~~  
1254 ~~registered.~~ Any such person acting as the agent of an unlicensed  
1255 money transmitter or payment instrument issuer becomes the  
1256 principal thereof, and no longer merely acts as an agent a  
1257 ~~vendor~~, and ~~such person~~ is liable to the holder or remitter as a  
1258 principal money transmitter or payment instrument seller.

1259 (3) Any person whose substantial interests are affected by  
1260 a proceeding brought by the office pursuant to this chapter ~~the~~  
1261 ~~code~~ may, pursuant to s. 560.113, petition any court of competent  
1262 jurisdiction to enjoin the person or activity that is the subject  
1263 of the proceeding from violating any of the provisions of this  
1264 section. For the purpose of this subsection, any money services

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1265 business licensed under this chapter ~~transmitter registered~~  
1266 ~~pursuant to the code~~, any person residing in this state, and any  
1267 person whose principal place of business is in this state are  
1268 presumed to be substantially affected. In addition, the interests  
1269 of a trade organization or association are deemed substantially  
1270 affected if the interests of any of its members are ~~se~~ affected.

1271 (4) The office may issue and serve upon any person who  
1272 violates any of the provisions of this section a complaint  
1273 seeking a cease and desist order or impose an administrative fine  
1274 as provided in s. 560.114 ~~in accordance with the procedures and~~  
1275 ~~in the manner prescribed by s. 560.112. The office may also~~  
1276 ~~impose an administrative fine pursuant to s. 560.117(3) against~~  
1277 ~~any person who violates any of the provisions of this section.~~

1278 (5) A person who violates this section, if the violation  
1279 involves:

1280 (a) Currency or payment instruments exceeding \$300 but less  
1281 than \$20,000 in any 12-month period, commits a felony of the  
1282 third degree, punishable as provided in s. 775.082, s. 775.083,  
1283 or s. 775.084.

1284 (b) Currency or payment instruments totaling or exceeding  
1285 \$20,000 but less than \$100,000 in any 12-month period, commits a  
1286 felony of the second degree, punishable as provided in s.  
1287 775.082, s. 775.083, or s. 775.084.

1288 (c) Currency or payment instruments totaling or exceeding  
1289 \$100,000 in any 12-month period, commits a felony of the first  
1290 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1291 775.084.

1292 (6) In addition to the penalties authorized by s. 775.082,  
1293 s. 775.083, or s. 775.084, a person who has been convicted of, or

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1294 entered a plea of ~~found guilty of or who has pleaded~~ guilty or  
1295 nolo contendere, to having violated this section may be sentenced  
1296 to pay a fine of up to ~~not exceeding~~ \$250,000 or twice the value  
1297 of the currency or payment instruments, whichever is greater,  
1298 except that on a second or subsequent violation of this section,  
1299 the fine may be up to \$500,000 or quintuple the value of the  
1300 currency or payment instruments, whichever is greater.

1301 (7) A person who violates this section is also liable for a  
1302 civil penalty of not more than the value of the currency or  
1303 payment instruments involved or \$25,000, whichever is greater.

1304 (8) In any prosecution brought pursuant to this section,  
1305 the common law corpus delicti rule does not apply. The  
1306 defendant's confession or admission is admissible during trial  
1307 without the state having to prove the corpus delicti if the court  
1308 finds in a hearing conducted outside the presence of the jury  
1309 that the defendant's confession or admission is trustworthy.  
1310 Before the court admits the defendant's confession or admission,  
1311 the state must prove by a preponderance of the evidence that  
1312 there is sufficient corroborating evidence that tends to  
1313 establish the trustworthiness of the statement by the defendant.  
1314 Hearsay evidence is admissible during the presentation of  
1315 evidence at the hearing. In making its determination, the court  
1316 may consider all relevant corroborating evidence, including the  
1317 defendant's statements.

1318 Section 19. Section 560.126, Florida Statutes, is amended  
1319 to read:

1320 560.126 ~~Significant events; notice~~ Required notice by  
1321 licensee.--

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1322 (1) A licensee ~~Unless exempted by the office, every money~~  
1323 ~~transmitter~~ must provide the office with a written notice sent by  
1324 registered mail within 30 days after the occurrence or knowledge  
1325 of, whichever period of time is greater, any of the following  
1326 events:

1327 (a) The filing of a petition under the United States  
1328 Bankruptcy Code for bankruptcy or reorganization by the licensee  
1329 ~~money transmitter~~.

1330 (b) The commencement of an administrative or judicial  
1331 license ~~any registration~~ suspension or revocation proceeding,  
1332 ~~either administrative or judicial,~~ or the denial of a license ~~any~~  
1333 ~~original registration~~ request or ~~a registration~~ renewal, by any  
1334 state, the District of Columbia, any United States territory, or  
1335 any foreign country, in which the licensee ~~money transmitter~~  
1336 operates, ~~or~~ plans to operate, or is licensed ~~or has registered~~  
1337 to operate.

1338 (c) A felony indictment relating to a the money services  
1339 ~~transmission~~ business or deferred presentment provider involving  
1340 the licensee, its authorized agent, or an affiliated ~~money~~  
1341 ~~transmitter or a money transmitter-affiliated party of the money~~  
1342 ~~transmitter~~.

1343 (d) The felony conviction, guilty plea, or plea of nolo  
1344 contendere, regardless of adjudication, of the licensee, its  
1345 authorized agent, or an affiliated ~~if the court adjudicates the~~  
1346 ~~nolo contendere pleader guilty, or the adjudication of guilt of a~~  
1347 ~~money transmitter or money transmitter-affiliated party~~.

1348 (e) The interruption of any corporate surety bond required  
1349 under this chapter ~~by the code~~.

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1350 (f) Any suspected criminal act, ~~as defined by the~~  
1351 ~~commission by rule,~~ perpetrated in this state relating to  
1352 activities regulated under this chapter by an affiliated party  
1353 against a money services business or its authorized agent  
1354 ~~transmitter or authorized vendor.~~

1355 (g) Notification by a law enforcement or prosecutorial  
1356 agency that the licensee or its authorized agent is under  
1357 criminal investigation including, but not limited to, subpoenas  
1358 to produce records or testimony and warrants issued by a court of  
1359 competent jurisdiction which authorize the search and seizure of  
1360 any records relating to a business activity regulated under this  
1361 chapter.

1362  
1363 ~~However, a person does not incur liability as a result of making~~  
1364 ~~a good faith effort to fulfill this disclosure requirement.~~

1365 (2) ~~(a)~~ A licensee must ~~Each registrant under this code~~  
1366 ~~shall~~ report, on a form adopted ~~prescribed~~ by rule ~~of the~~  
1367 ~~commission,~~ any change in the information contained in an ~~any~~  
1368 initial license application form, ~~or~~ any amendment to such  
1369 application, or the appointment of an authorized agent within  
1370 ~~thereto not later than~~ 30 days after the change is effective.

1371 (3) ~~(b)~~ Each licensee must ~~registrant under the code shall~~  
1372 report any change ~~changes~~ in the partners, officers, members,  
1373 joint venturers, directors, controlling shareholders, or  
1374 responsible persons of the licensee ~~any registrant~~ or changes in  
1375 the form of business organization by written amendment in such  
1376 form and at such time as specified ~~the commission specifies~~ by  
1377 rule.

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1378        (a)1. ~~If In any case in which a person or a group of~~  
1379 ~~persons,~~ directly or indirectly or acting by or through one or  
1380 more persons, proposes to purchase or acquire a controlling  
1381 interest in a licensee, such person or group must submit an  
1382 initial application for licensure registration as a money  
1383 services business or deferred presentment provider transmitter  
1384 before such purchase or acquisition at such time and in such form  
1385 as prescribed ~~the commission prescribes~~ by rule.

1386        2. As used in this subsection, the term "controlling  
1387 interest" means the same as described in s. 560.127 ~~possession of~~  
1388 ~~the power to direct or cause the direction of the management or~~  
1389 ~~policies of a company whether through ownership of securities, by~~  
1390 ~~contract, or otherwise. Any person who directly or indirectly has~~  
1391 ~~the right to vote 25 percent or more of the voting securities of~~  
1392 ~~a company or is entitled to 25 percent or more of its profits is~~  
1393 ~~presumed to possess a controlling interest.~~

1394        (b)3. ~~The~~ Any addition of a partner, officer, member, joint  
1395 venturer, director, controlling shareholder, or responsible  
1396 person of the applicant who does not have a controlling interest  
1397 and who has not previously complied with the applicable  
1398 provisions of ss. 560.140 and 560.141 ~~ss. 560.205 and 560.306~~  
1399 ~~shall be subject to such provisions unless required to file an~~  
1400 ~~initial application in accordance with subparagraph 1. If the~~  
1401 office determines that the licensee registrant does not continue  
1402 to meet the licensure registration requirements, the office may  
1403 bring an administrative action in accordance with s. 560.114 to  
1404 enforce the provisions of this chapter ~~code~~.

1405        (c)4. The commission shall adopt rules ~~pursuant to ss.~~  
1406 ~~120.536(1) and 120.54~~ providing for the waiver of the license

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1407 application required by this subsection if the person or group of  
1408 persons proposing to purchase or acquire a controlling interest  
1409 in a licensee ~~registrant~~ has previously complied with the  
1410 applicable provisions of ss. 560.140 and 560.141 under ss.  
1411 ~~560.205 and 560.306 with~~ the same legal entity or is currently  
1412 licensed ~~registered with the office under this chapter code.~~

1413 Section 20. Section 560.127, Florida Statutes, is amended  
1414 to read:

1415 560.127 Control of a money services business  
1416 ~~transmitter.~~--A person has a controlling interest in ~~control over~~  
1417 a money services business ~~transmitter~~ if the person:

1418 ~~(1) the individual, partnership, corporation, trust, or~~  
1419 ~~other organization~~ possesses the power, directly or indirectly,  
1420 to direct the management or policies of the money services  
1421 business ~~a company~~, whether through ownership ~~of securities~~, by  
1422 contract, or otherwise. A person is presumed to have control ~~a~~  
1423 ~~company~~ if the, ~~with respect to a particular company, that~~  
1424 person:

1425 (1)(a) Is a director, general partner, or officer  
1426 exercising executive responsibility or having similar status or  
1427 functions;

1428 (2)(b) Directly or indirectly may vote 25 percent or more  
1429 of a class of a voting security or sell or direct the sale of 25  
1430 percent or more of a class of voting securities; or

1431 (3)(c) In the case of a partnership, may receive upon  
1432 dissolution or has contributed 25 percent or more of the capital.

1433 ~~(2) The office determines, after notice and opportunity for~~  
1434 ~~hearing, that the person directly or indirectly exercises a~~

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1435 ~~controlling influence over the activities of the money~~  
1436 ~~transmitter.~~

1437 Section 21. Section 560.128, Florida Statutes, is amended  
1438 to read:

1439 560.128 Customer contacts; license display ~~Consumer~~  
1440 ~~disclosure.--~~

1441 (1) A money services business or its authorized agent must  
1442 provide each customer with ~~Every money transmitter and authorized~~  
1443 ~~vendor shall provide each consumer of a money transmitter~~  
1444 ~~transaction~~ a toll-free telephone number for the purpose of  
1445 contacting the money services business or its authorized agent  
1446 or, consumer contacts; ~~However,~~ in lieu of a such toll-free  
1447 telephone number, ~~the money transmitter or authorized vendor may~~  
1448 ~~provide~~ the address and telephone number of the office may be  
1449 provided and ~~the Division of Consumer Services of the Department~~  
1450 ~~of Financial Services.~~

1451 (2) The commission may by rule require a licensee ~~every~~  
1452 ~~money transmitter~~ to display its license ~~registration~~ at each  
1453 location, ~~including the location of each person designated by the~~  
1454 ~~registrant as an authorized vendor,~~ where the licensee ~~the money~~  
1455 ~~transmitter~~ engages in the activities authorized by the license  
1456 ~~registration.~~

1457 Section 22. Section 560.129, Florida Statutes, is amended  
1458 to read:

1459 560.129 Confidentiality.--

1460 (1) ~~(a)~~ Except as otherwise provided in this section, all  
1461 information concerning an investigation or examination conducted  
1462 by the office pursuant to this chapter, including any customer  
1463 ~~consumer~~ complaint received by the office, the commission, or the

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1464 Department of Financial Services, is confidential and exempt from  
1465 s. 119.07(1) and s. 24(a), Art. I of the State Constitution until  
1466 the investigation or examination ceases to be active. For  
1467 purposes of this section, an investigation or examination is  
1468 considered "active" so long as the office or any other  
1469 administrative, regulatory, or law enforcement agency of any  
1470 jurisdiction is proceeding with reasonable dispatch and has a  
1471 reasonable good faith belief that action may be initiated by the  
1472 office or other administrative, regulatory, or law enforcement  
1473 agency.

1474 (2)(b) ~~Notwithstanding paragraph (a),~~ All information  
1475 obtained by the office in the course of its investigation or  
1476 examination which is a trade secret, as defined in s. 688.002, or  
1477 which is personal financial information shall remain confidential  
1478 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
1479 Constitution. If any administrative, civil, or criminal  
1480 proceeding against a the money services business, its authorized  
1481 agent, transmitter or an affiliated a money transmitter-  
1482 affiliated party is initiated and the office seeks to use matter  
1483 that a licensee registrant believes to be a trade secret or  
1484 personal financial information, such records shall be subject to  
1485 an in camera review by the administrative law judge, if the  
1486 matter is before the Division of Administrative Hearings, or a  
1487 judge of any court of this state, any other state, or the United  
1488 States, as appropriate, for the purpose of determining if the  
1489 matter is a trade secret or is personal financial information. If  
1490 it is determined that the matter is a trade secret, the matter  
1491 shall remain confidential. If it is determined that the matter is  
1492 personal financial information, the matter shall remain

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1493 confidential unless the administrative law judge or judge  
1494 determines that, in the interests of justice, the matter should  
1495 become public.

1496 (3)~~(e)~~ If an ~~any~~ administrative, civil, or criminal  
1497 proceeding against a ~~the~~ money services business, its authorized  
1498 agent, transmitter or an affiliated a money transmitter-  
1499 ~~affiliated~~ party results in an acquittal or the dismissal of all  
1500 of the allegations ~~against the money transmitter or a money~~  
1501 ~~transmitter-affiliated party~~, upon the request of any party, the  
1502 administrative law judge or the judge may order all or a portion  
1503 of the record of the proceeding to be sealed, and it shall  
1504 thereafter be confidential and exempt from s. 119.07(1) and s.  
1505 24(a), Art. I of the State Constitution.

1506 (4)~~(d)~~ Except as necessary for the office or any other  
1507 administrative, regulatory, or law enforcement agency of any  
1508 jurisdiction to enforce the provisions of this chapter or the law  
1509 of any other state or the United States, a consumer complaint and  
1510 other information concerning an investigation or examination  
1511 shall remain confidential and exempt from s. 119.07(1) and s.  
1512 24(a), Art. I of the State Constitution after the investigation  
1513 or examination ceases to be active to the extent that disclosure  
1514 would:

1515 (a)~~1.~~ Jeopardize the integrity of another active  
1516 investigation;

1517 (b)~~2.~~ Reveal personal financial information;

1518 (c)~~3.~~ Reveal the identity of a confidential source; or

1519 (d)~~4.~~ Reveal investigative techniques or procedures.

1520 (5)~~(2)~~ This section does not prevent or restrict:

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1521 (a) Furnishing records or information to any appropriate  
1522 regulatory, prosecutorial, ~~agency~~ or law enforcement agency if  
1523 such agency adheres to the confidentiality provisions of this  
1524 chapter ~~the code~~;

1525 (b) Furnishing records or information to an appropriate  
1526 regulator or independent third party ~~or a certified public~~  
1527 ~~accountant~~ who has been approved by the office to conduct an  
1528 examination under s. 560.1091 ~~s. 560.118(1)(b)~~, if the  
1529 independent third party ~~or certified public accountant~~ adheres to  
1530 the confidentiality provisions of this chapter ~~the code~~; or

1531 (c) Reporting any suspicious ~~suspected criminal~~ activity,  
1532 with supporting documents and information, to appropriate  
1533 regulatory, law enforcement, or prosecutorial agencies.

1534 ~~(6)(3)~~ All quarterly reports submitted ~~by a money~~  
1535 ~~transmitter~~ to the office under s. 560.118(2) ~~s. 560.118(2)(b)~~  
1536 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
1537 I of the State Constitution.

1538 ~~(4)~~ ~~Examination reports, investigatory records,~~  
1539 ~~applications, and related information compiled by the office, or~~  
1540 ~~photographic copies thereof, shall be retained by the office for~~  
1541 ~~a period of at least 3 years following the date that the~~  
1542 ~~examination or investigation ceases to be active. Application~~  
1543 ~~records, and related information compiled by the office, or~~  
1544 ~~photographic copies thereof, shall be retained by the office for~~  
1545 ~~a period of at least 2 years following the date that the~~  
1546 ~~registration ceases to be active.~~

1547 ~~(7)(5)~~ Any person who willfully discloses information made  
1548 confidential by this section commits a felony of the third  
1549 degree, punishable as provided in s. 775.082 or s. 775.083.

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1550 Section 23. Section 560.140, Florida Statutes, is created  
1551 to read:

1552 560.140 Licensing standards.--To qualify for licensure as a  
1553 money services business under this chapter, an applicant must:

1554 (1) Demonstrate to the office the character and general  
1555 fitness necessary to command the confidence of the public and  
1556 warrant the belief that the money services business or deferred  
1557 presentment provider shall be operated lawfully and fairly.

1558 (2) Be legally authorized to do business in this state.

1559 (3) Be registered as a money services business with the  
1560 Financial Crimes Enforcement Network as required by 31 C.F.R. s.  
1561 103.41, if applicable.

1562 (4) Have an anti-money laundering program in place which  
1563 meets the requirements of 31 C.F.R. s. 103.125.

1564 (5) Provide the office with all the information required  
1565 under this chapter and related rules.

1566 Section 24. Section 560.141, Florida Statutes, is created  
1567 to read:

1568 560.141 License application.--

1569 (1) To apply for a license as a money services business  
1570 under this chapter the applicant must:

1571 (a) Submit an application to the office on forms prescribed  
1572 by rule which includes the following information:

1573 1. The legal name and address of the applicant, including  
1574 any fictitious or trade names used by the applicant in the  
1575 conduct of its business.

1576 2. The date of the applicant's formation and the state in  
1577 which the applicant was formed, if applicable.

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1578       3. The name, social security number, alien identification  
1579 or taxpayer identification number, business and residence  
1580 addresses, and employment history for the past 5 years for each  
1581 officer, director, responsible person, the compliance officer,  
1582 each controlling shareholder, any other person who has a  
1583 controlling interest in the money services business as provided  
1584 in s. 560.127.

1585       4. A description of the organizational structure of the  
1586 applicant, including the identity of any parent or subsidiary of  
1587 the applicant, and the disclosure of whether any parent or  
1588 subsidiary is publicly traded.

1589       5. The applicant's history of operations in other states if  
1590 applicable and a description of the money services business or  
1591 deferred presentment provider activities proposed to be conducted  
1592 by the applicant in this state.

1593       6. If the applicant or its parent is a publicly traded  
1594 company, copies of all filings made by the applicant with the  
1595 United States Securities and Exchange Commission, or with a  
1596 similar regulator in a country other than the United States,  
1597 within the preceding year.

1598       7. The location at which the applicant proposes to  
1599 establish its principal place of business and any other location,  
1600 including branch offices and authorized agents operating in this  
1601 state. For each branch office identified and each authorized  
1602 agent appointed, the applicant shall include the nonrefundable  
1603 fee required by s. 560.143.

1604       8. The name and address of the clearing financial  
1605 institution or financial institutions through which the

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1606 applicant's payment instruments are drawn or through which the  
1607 payment instruments are payable.

1608 8. The history of the applicant's material litigation,  
1609 criminal convictions, pleas of nolo contendere, and cases of  
1610 adjudication withheld.

1611 9. The history of material litigation, arrests, criminal  
1612 convictions, pleas of nolo contendere, and cases of adjudication  
1613 withheld for each executive officer, director, controlling  
1614 shareholder, and responsible person.

1615 10. The name of the registered agent in this state for  
1616 service of process unless the applicant is a sole proprietor.

1617 11. Any other information specified in this chapter or by  
1618 rule.

1619 (b) In addition to the application form, submit:

1620 1. A nonrefundable application fee as provided in s.  
1621 560.143.

1622 2. A fingerprint card for each of the persons listed in  
1623 subparagraph (a)3. unless the applicant is a publicly traded  
1624 corporation, or is exempted from this chapter under s.  
1625 560.104(1). The fingerprints must be taken by an authorized law  
1626 enforcement agency. The office shall submit the fingerprints to  
1627 the Department of Law Enforcement for state processing and the  
1628 Department of Law Enforcement shall forward the fingerprints to  
1629 the Federal Bureau of Investigations for federal processing. The  
1630 cost of the fingerprint processing may be borne by the office,  
1631 the employer, or the person subject to the criminal records  
1632 background check. The office shall screen the background results  
1633 to determine if the applicant meets licensure requirements. As  
1634 used in this section, the term "publicly traded" means a stock is

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1635 currently traded on a national securities exchange registered  
1636 with the federal Securities and Exchange Commission or traded on  
1637 an exchange in a country other than the United States regulated  
1638 by a regulator equivalent to the Securities and Exchange  
1639 Commission and the disclosure and reporting requirements of such  
1640 regulator are substantially similar to those of the commission.

1641 3. A copy of the applicant's written anti-money laundering  
1642 program required under 31 C.F.R. s. 103.125.

1643 4. Within the time allotted by rule, any information needed  
1644 to resolve any deficiencies found in the application.

1645 (2) If the office determines that the applicant meets the  
1646 qualifications and requirements of this chapter, the office shall  
1647 issue a license to the applicant. A license may not be issued for  
1648 more than 2 years.

1649 (a) A license issued under part II of this chapter shall  
1650 expire on April 30 of the second year following the date of  
1651 issuance of the license unless during such period the license is  
1652 surrendered, suspended, or revoked.

1653 (b) A license issued under part III of this chapter shall  
1654 expire on December 31 of the second year following the date of  
1655 issuance of the license unless during such period the license is  
1656 surrendered, suspended, or revoked.

1657 Section 25. Section 560.142, Florida Statutes, is created  
1658 to read:

1659 560.142 License renewal.--

1660 (1) A license may be renewed for a subsequent 2-year period  
1661 by furnishing such application as required by rule, together with  
1662 the payment of a nonrefundable renewal fee as provided under s.  
1663 560.143, on or before the license expiration date, or for the

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1664 remainder of any such period without proration following the date  
1665 of license expiration.

1666 (2) In addition to the renewal fee, each part II licensee  
1667 must pay a 2-year nonrefundable renewal fee as provided in s.  
1668 560.143 for each authorized agent or location operating within  
1669 this state.

1670 (3) A licensee who has on file with the office a  
1671 declaration of intent to engage in deferred presentment  
1672 transactions may renew a declaration upon license renewal by  
1673 submitting a nonrefundable deferred presentment provider renewal  
1674 fee as provided in s. 560.143.

1675 (4) If a license or declaration of intent to engage in  
1676 deferred presentment transactions expires, the license or  
1677 declaration of intent may be reinstated only if a renewal  
1678 application or declaration of intent, all required renewal fees,  
1679 and any applicable late fees are received by the office within 60  
1680 days after expiration. If not submitted within 60 days, the  
1681 license or declaration on intent expires and a new license  
1682 application or declaration of intent must be filed with the  
1683 office pursuant to this chapter.

1684 (5) The commission may adopt rules to administer this  
1685 section.

1686 Section 26. Section 560.143, Florida Statutes, is created  
1687 to read:

1688 560.143 Fees.--

1689 (1) License Application Fees.--The applicable non-  
1690 refundable fees must accompany an application for licensure:

1691 (a) Under part II \$500.

1692 (b) Part III \$250.

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1693        (c) Per branch office \$50.

1694        (d) For each appointment of an authorized agent \$50.

1695        (e) Declaration as a deferred presentment provider \$1,000.

1696        (f) Fingerprint fees as prescribed by rule.

1697        (2) License Renewal Fees.--The applicable non-refundable

1698 license renewal fees must accompany a renewal of licensure:

1699        (a) Part II 1,000.

1700        (b) Part III \$500.

1701        (c) Per branch office \$50.

1702        (d) For each appointment of an authorized agents \$50.

1703        (e) Declaration as a deferred presentment provider \$1,000.

1704        (f) Renewal fees for branch offices and authorized agents

1705 are limited to \$20,000 biennially.

1706        (3) late license renewal fees.--

1707        (a) Part II \$500.

1708        (b) Part III \$250.

1709        (c) Declaration as a deferred presentment provider \$500.

1710        Section 27. Section 560.203, Florida Statutes, is amended

1711 to read:

1712        560.203 Exemptions from licensure.--Authorized agents

1713 ~~vendors~~ of a licensee registrant acting within the scope of

1714 authority conferred by the licensee are registrant shall be

1715 exempt from licensure but are having to register pursuant to the

1716 ~~code but shall~~ otherwise be subject to the its provisions of this

1717 chapter.

1718        Section 28. Section 560.204, Florida Statutes, is amended

1719 to read:

1720        560.204 License required ~~Requirement of registration~~.--

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1721 (1) Unless exempted, a ~~No~~ person may not shall engage in  
1722 ~~for consideration, or nor~~ in any manner advertise that they  
1723 engage~~7~~ in, the selling or issuing of payment instruments or in  
1724 the activity of a money funds transmitter, for compensation,  
1725 without first obtaining a license registration under the  
1726 ~~provisions of~~ this part. For purposes of this section,  
1727 "compensation" includes profit or loss on the exchange of  
1728 currency.

1729 (2) A licensee under this part ~~person registered pursuant~~  
1730 ~~to this part is permitted to engage in the activities authorized~~  
1731 ~~by this part. A person registered pursuant to this part~~ may also  
1732 engage in the activities authorized under part III of this  
1733 chapter without the imposition of any additional licensing fees  
1734 ~~and is exempt from the registration fee required by s. 560.307.~~

1735 Section 29. Section 560.205, Florida Statutes, is amended  
1736 to read:

1737 560.205 Additional license application requirements  
1738 ~~Qualifications of applicant for registration; contents.--In~~  
1739 addition to the license application requirements under part I of  
1740 this chapter, an applicant seeking a license under this part must  
1741 also submit to the office:

1742 (1) A sample authorized agent contract, if applicable.

1743 (2) A sample form of payment instrument, if applicable.

1744 (3) Documents demonstrating that the net worth and bonding  
1745 requirements specified in s. 560.209 have been fulfilled.

1746 (4) A copy of the applicant's financial audit report for  
1747 the most recent fiscal year.

1748 ~~(1) To qualify for registration under this part, an~~  
1749 ~~applicant must demonstrate to the office such character and~~

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1750 ~~general fitness as to command the confidence of the public and~~  
1751 ~~warrant the belief that the registered business will be operated~~  
1752 ~~lawfully and fairly. The office may investigate each applicant to~~  
1753 ~~ascertain whether the qualifications and requirements prescribed~~  
1754 ~~by this part have been met. The office's investigation may~~  
1755 ~~include a criminal background investigation of all controlling~~  
1756 ~~shareholders, principals, officers, directors, members, and~~  
1757 ~~responsible persons of a funds transmitter and a payment~~  
1758 ~~instrument seller and all persons designated by a funds~~  
1759 ~~transmitter or payment instrument seller as an authorized vendor.~~  
1760 ~~Each controlling shareholder, principal, officer, director,~~  
1761 ~~member, and responsible person of a funds transmitter or payment~~  
1762 ~~instrument seller, unless the applicant is a publicly traded~~  
1763 ~~corporation as defined by the commission by rule, a subsidiary~~  
1764 ~~thereof, or a subsidiary of a bank or bank holding company~~  
1765 ~~organized and regulated under the laws of any state or the United~~  
1766 ~~States, shall file a complete set of fingerprints. A fingerprint~~  
1767 ~~card submitted to the office must be taken by an authorized law~~  
1768 ~~enforcement agency. The office shall submit the fingerprints to~~  
1769 ~~the Department of Law Enforcement for state processing, and the~~  
1770 ~~Department of Law Enforcement shall forward the fingerprints to~~  
1771 ~~the Federal Bureau of Investigation for state and federal~~  
1772 ~~processing. The cost of the fingerprint processing may be borne~~  
1773 ~~by the office, the employer, or the person subject to the~~  
1774 ~~background check. The Department of Law Enforcement shall submit~~  
1775 ~~an invoice to the office for the fingerprints received each~~  
1776 ~~month. The office shall screen the background results to~~  
1777 ~~determine if the applicant meets licensure requirements. The~~  
1778 ~~commission may waive by rule the requirement that applicants file~~

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1779 ~~a set of fingerprints or the requirement that such fingerprints~~  
1780 ~~be processed by the Department of Law Enforcement or the Federal~~  
1781 ~~Bureau of Investigation.~~

1782 ~~(2) Each application for registration must be submitted~~  
1783 ~~under oath to the office on such forms as the commission~~  
1784 ~~prescribes by rule and must be accompanied by a nonrefundable~~  
1785 ~~application fee. Such fee may not exceed \$500 for each payment~~  
1786 ~~instrument seller or funds transmitter and \$50 for each~~  
1787 ~~authorized vendor or location operating within this state. The~~  
1788 ~~application must contain such information as the commission~~  
1789 ~~requires by rule, including, but not limited to:~~

1790 ~~(a) The name and address of the applicant, including any~~  
1791 ~~fictitious or trade names used by the applicant in the conduct of~~  
1792 ~~its business.~~

1793 ~~(b) The history of the applicant's material litigation,~~  
1794 ~~criminal convictions, pleas of nolo contendere, and cases of~~  
1795 ~~adjudication withheld.~~

1796 ~~(c) A description of the activities conducted by the~~  
1797 ~~applicant, the applicant's history of operations, and the~~  
1798 ~~business activities in which the applicant seeks to engage in~~  
1799 ~~this state.~~

1800 ~~(d) A sample authorized vendor contract, if applicable.~~

1801 ~~(e) A sample form of payment instrument, if applicable.~~

1802 ~~(f) The name and address of the clearing financial~~  
1803 ~~institution or financial institutions through which the~~  
1804 ~~applicant's payment instruments will be drawn or through which~~  
1805 ~~such payment instruments will be payable.~~

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1806 ~~(g) Documents revealing that the net worth and bonding~~  
1807 ~~requirements specified in s. 560.209 have been or will be~~  
1808 ~~fulfilled.~~

1809 ~~(3) Each application for registration by an applicant that~~  
1810 ~~is a corporation shall contain such information as the commission~~  
1811 ~~requires by rule, including, but not limited to:~~

1812 ~~(a) The date of the applicant's incorporation and state of~~  
1813 ~~incorporation.~~

1814 ~~(b) A certificate of good standing from the state or~~  
1815 ~~country in which the applicant was incorporated.~~

1816 ~~(c) A description of the corporate structure of the~~  
1817 ~~applicant, including the identity of any parent or subsidiary of~~  
1818 ~~the applicant, and the disclosure of whether any parent or~~  
1819 ~~subsidiary is publicly traded on any stock exchange.~~

1820 ~~(d) The name, social security number, business and~~  
1821 ~~residence addresses, and employment history for the past 5 years~~  
1822 ~~for each executive officer, each director, each controlling~~  
1823 ~~shareholder, and the responsible person who will be in charge of~~  
1824 ~~all the applicant's business activities in this state.~~

1825 ~~(e) The history of material litigation and criminal~~  
1826 ~~convictions, pleas of nolo contendere, and cases of adjudication~~  
1827 ~~withheld for each officer, each director, each controlling~~  
1828 ~~shareholder, and the responsible person who will be in charge of~~  
1829 ~~the applicant's registered activities.~~

1830 ~~(f) Copies of the applicant's audited financial statements~~  
1831 ~~for the current year and, if available, for the immediately~~  
1832 ~~preceding 2-year period. In cases where the applicant is a wholly~~  
1833 ~~owned subsidiary of another corporation, the parent's~~  
1834 ~~consolidated audited financial statements may be submitted to~~

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1835 ~~satisfy this requirement. An applicant who is not required to~~  
1836 ~~file audited financial statements may satisfy this requirement by~~  
1837 ~~filing unaudited financial statements verified under penalty of~~  
1838 ~~perjury, as provided by the commission by rule.~~

1839 ~~(g) An applicant who is not required to file audited~~  
1840 ~~financial statements may file copies of the applicant's~~  
1841 ~~unconsolidated, unaudited financial statements for the current~~  
1842 ~~year and, if available, for the immediately preceding 2-year~~  
1843 ~~period.~~

1844 ~~(h) If the applicant is a publicly traded company, copies~~  
1845 ~~of all filings made by the applicant with the United States~~  
1846 ~~Securities and Exchange Commission, or with a similar regulator~~  
1847 ~~in a country other than the United States, within the year~~  
1848 ~~preceding the date of filing of the application.~~

1849 ~~(4) Each application for registration submitted to the~~  
1850 ~~office by an applicant that is not a corporation shall contain~~  
1851 ~~such information as the commission requires by rule, including,~~  
1852 ~~but not limited to:~~

1853 ~~(a) Evidence that the applicant is registered to do~~  
1854 ~~business in this state.~~

1855 ~~(b) The name, business and residence addresses, personal~~  
1856 ~~financial statement and employment history for the past 5 years~~  
1857 ~~for each individual having a controlling ownership interest in~~  
1858 ~~the applicant, and each responsible person who will be in charge~~  
1859 ~~of the applicant's registered activities.~~

1860 ~~(c) The history of material litigation and criminal~~  
1861 ~~convictions, pleas of nolo contendere, and cases of adjudication~~  
1862 ~~withheld for each individual having a controlling ownership~~

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1863 ~~interest in the applicant and each responsible person who will be~~  
1864 ~~in charge of the applicant's registered activities.~~

1865 ~~(d) Copies of the applicant's audited financial statements~~  
1866 ~~for the current year, and, if available, for the preceding 2~~  
1867 ~~years. An applicant who is not required to file audited financial~~  
1868 ~~statements may satisfy this requirement by filing unaudited~~  
1869 ~~financial statements verified under penalty of perjury, as~~  
1870 ~~provided by the commission by rule.~~

1871 ~~(5) Each applicant shall designate and maintain an agent in~~  
1872 ~~this state for service of process.~~

1873 Section 30. Effective January 1, 2009, section 560.208,  
1874 Florida Statutes, is amended to read:

1875 560.208 Conduct of business.--In addition to the  
1876 requirements specified in s. 560.140, a licensee under this part:

1877 (1) ~~A registrant~~ May conduct its business at one or more  
1878 locations within this state through branches or by means of  
1879 authorized agents ~~vendors~~, as designated by the licensee and  
1880 approved by the office ~~registrant~~, including the conduct of  
1881 business through electronic transfer, such as by the telephone or  
1882 the Internet.

1883 (2) Notwithstanding and without violating s. 501.0117, a  
1884 ~~registrant~~ may charge a different price for a money transmitter  
1885 ~~funds transmission~~ service based on the mode of transmission used  
1886 in the transaction as, ~~so~~ long as the price charged for a service  
1887 paid for with a credit card is not more ~~greater~~ than the price  
1888 charged when the ~~that~~ service is paid for with currency or other  
1889 similar means ~~accepted within the same mode of transmission.~~

1890 (3) Is responsible for the acts of its authorized agents  
1891 within the scope of its written contract with the agent.

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1892       (4) Shall place assets that are the property of a customer  
1893 in a segregated account in a federally insured financial  
1894 institution and shall maintain separate accounts for operating  
1895 capital and the clearing of customer funds.

1896       (5) Shall, in the normal course of business, ensure that  
1897 money transmitted is available to the designated recipient within  
1898 10 business days after receipt.

1899       (6) Shall immediately upon receipt of currency or payment  
1900 instrument provide a confirmation number to the customer  
1901 verbally, by paper, or electronically.

1902       ~~(2) Within 60 days after the date a registrant either opens~~  
1903 ~~a location within this state or authorizes an authorized vendor~~  
1904 ~~to operate on the registrant's behalf within this state, the~~  
1905 ~~registrant shall notify the office on a form prescribed by the~~  
1906 ~~commission by rule. The notification shall be accompanied by a~~  
1907 ~~nonrefundable \$50 fee for each authorized vendor or location.~~  
1908 ~~Each notification shall also be accompanied by a financial~~  
1909 ~~statement demonstrating compliance with s. 560.209(1), unless~~  
1910 ~~compliance has been demonstrated by a financial statement filed~~  
1911 ~~with the registrant's quarterly report in compliance with s.~~  
1912 ~~560.118(2). The financial statement must be dated within 90 days~~  
1913 ~~of the date of designation of the authorized vendor or location.~~  
1914 ~~This subsection shall not apply to any authorized vendor or~~  
1915 ~~location that has been designated by the registrant before~~  
1916 ~~October 1, 2001.~~

1917       ~~(3) Within 60 days after the date a registrant closes a~~  
1918 ~~location within this state or withdraws authorization for an~~  
1919 ~~authorized vendor to operate on the registrant's behalf within~~

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1920 ~~this state, the registrant shall notify the office on a form~~  
1921 ~~prescribed by the commission by rule.~~

1922 Section 31. Effective January 1, 2009, section 560.2085,  
1923 Florida Statutes, is created to read:

1924 560.2085 Authorized agents.--A licensee under this part  
1925 shall:

1926 (1) Before an authorized agent commences business on behalf  
1927 of a licensee, file with the office such information as  
1928 prescribed by rule together with the nonrefundable appointment  
1929 fee as provided by s. 560.143, for any person whom the licensee  
1930 seeks to appoint as an authorized agent together.

1931 (2) Enter into a written contract, signed by the licensee  
1932 and the authorized agent, which:

1933 (a) Sets forth the nature and scope of the relationship  
1934 between the licensee and the authorized agent, including the  
1935 respective rights and responsibilities of the parties; and

1936 (b) Includes contract provisions that require the  
1937 authorized agent to:

1938 1. Report to the licensee, immediately upon discovery, the  
1939 theft or loss of currency received for a transmission or payment  
1940 instrument;

1941 2. Display a notice to the public, in such form as  
1942 prescribed by rule, that the agent is the authorized agent of  
1943 licensee;

1944 3. Remit all amounts owed to the licensee for all  
1945 transmissions accepted and all payment instruments sold in  
1946 accordance with the contract between the licensee and the  
1947 authorized agent;

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1948           4. Hold in trust, in favor of the licensee, all money  
1949 received for all transmissions accepted or payment instruments  
1950 sold from the time of receipt by the authorized agent until the  
1951 time the money is forwarded to the licensee;

1952           5. Not commingle the money received for transmissions  
1953 accepted or payment instruments sold on behalf of the licensee  
1954 with the money or property of the authorized agent, except for  
1955 making change in the ordinary course of the agent's business, and  
1956 ensure that the money is accounted for at the end of the business  
1957 day;

1958           6. Consent to examination or investigation by the office;

1959           7. Adhere to the applicable state and federal laws and  
1960 rules pertaining to a money services business; and

1961           8. Provide such other information or disclosure as may be  
1962 required by rule.

1963           (3) Develop and implement written internal audit policies  
1964 and procedures to monitor compliance with applicable state and  
1965 federal law by its authorized agents.

1966           (4) Hold in trust all currency or payment instruments  
1967 received for transmissions or for the purchase of payment  
1968 instruments from the time of receipt by the licensee or  
1969 authorized agent until the time the transmission obligation is  
1970 completed.

1971           Section 32. Section 560.209, Florida Statutes, is amended  
1972 to read:

1973           560.209 Adjusted net worth; corporate surety bond;  
1974 collateral deposit in lieu of bond.--

1975           (1) A licensee must ~~Any person engaging in a registered~~  
1976 ~~activity shall~~ have an adjusted a net worth of at least \$100,000

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1977 ~~computed according to generally accepted accounting principles. A~~  
1978 licensee operating in ~~Applicants proposing to conduct registered~~  
1979 ~~activities at more than one location must shall~~ have an  
1980 additional adjusted net worth of \$10,000 ~~\$50,000~~ per location in  
1981 this state, up as applicable, to a maximum of \$2 million  
1982 \$500,000. The required adjusted net worth must be maintained at  
1983 all times.

1984 (2) A licensee must obtain an annual financial audit  
1985 report, which must be submitted to the office within 120 days  
1986 after the end of the licensee's fiscal year end, as disclosed to  
1987 the office.

1988 (3) ~~(2)~~ Before the office may issue a license under this  
1989 part registration, the applicant must provide to the office a  
1990 corporate surety bond, issued by a bonding company or insurance  
1991 company authorized to do business in this state.

1992 (a) The corporate surety bond shall be in an such amount as  
1993 specified may be determined by ~~commission~~ rule, but may shall not  
1994 be less than \$50,000 or exceed \$2 million ~~\$250,000. The rule~~  
1995 shall provide allowances for the financial condition, number of  
1996 locations, and anticipated volume of the licensee. However, the  
1997 ~~commission and office may consider extraordinary circumstances,~~  
1998 ~~such as the registrant's financial condition, the number of~~  
1999 ~~locations, and the existing or anticipated volume of outstanding~~  
2000 ~~payment instruments or funds transmitted, and require an~~  
2001 ~~additional amount above \$250,000, up to \$500,000.~~

2002 (b) The corporate surety bond must shall be in a form  
2003 satisfactory to the office and shall run to the state for the  
2004 benefit of any claimants in this state against the applicant or  
2005 its authorized agents ~~vendors~~ to secure the faithful performance

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2006 of the obligations of the applicant and its agents ~~authorized~~  
2007 ~~vendors~~ with respect to the receipt, handling, transmission, and  
2008 payment of funds. The aggregate liability of the corporate surety  
2009 bond may not ~~in no event shall~~ exceed the principal sum of the  
2010 bond. ~~Such~~ Claimants against the applicant or its authorized  
2011 agent ~~vendors~~ may ~~themselves~~ bring suit directly on the corporate  
2012 surety bond, or the Department of Legal Affairs may bring suit  
2013 ~~thereon~~ on behalf of the ~~such~~ claimants, ~~in either one action or~~  
2014 ~~in successive actions.~~

2015 (c) The A corporate surety bond ~~filed with the office for~~  
2016 ~~purposes of compliance with this section~~ may not be canceled by  
2017 ~~either~~ the licensee ~~registrant~~ or the corporate surety except  
2018 upon written notice to the office by registered ~~or certified~~ mail  
2019 ~~with return receipt requested.~~ A cancellation may ~~shall~~ not take  
2020 effect until ~~less than~~ 30 days after receipt by the office of the  
2021 ~~such~~ written notice.

2022 (d) The corporate surety must, within 10 days after it pays  
2023 any claim ~~to any claimant~~, give written notice to the office by  
2024 registered ~~or certified~~ mail of such payment with details  
2025 sufficient to identify the claimant and the claim or judgment ~~se~~  
2026 paid.

2027 (e) If ~~Whenever~~ the principal sum of the ~~such~~ bond is  
2028 reduced by one or more recoveries or payments, the licensee  
2029 ~~registrant~~ must furnish a new or additional bond so that the  
2030 total or aggregate principal sum of the ~~such~~ bond equals the sum  
2031 required pursuant to paragraph (a) ~~by the commission.~~  
2032 Alternatively, a licensee ~~registrant~~ may furnish an endorsement  
2033 executed by the corporate surety reinstating the bond to the  
2034 required principal sum ~~thereof.~~

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2035        (4)~~(3)~~ In lieu of a ~~such~~ corporate surety bond, or of any  
2036 portion of the principal sum ~~thereof~~ required by this section,  
2037 the applicant may deposit collateral cash, securities, or  
2038 alternative security devices as provided by rule ~~approved by the~~  
2039 ~~commission~~, with a ~~any~~ federally insured financial institution.

2040        (a) Acceptable collateral deposit items ~~in lieu of a bond~~  
2041 include cash and interest-bearing stocks and bonds, notes,  
2042 debentures, or other obligations of the United States or any  
2043 agency or instrumentality thereof, or guaranteed by the United  
2044 States, or of this state.

2045        (b) The collateral deposit must be in an aggregate amount,  
2046 based upon principal amount or market value, whichever is lower,  
2047 of at least ~~not less than~~ the amount of the required corporate  
2048 surety bond or portion thereof.

2049        (c) Collateral deposits must ~~made under this subsection~~  
2050 ~~shall~~ be pledged to the office and held by the insured financial  
2051 institution to secure the same obligations as ~~would~~ the corporate  
2052 surety bond, but the depositor is entitled to receive any ~~all~~  
2053 interest and dividends thereon and may, with the approval of the  
2054 office, substitute other securities or deposits for those  
2055 deposited. The principal amount of the deposit shall be released  
2056 only on written authorization of the office or on the order of a  
2057 court of competent jurisdiction.

2058        (5)~~(4)~~ A licensee ~~registrant~~ must at all times ~~have and~~  
2059 maintain the bond or collateral deposit in the required amount  
2060 ~~prescribed by the commission~~. If the office ~~at any time~~  
2061 reasonably determines that the bond or elements of the collateral  
2062 deposit are insecure, deficient in amount, or exhausted in whole  
2063 or in part, the office may, by written order, require the filing

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2064 of a new or supplemental bond or the deposit of new or additional  
2065 collateral deposit items.

2066 ~~(6)~~ (5) The bond and collateral deposit shall remain in  
2067 place for 5 years after the licensee ~~registrant~~ ceases licensed  
2068 ~~registered~~ operations in this state. The office may allow ~~permit~~  
2069 the bond or collateral deposit to be reduced or eliminated prior  
2070 to that time to the extent that the amount of the licensee's  
2071 ~~registrant's~~ outstanding payment instruments or money funds  
2072 transmitted in this state are reduced. The office may also allow  
2073 a licensee ~~permit a registrant~~ to substitute a letter of credit  
2074 or ~~such~~ other form of acceptable security for the bond or  
2075 collateral deposit at the time the licensee ~~registrant~~ ceases  
2076 licensed ~~money transmission~~ operations in this state.

2077 ~~(6) The office may waive or reduce a registrant's net worth~~  
2078 ~~or bond or collateral deposit requirement. Such waiver or~~  
2079 ~~modification must be requested by the applicant or registrant,~~  
2080 ~~and may be granted upon a showing by the applicant or registrant~~  
2081 ~~to the satisfaction of the office that:~~

2082 ~~(a) The existing net worth, bond, or collateral deposit~~  
2083 ~~requirement is sufficiently in excess of the registrant's highest~~  
2084 ~~potential level of outstanding payment instruments or money~~  
2085 ~~transmissions in this state;~~

2086 ~~(b) The direct and indirect cost of meeting the net worth,~~  
2087 ~~bond, or collateral deposit requirement will restrict the ability~~  
2088 ~~of the money transmitter to effectively serve the needs of its~~  
2089 ~~customers and the public; or~~

2090 ~~(c) The direct and indirect cost of meeting the net worth,~~  
2091 ~~bond, or collateral requirement will not only have a negative~~  
2092 ~~impact on the money transmitter but will severely hinder the~~

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2093 ~~ability of the money transmitter to participate in and promote~~  
2094 ~~the economic progress and welfare of this state or the United~~  
2095 ~~States.~~

2096 Section 33. Section 560.210, Florida Statutes, is amended  
2097 to read:

2098 560.210 Permissible investments.--

2099 (1) A licensee must ~~registrant shall~~ at all times possess  
2100 permissible investments with an aggregate market value,  
2101 calculated in accordance with ~~United States~~ generally accepted  
2102 accounting principles, of at least ~~not less than~~ the aggregate  
2103 face amount of all outstanding money funds transmissions and  
2104 payment instruments issued or sold by the licensee ~~registrant~~ or  
2105 an authorized agent ~~vendor~~ in the United States. As used in this  
2106 section,

2107 ~~(2) Acceptable~~ permissible investments include:

2108 (a) Cash.

2109 (b) Certificates of deposit or other deposit liabilities of  
2110 a domestic or foreign financial institution, ~~either domestic or~~  
2111 ~~foreign.~~

2112 (c) Bankers' acceptances eligible for purchase by member  
2113 banks of the Federal Reserve System.

2114 (d) An investment bearing a rating of one of the three  
2115 highest grades as defined by a nationally recognized rating  
2116 service of such securities.

2117 (e) Investment securities that are obligations of the  
2118 United States, its agencies or instrumentalities, or obligations  
2119 that are guaranteed fully as to principal and interest by the  
2120 United States, or any obligations of any state or municipality,  
2121 or any political subdivision thereof.

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2122 (f) Shares in a money market mutual fund.

2123 (g) A demand borrowing agreement or agreements made to a  
2124 corporation or a subsidiary of a corporation whose capital stock  
2125 is listed on a national exchange.

2126 (h) Receivables that are due to a licensee ~~registrant~~ from  
2127 the licensee's ~~registrant's~~ authorized agent ~~vendors~~ except those  
2128 that are more than 90 ~~30~~ days past due or are doubtful of  
2129 collection.

2130 (i) Any other investment approved by rule ~~the commission~~.

2131 (2) ~~(3)~~ Notwithstanding any other provision of this part,  
2132 the office, with respect to any particular licensee ~~registrant~~ or  
2133 all licensees ~~registrants~~, may limit the extent to which any  
2134 class of permissible investments may be considered a permissible  
2135 investment, except for cash and certificates of deposit.

2136 (3) ~~(4)~~ The office may waive the permissible investments  
2137 requirement if the dollar value of a licensee's ~~registrant's~~  
2138 outstanding payment instruments and money ~~funds~~ transmitted do  
2139 not exceed the bond or collateral deposit posted by the licensee  
2140 ~~registrant~~ under s. 560.209.

2141 Section 34. Section 560.211, Florida Statutes, is amended  
2142 to read:

2143 560.211 Required records.--

2144 (1) In addition to the record retention requirements under  
2145 s. 560.110, each licensee under this part ~~Each registrant~~ must  
2146 make, keep, and preserve the following books, accounts, records,  
2147 and documents ~~other records~~ for 5 ~~a period of 3~~ years:

2148 (a) A daily record ~~or records~~ of payment instruments sold  
2149 and money ~~funds~~ transmitted.

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2150 (b) A general ledger containing all asset, liability,  
2151 capital, income, and expense accounts, which ~~general ledger~~ shall  
2152 be posted at least monthly.

2153 (c) Daily settlement sheets received from authorized agents  
2154 vendors.

2155 (d) Monthly financial institution statements and  
2156 reconciliation records.

2157 (e) Records of outstanding payment instruments and money  
2158 ~~funds~~ transmitted.

2159 (f) Records of each payment instrument paid and money funds  
2160 transmission delivered ~~within the 3-year period~~.

2161 (g) A list of the names and addresses of all of the  
2162 licensee's ~~registrant's~~ authorized agents ~~vendors, as well as~~  
2163 ~~copies of each authorized vendor contract~~.

2164 (h) Records that document the establishment, monitoring,  
2165 and termination of relationships with authorized agents and  
2166 foreign affiliates.

2167 (i) Any additional records, as prescribed by rule, designed  
2168 to detect and prevent money laundering.

2169 ~~(2) The records required to be maintained by the code may~~  
2170 ~~be maintained by the registrant at any location if the registrant~~  
2171 ~~notifies the office in writing of the location of the records in~~  
2172 ~~its application or otherwise by amendment as prescribed by~~  
2173 ~~commission rule. The registrant shall make such records available~~  
2174 ~~to the office for examination and investigation in this state, as~~  
2175 ~~permitted by the code, within 7 days after receipt of a written~~  
2176 ~~request.~~

2177 ~~(3) Registrants and authorized vendors need not preserve or~~  
2178 ~~retain any of the records required by this section or copies~~

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2179 ~~thereof for a period longer than 3 years unless a longer period~~  
2180 ~~is expressly required by the laws of this state or federal law. A~~  
2181 ~~registrant or authorized vendor may destroy any of its records or~~  
2182 ~~copies thereof after the expiration of the retention period~~  
2183 ~~required by this section.~~

2184 ~~(4) The original of any record of a registrant or~~  
2185 ~~authorized vendor includes the data or other information~~  
2186 ~~comprising a record stored or transmitted in or by means of any~~  
2187 ~~electronic, computerized, mechanized, or other information~~  
2188 ~~storage or retrieval or transmission system or device which can~~  
2189 ~~upon request generate, regenerate, or transmit the precise data~~  
2190 ~~or other information comprising the record; and an original also~~  
2191 ~~includes the visible data or other information so generated,~~  
2192 ~~regenerated, or transmitted if it is legible or can be made~~  
2193 ~~legible by enlargement or other process.~~

2194 ~~(2)(5)~~ Any person who willfully fails to comply with this  
2195 section commits a felony of the third degree, punishable as  
2196 provided in s. 775.082, s. 775.083, or s. 775.084.

2197 Section 35. Section 560.212, Florida Statutes, is amended  
2198 to read:

2199 560.212 Financial liability.--A licensee ~~Each registrant~~  
2200 under this part is liable for the payment of all money funds  
2201 transmitted and payment instruments that it sells, in whatever  
2202 form and whether directly or through an authorized agent ~~vendor,~~  
2203 as the maker, drawer, or principal thereof, regardless of whether  
2204 such item is negotiable or nonnegotiable.

2205 Section 36. Section 560.213, Florida Statutes, is amended  
2206 to read:

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2207 560.213 Payment instrument information.--Each payment  
2208 instrument sold or issued by a licensee ~~registrant~~, directly or  
2209 through an authorized agent vendor, must ~~shall~~ bear the name of  
2210 the licensee, and any other information as may be required by  
2211 rule, ~~registrant~~ clearly imprinted thereon.

2212 Section 37. Section 560.303, Florida Statutes, is amended  
2213 to read:

2214 560.303 License required ~~Requirement of registration~~--

2215 (1) A ~~No~~ person may not ~~shall~~ engage in, or in any manner  
2216 advertise engagement in, the business of cashing payment  
2217 instruments or ~~the~~ exchanging of foreign currency without being  
2218 licensed ~~first registering~~ under ~~the provisions of~~ this part.

2219 (2) A person licensed under ~~registered pursuant to~~ this  
2220 part may not engage in ~~the activities authorized by this part~~. A  
2221 ~~person registered under this part is prohibited from engaging~~  
2222 directly in the activities that require a license under ~~are~~  
2223 ~~authorized under a registration issued pursuant to part II of~~  
2224 this chapter, but may be ~~such person is not prohibited from~~  
2225 ~~engaging in an authorized agent for vendor relationship with a~~  
2226 person licensed ~~registered~~ under part II.

2227 (3) A person exempt from licensure under ~~registration~~  
2228 ~~pursuant to this part~~ engaging in the business of cashing payment  
2229 instruments or the exchanging of foreign currency may ~~shall~~ not  
2230 charge fees in excess of those provided in s. 560.309.

2231 Section 38. Section 560.304, Florida Statutes, is amended  
2232 to read:

2233 560.304 Exemption from licensure ~~Exceptions to~~  
2234 ~~registration~~--The requirement for licensure under ~~provisions of~~  
2235 this part does ~~do~~ not apply to a person, at a location, cashing

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2236 payment instruments that have an aggregate face value of less  
2237 than \$2,000 per person per day. The burden of establishing the  
2238 right to the exemption is on the party claiming the exemption.

2239 ~~(1) Authorized vendors of any person registered pursuant to~~  
2240 ~~the provisions of the code, acting within the scope of authority~~  
2241 ~~conferred by the registrant.~~

2242 ~~(2) Persons engaged in the cashing of payment instruments~~  
2243 ~~or the exchanging of foreign currency which is incidental to the~~  
2244 ~~retail sale of goods or services whose compensation for cashing~~  
2245 ~~payment instruments or exchanging foreign currency at each site~~  
2246 ~~does not exceed 5 percent of the total gross income from the~~  
2247 ~~retail sale of goods or services by such person during its most~~  
2248 ~~recently completed fiscal year.~~

2249 Section 39. Section 560.309, Florida Statutes, is amended  
2250 to read:

2251 560.309 Conduct of business Rules.--

2252 (1) A licensee may transact business under this part only  
2253 under the legal name under which the person is licensed. The use  
2254 of a fictitious name is allowed if the fictitious name has been  
2255 registered with the Department of State and disclosed to the  
2256 office as part of an initial license application, or subsequent  
2257 amendment to the application, prior to its use. Before a  
2258 ~~registrant shall deposit, with any financial institution, a~~  
2259 ~~payment instrument that is cashed by a registrant, each such item~~  
2260 ~~must be endorsed with the actual name under which such registrant~~  
2261 ~~is doing business.~~

2262 (2) At the time a licensee accepts a payment instrument  
2263 that is cashed by the licensee, the payment instrument must be  
2264 endorsed using the legal name under which the licensee is

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2265 licensed. Registrants must comply with all the laws of this state  
2266 and any federal laws relating to money laundering, including, as  
2267 applicable, the provisions of s. 560.123.

2268 (3) A licensee under this part must deposit or sell payment  
2269 instruments within 5 business days after the acceptance of the  
2270 payment instrument.

2271 (4) A licensee may not accept or cash multiple payment  
2272 instruments from a person who is not the original payee, unless  
2273 the person is licensed to cash payment instruments pursuant to  
2274 this part and all payment instruments accepted are endorsed with  
2275 the legal name of the person.

2276 (5) A licensee must report all suspicious activity to the  
2277 office in accordance with the criteria set forth in 31 C.F.R. s.  
2278 103.20. In lieu of filing such reports, the commission may  
2279 prescribe by rule that the licensee may file such reports with an  
2280 appropriate regulator.

2281 (6)~~(3)~~ The commission may by rule require a ~~every~~ check  
2282 casher to display its license registration ~~and post a notice~~  
2283 listing ~~containing~~ its charges for cashing payment instruments.

2284 (7)~~(4)~~ Exclusive of the direct costs of verification which  
2285 shall be established by ~~commission~~ rule, a ~~no~~ check casher may  
2286 not shall:

2287 (a) Charge fees, except as otherwise provided by this part,  
2288 in excess of 5 percent of the face amount of the payment  
2289 instrument, or 6 percent without the provision of identification,  
2290 or \$5, whichever is greater;

2291 (b) Charge fees in excess of 3 percent of the face amount  
2292 of the payment instrument, or 4 percent without the provision of  
2293 identification, or \$5, whichever is greater, if such payment

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2294 instrument is the payment of any kind of state public assistance  
2295 or federal social security benefit payable to the bearer of the  
2296 ~~such~~ payment instrument; or

2297 (c) Charge fees for personal checks or money orders in  
2298 excess of 10 percent of the face amount of those payment  
2299 instruments, or \$5, whichever is greater.

2300 ~~(d) As used in this subsection, "identification" means, and~~  
2301 ~~is limited to, an unexpired and otherwise valid driver license, a~~  
2302 ~~state identification card issued by any state of the United~~  
2303 ~~States or its territories or the District of Columbia, and~~  
2304 ~~showing a photograph and signature, a United States Government~~  
2305 ~~Resident Alien Identification Card, a United States passport, or~~  
2306 ~~a United States Military identification card.~~

2307 (8) A licensee cashing payment instruments may not assess  
2308 the cost of collections, other than fees for insufficient funds  
2309 as provided by law, without a judgment from a court of competent  
2310 jurisdiction.

2311 (9) If a check is returned to a licensee from a payor  
2312 financial institution due to lack of funds, a closed account, or  
2313 a stop-payment order, the licensee may seek collection pursuant  
2314 to s. 68.065. In seeking collection, the licensee must comply  
2315 with the prohibitions against harassment or abuse, false or  
2316 misleading representations, and unfair practices in the Fair Debt  
2317 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f.  
2318 A violation of this subsection is a deceptive and unfair trade  
2319 practice and constitutes a violation of the Deceptive and Unfair  
2320 Trade Practices Act under part II of chapter 501. In addition, a  
2321 licensee must comply with the applicable provisions of the

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2322 Consumer Collection Practices Act under part VI of chapter 559,  
2323 including s. 559.77.

2324 Section 40. Section 560.310, Florida Statutes, is amended  
2325 to read:

2326 560.310 Records of check cashers and foreign currency  
2327 exchangers.--

2328 (1) In addition to the record retention requirements  
2329 specified in s. 560.110, a person engaged in check cashing must  
2330 maintain the following:

2331 (a) Customer files, as prescribed by rule, on all customers  
2332 who cash corporate or third-party payment instruments exceeding  
2333 \$1,000.

2334 (b) For any payment instrument accepted having a face value  
2335 of \$1,000 or more:

2336 1. A copy of the personal identification that bears a  
2337 photograph of the customer used as identification and presented  
2338 by the customer. Acceptable personal identification is limited to  
2339 a valid driver's license; a state identification card issued by  
2340 any state of the United States or its territories or the District  
2341 of Columbia, and showing a photograph and signature; a United  
2342 States Government Resident Alien Identification Card; a United  
2343 States passport; or a United States Military identification card.

2344 2. A photograph and thumbprint of the customer taken by the  
2345 licensee.

2346 (c) In addition to the requirements of paragraph (b), for  
2347 any payment instrument accepted having a face value greater than  
2348 \$10,000, the licensee must take a photograph of the customer,  
2349 unless the licensee has such a photograph of the customer on file

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2350 along with other documents establishing the identity of the  
2351 customer.

2352 (d) A payment instrument log that must be maintained  
2353 electronically as prescribed by rule. For purposes of this  
2354 paragraph, multiple payment instruments accepted from any one  
2355 person on any given day which total \$1,000 or more must be  
2356 aggregated and reported on the log. ~~Each registrant must maintain~~  
2357 ~~all books, accounts, records, and documents necessary to~~  
2358 ~~determine the registrant's compliance with the provisions of the~~  
2359 ~~code. Such books, accounts, records, and documents shall be~~  
2360 ~~retained for a period of at least 3 years.~~

2361 (2) A licensee under this part may engage the services of a  
2362 third party that is not a depository institution for the  
2363 maintenance and storage of records required by this section if  
2364 all the requirements of this section are met. ~~The records~~  
2365 ~~required to be maintained by the code may be maintained by the~~  
2366 ~~registrant at any location if the registrant notifies the office,~~  
2367 ~~in writing, of the location of the records in its application or~~  
2368 ~~otherwise by amendment as prescribed by commission rule. The~~  
2369 ~~registrant shall make such records available to the office for~~  
2370 ~~examination and investigation in this state, as permitted by the~~  
2371 ~~code, within 7 days after receipt of a written request.~~

2372 ~~(3) Registrants and authorized vendors need not preserve or~~  
2373 ~~retain any of the records required by this section or copies~~  
2374 ~~thereof for a period longer than 3 years unless a longer period~~  
2375 ~~is expressly required by the laws of this state or any federal~~  
2376 ~~law. A registrant or authorized vendor may destroy any of its~~  
2377 ~~records or copies thereof after the expiration of the retention~~  
2378 ~~period required by this section.~~

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2379           ~~(4) The original of any record of a registrant or~~  
2380 ~~authorized vendor includes the data or other information~~  
2381 ~~comprising a record stored or transmitted in or by means of any~~  
2382 ~~electronic, computerized, mechanized, or other information~~  
2383 ~~storage or retrieval or transmission system or device which can~~  
2384 ~~upon request generate, regenerate, or transmit the precise data~~  
2385 ~~or other information comprising the record; and an original also~~  
2386 ~~includes the visible data or other information so generated,~~  
2387 ~~regenerated, or transmitted if it is legible or can be made~~  
2388 ~~legible by enlargement or other process.~~

2389           ~~(5) Any person who willfully violates this section or fails~~  
2390 ~~to comply with any lawful written demand or order of the office~~  
2391 ~~made pursuant to this section commits a felony of the third~~  
2392 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~  
2393 ~~775.084.~~

2394           Section 41. Section 560.402, Florida Statutes, is amended  
2395 to read:

2396           560.402 Definitions.--~~In addition to the definitions~~  
2397 ~~provided in ss. 560.103, 560.202, and 560.302 and unless~~  
2398 ~~otherwise clearly indicated by the context,~~ For the purposes of  
2399 this part, the term:

2400           (1) "Affiliate" means a person who, directly or indirectly,  
2401 through one or more intermediaries controls, ~~or~~ is controlled by,  
2402 or is under common control with, a deferred presentment provider.

2403           ~~(2) "Business day" means the hours during a particular day~~  
2404 ~~during which a deferred presentment provider customarily conducts~~  
2405 ~~business, not to exceed 15 consecutive hours during that day.~~

2406           ~~(3) "Days" means calendar days.~~

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2407            (2)~~(4)~~ "Deferment period" means the number of days a  
2408 deferred presentment provider agrees to defer depositing, ~~or~~  
2409 presenting, or redeeming a payment instrument.

2410            ~~(5) "Deferred presentment provider" means a person who~~  
2411 ~~engages in a deferred presentment transaction and is registered~~  
2412 ~~under part II or part III of the code and has filed a declaration~~  
2413 ~~of intent with the office.~~

2414            (3)~~(6)~~ "Deferred presentment transaction" means providing  
2415 currency or a payment instrument in exchange for a drawer's  
2416 ~~person's~~ check and agreeing to hold the ~~that person's~~ check for a  
2417 deferment period of time prior to presentment, deposit, or  
2418 redemption.

2419            (4)~~(7)~~ "Drawer" means a customer ~~any person~~ who writes a  
2420 personal check and upon whose account the check is drawn.

2421            (5) "Extension of a deferred presentment agreement" means  
2422 continuing a deferred presentment transaction past the deferment  
2423 period by having the drawer pay additional fees and the deferred  
2424 presentment provider continuing to hold the check for another  
2425 deferment period.

2426            (6)~~(8)~~ "Rollover" means the termination or extension of a  
2427 ~~an existing~~ deferred presentment agreement by the payment of an  
2428 ~~any~~ additional fee and the continued holding of the check, or the  
2429 substitution of a new check ~~drawn~~ by the drawer pursuant to a new  
2430 deferred presentment agreement.

2431            ~~(9) "Fee" means the fee authorized for the deferral of the~~  
2432 ~~presentation of a check pursuant to this part.~~

2433            (7)~~(10)~~ "Termination of a ~~an existing~~ deferred presentment  
2434 agreement" means that the check that is the basis for the ~~an~~  
2435 agreement is redeemed by the drawer by payment in full in cash,

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2436 or is deposited and the deferred presentment provider has  
2437 evidence that such check has cleared. A Verification of  
2438 sufficient funds in the drawer's account by the deferred  
2439 presentment provider is ~~shall~~ not be sufficient evidence to deem  
2440 that the ~~existing~~ deferred deposit transaction is ~~to be~~  
2441 terminated.

2442 ~~(11) "Extension of an existing deferred presentment~~  
2443 ~~agreement" means that a deferred presentment transaction is~~  
2444 ~~continued by the drawer paying any additional fees and the~~  
2445 ~~deferred presentment provider continues to hold the check for~~  
2446 ~~another period of time prior to deposit, presentment, or~~  
2447 ~~redemption.~~

2448 Section 42. Section 560.403, Florida Statutes, is amended  
2449 to read:

2450 560.403 ~~Requirements of registration;~~ Declaration of  
2451 intent.--

2452 ~~(1)~~ Except for financial institutions as defined in s.  
2453 655.005 ~~No person, Unless otherwise exempt from this chapter, a~~  
2454 ~~person may not~~ shall engage in a deferred presentment transaction  
2455 unless the person is licensed as a money services business  
2456 ~~registered under the provisions of part II or part III of this~~  
2457 chapter and has on file with the office a declaration of intent  
2458 to engage in deferred presentment transactions, regardless of  
2459 whether such person is exempted from licensure under any other  
2460 provision of this chapter. The declaration of intent must ~~shall~~  
2461 be under oath and on such form as prescribed ~~the commission~~  
2462 ~~prescribes~~ by rule. The declaration of intent must ~~shall~~ be filed  
2463 ~~together~~ with a nonrefundable filing fee as provided in s.  
2464 560.143 ~~of \$1,000. Any person who is registered under part II or~~

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2465 ~~part III on the effective date of this act and intends to engage~~  
2466 ~~in deferred presentment transactions shall have 60 days after the~~  
2467 ~~effective date of this act to file a declaration of intent. A~~  
2468 ~~declaration of intent expires after 24 months and must be~~  
2469 ~~renewed.~~

2470 ~~(2) A registrant under this part shall renew his or her~~  
2471 ~~intent to engage in the business of deferred presentment~~  
2472 ~~transactions or to act as a deferred presentment provider upon~~  
2473 ~~renewing his or her registration under part II or part III and~~  
2474 ~~shall do so by indicating his or her intent by submitting a~~  
2475 ~~nonrefundable deferred presentment provider renewal fee of~~  
2476 ~~\$1,000, in addition to any fees required for renewal of~~  
2477 ~~registration under part II or part III.~~

2478 ~~(3) A registrant under this part who fails to timely renew~~  
2479 ~~his or her intent to engage in the business of deferred~~  
2480 ~~presentment transactions or to act as a deferred presentment~~  
2481 ~~provider shall immediately cease to engage in the business of~~  
2482 ~~deferred presentment transactions or to act as a deferred~~  
2483 ~~presentment provider.~~

2484 ~~(4) The notice of intent of a registrant under this part~~  
2485 ~~who fails to timely renew his or her intent to engage in the~~  
2486 ~~business of deferred presentment transactions or to act as a~~  
2487 ~~deferred presentment provider on or before the expiration date of~~  
2488 ~~the registration period automatically expires. A renewal fee and~~  
2489 ~~a nonrefundable late fee of \$500 must be filed within 60 calendar~~  
2490 ~~days after the expiration of an existing registration in order~~  
2491 ~~for the declaration of intent to be reinstated. The office shall~~  
2492 ~~grant a reinstatement of registration if an application is filed~~  
2493 ~~during the 60-day period, and the reinstatement is effective upon~~

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2494 receipt of the required fees and any information that the  
2495 commission requires by rule. If the registrant has not filed a  
2496 reinstatement of a renewal declaration of intent within 60  
2497 calendar days after the expiration date of an existing  
2498 registration, the notice of intent expires and a new declaration  
2499 of intent must be filed with the office.

2500 ~~(5) No person, other than a financial institution as~~  
2501 ~~defined in s. 655.005, shall be exempt from registration and~~  
2502 ~~declaration if such person engages in deferred presentment~~  
2503 ~~transactions, regardless of whether such person is currently~~  
2504 ~~exempt from registration under any provision of this code.~~

2505 Section 43. Section 560.404, Florida Statutes, is amended  
2506 to read:

2507 560.404 Requirements for deferred presentment  
2508 transactions.--

2509 (1) Each ~~Every~~ deferred presentment transaction must ~~shall~~  
2510 be documented in a written agreement signed by ~~both~~ the deferred  
2511 presentment provider and the drawer.

2512 (2) The deferred presentment transaction agreement must  
2513 ~~shall~~ be executed on the day the deferred presentment provider  
2514 furnishes currency or a payment instrument to the drawer.

2515 (3) Each written agreement must ~~shall contain the following~~  
2516 ~~information,~~ in addition to any information required ~~the~~  
2517 ~~commission requires by rule,~~ contain the following information:

2518 (a) The name or trade name, address, and telephone number  
2519 of the deferred presentment provider and the name and title of  
2520 the person who signs the agreement on behalf of the ~~deferred~~  
2521 ~~presentment~~ provider.

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2522 (b) The date the deferred presentment transaction is ~~was~~  
2523 ~~made~~.

2524 (c) The amount of the drawer's check.

2525 (d) The length of the deferment ~~deferral~~ period.

2526 (e) The last day of the deferment period.

2527 (f) The address and telephone number of the office ~~and the~~  
2528 ~~Division of Consumer Services of the Department of Financial~~  
2529 ~~Services~~.

2530 (g) A clear description of the drawer's payment obligations  
2531 under the deferred presentment transaction.

2532 (h) The transaction number assigned by the office's  
2533 database.

2534 (4) The ~~Every~~ deferred presentment provider must ~~shall~~  
2535 ~~to the drawer~~ furnish a copy of the deferred presentment  
2536 transaction agreement to the drawer.

2537 (5) The face amount of a check taken for deferred  
2538 presentment may not exceed \$500 exclusive of the fees allowed  
2539 under ~~by~~ this part.

2540 (6) A ~~No~~ deferred presentment provider or its affiliate may  
2541 not ~~shall~~ charge fees that exceed ~~in excess of~~ 10 percent of the  
2542 currency or payment instrument provided. However, a verification  
2543 fee may be charged as provided in s. 560.309(7) ~~in accordance~~  
2544 ~~with s. 560.309(4) and the rules adopted pursuant to the code~~.  
2545 The 10-percent fee may not be applied to the verification fee. A  
2546 deferred presentment provider may charge only those fees  
2547 specifically authorized in this section.

2548 (7) The fees authorized by this section may not be  
2549 collected before the drawer's check is presented or redeemed.

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2550 (8) A ~~No~~ deferred presentment agreement may not ~~shall~~ be  
2551 for a term longer than ~~in excess of~~ 31 days or less than 7 days.

2552 (9) A ~~No~~ deferred presentment provider may not ~~shall~~  
2553 require a drawer ~~person~~ to provide any additional security for  
2554 the deferred presentment transaction or any extension or require  
2555 the drawer ~~a person~~ to provide any additional guaranty from  
2556 another person.

2557 (10) A deferred presentment provider may ~~shall~~ not include  
2558 any of the following provisions in a deferred provider ~~any~~  
2559 ~~written~~ agreement:

2560 (a) A hold harmless clause .~~†~~

2561 (b) A confession of judgment clause .~~†~~

2562 (c) Any assignment of or order for payment of wages or  
2563 other compensation for services .~~†~~

2564 (d) A provision in which the drawer agrees not to assert  
2565 any claim or defense arising out of the agreement .~~† or~~

2566 (e) A waiver of any provision of this part.

2567 (11) A ~~Each~~ deferred presentment provider shall immediately  
2568 provide the drawer with the full amount of any check to be held,  
2569 less only the fees allowed ~~permitted~~ under this section.

2570 (12) The deferred presentment agreement and the drawer's  
2571 check must ~~shall~~ bear the same date, and the number of days of  
2572 the deferment period shall be calculated from that ~~this~~ date. The  
2573 ~~No~~ deferred presentment provider and the drawer ~~or person~~ may not  
2574 alter or delete the date on any written agreement or check held  
2575 by the deferred presentment provider.

2576 (13) For each deferred presentment transaction, the  
2577 deferred presentment provider must comply with the disclosure  
2578 requirements of 12 C.F.R., part 226, relating to the federal

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2579 Truth-in-Lending Act, and Regulation Z of the Board of Governors  
2580 of the Federal Reserve Board. A copy of the disclosure must be  
2581 provided to the drawer at the time the deferred presentment  
2582 transaction is initiated.

2583 (14) A ~~No~~ deferred presentment provider or its affiliate  
2584 may not accept or hold an undated check or a check dated on a  
2585 date other than the date on which the deferred presentment  
2586 provider agreed to hold the check and signed the deferred  
2587 presentment transaction agreement.

2588 (15) A ~~Every~~ deferred presentment provider must ~~shall~~ hold  
2589 the drawer's check for the agreed number of days, unless the  
2590 drawer chooses to redeem the check before the ~~agreed~~ presentment  
2591 date.

2592 (16) Proceeds in a deferred presentment transaction may be  
2593 made to the drawer in the form of the deferred presentment  
2594 provider's payment instrument if the deferred presentment  
2595 provider is registered under part II; however, an ~~no~~ additional  
2596 fee may not be charged by a deferred presentment provider or its  
2597 affiliate for issuing or cashing the deferred presentment  
2598 provider's payment instrument.

2599 (17) A ~~No~~ deferred presentment provider may not require the  
2600 drawer to accept its payment instrument in lieu of currency.

2601 (18) A ~~No~~ deferred presentment provider or its affiliate  
2602 may not engage in the rollover of a ~~any~~ deferred presentment  
2603 agreement. A deferred presentment provider may ~~shall~~ not redeem,  
2604 extend, or otherwise consolidate a deferred presentment agreement  
2605 with the proceeds of another deferred presentment transaction  
2606 made by the same or an affiliate ~~affiliated deferred presentment~~  
2607 ~~provider~~.

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2608 (19) A deferred presentment provider may not enter into a  
2609 deferred presentment transaction with a drawer ~~person~~ who has an  
2610 outstanding deferred presentment transaction with that provider  
2611 or with any other deferred presentment provider, or with a person  
2612 whose previous deferred presentment transaction with that  
2613 provider or with any other provider has been terminated for less  
2614 than 24 hours. The deferred presentment provider must verify such  
2615 information as follows:

2616 (a) The deferred presentment provider shall maintain a  
2617 common database and shall verify whether the ~~that~~ deferred  
2618 ~~presentment~~ provider or an affiliate has an outstanding deferred  
2619 presentment transaction with a particular person or has  
2620 terminated a transaction with that person within the previous 24  
2621 hours.

2622 (b) The deferred presentment provider shall access the  
2623 office's database established pursuant to subsection (23) and  
2624 shall verify whether any other deferred presentment provider has  
2625 an outstanding deferred presentment transaction with a particular  
2626 person or has terminated a transaction with that person within  
2627 the previous 24 hours. If a provider has not established ~~Prior to~~  
2628 ~~the time that the office has implemented such~~ a database, the  
2629 deferred presentment provider may rely upon the written  
2630 verification of the drawer as provided in subsection (20).

2631 (20) A deferred presentment provider shall provide the  
2632 following notice in a prominent place on each deferred  
2633 presentment agreement in at least 14-point type in substantially  
2634 the following form and must obtain the signature of the drawer  
2635 where indicated:  
2636

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2637

2638

2639 NOTICE

2640

2641 1. STATE LAW PROHIBITS YOU FROM HAVING MORE THAN ONE DEFERRED  
2642 PRESENTMENT AGREEMENT AT ANY ONE TIME. STATE LAW ALSO PROHIBITS  
2643 YOU FROM ENTERING INTO A DEFERRED PRESENTMENT AGREEMENT WITHIN 24  
2644 HOURS AFTER ~~OF~~ TERMINATING ANY PREVIOUS DEFERRED PRESENTMENT  
2645 AGREEMENT. FAILURE TO OBEY THIS LAW COULD CREATE SEVERE FINANCIAL  
2646 HARDSHIP FOR YOU AND YOUR FAMILY.

2647

2648

2649 YOU MUST SIGN THE FOLLOWING STATEMENT:

2650

2651 I DO NOT HAVE AN OUTSTANDING DEFERRED PRESENTMENT AGREEMENT WITH  
2652 ANY DEFERRED PRESENTMENT PROVIDER AT THIS TIME. I HAVE NOT  
2653 TERMINATED A DEFERRED PRESENTMENT AGREEMENT WITHIN THE PAST 24  
2654 HOURS.

2655

2656 (Signature of Drawer)

2657

2658

2659 2. YOU CANNOT BE PROSECUTED IN CRIMINAL COURT FOR A CHECK  
2660 WRITTEN UNDER THIS AGREEMENT, BUT ALL LEGALLY AVAILABLE CIVIL  
2661 MEANS TO ENFORCE THE DEBT MAY BE PURSUED AGAINST YOU.

2662

2663

2664 3. STATE LAW PROHIBITS A DEFERRED PRESENTMENT PROVIDER (THIS  
2665 BUSINESS) FROM ALLOWING YOU TO "ROLL OVER" YOUR DEFERRED

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2666 PRESENTMENT TRANSACTION. THIS MEANS THAT YOU CANNOT BE ASKED OR  
2667 REQUIRED TO PAY AN ADDITIONAL FEE IN ORDER TO FURTHER DELAY THE  
2668 DEPOSIT OR PRESENTMENT OF YOUR CHECK FOR PAYMENT. IF YOU INFORM  
2669 THE PROVIDER IN PERSON THAT YOU CANNOT COVER THE CHECK OR PAY IN  
2670 FULL THE AMOUNT OWING AT THE END OF THE TERM OF THIS AGREEMENT,  
2671 YOU WILL RECEIVE A GRACE PERIOD EXTENDING THE TERM OF THE  
2672 AGREEMENT FOR AN ADDITIONAL 60 DAYS AFTER THE ORIGINAL  
2673 TERMINATION DATE, WITHOUT ANY ADDITIONAL CHARGE. THE DEFERRED  
2674 PRESENTMENT PROVIDER SHALL REQUIRE THAT YOU, AS A CONDITION OF  
2675 OBTAINING THE GRACE PERIOD, COMPLETE CONSUMER CREDIT COUNSELING  
2676 PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED  
2677 TO YOU BY THIS PROVIDER. YOU MAY ALSO AGREE TO COMPLY WITH AND  
2678 ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY. IF YOU DO NOT  
2679 COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT  
2680 AGENCY, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR PAYMENT AND  
2681 PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE THE DEBT AT  
2682 THE END OF THE 60-DAY GRACE PERIOD.

2683 (21) The deferred presentment provider may not deposit or  
2684 present the drawer's check if the drawer informs the provider in  
2685 person that the drawer cannot redeem or pay in full in cash the  
2686 amount due and owing the deferred presentment provider. No  
2687 additional fees or penalties may be imposed on the drawer by  
2688 virtue of any misrepresentation made by the drawer as to the  
2689 sufficiency of funds in the drawer's account. ~~In no event shall~~  
2690 ~~any~~ Additional fees may not be added to the amounts due and owing  
2691 to the deferred presentment provider.

2692 (22) ~~(a)~~ If, by the end of the deferment period, the drawer  
2693 informs the deferred presentment provider in person that the  
2694 drawer cannot redeem or pay in full in cash the amount due and

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2695 owing the deferred presentment provider, the deferred presentment  
2696 provider shall provide a grace period extending the term of the  
2697 agreement for an additional 60 days after the original  
2698 termination date, without any additional charge.

2699       (a) The provider shall require that as a condition of  
2700 providing a ~~this~~ grace period, that ~~within the first 7 days of~~  
2701 ~~the grace period~~ the drawer make an appointment with a consumer  
2702 credit counseling agency within 7 days after the end of the  
2703 deferment period and complete the counseling by the end of the  
2704 grace period. The drawer may agree to, comply with, and adhere to  
2705 a repayment plan approved by the counseling agency. If the drawer  
2706 agrees to comply with and adhere to a repayment plan approved by  
2707 the counseling agency, the provider must ~~is~~ also ~~required to~~  
2708 comply with and adhere to that repayment plan. The deferred  
2709 presentment provider may not deposit or present the drawer's  
2710 check for payment before the end of the 60-day grace period  
2711 unless the drawer fails to comply with such conditions or the  
2712 drawer fails to notify the provider of such compliance. Before  
2713 each deferred presentment transaction, the provider may verbally  
2714 advise the drawer of the availability of the grace period  
2715 consistent with ~~the provisions of~~ the written notice in  
2716 subsection (20), and may ~~shall~~ not discourage the drawer from  
2717 using the grace period.

2718       (b) At the commencement of the grace period, the deferred  
2719 presentment provider shall provide the drawer:

2720           1. Verbal notice of the availability of the grace period  
2721 consistent with the written notice in subsection (20).

2722           2. A list of approved consumer credit counseling agencies  
2723 prepared by the office. The office list shall include nonprofit

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2724 consumer credit counseling agencies affiliated with the National  
2725 Foundation for Credit Counseling which provide credit counseling  
2726 services to state Florida residents in person, by telephone, or  
2727 through the Internet. The office list must include phone numbers  
2728 for the agencies, the counties served by the agencies, and  
2729 indicate the agencies that provide telephone counseling and those  
2730 that provide Internet counseling. The office shall update the  
2731 list at least once each year.

2732 3. The following notice in at least 14-point type in  
2733 substantially the following form:

2734  
2735  
2736 AS A CONDITION OF OBTAINING A GRACE PERIOD EXTENDING THE TERM OF  
2737 YOUR DEFERRED PRESENTMENT AGREEMENT FOR AN ADDITIONAL 60 DAYS,  
2738 UNTIL [DATE], WITHOUT ANY ADDITIONAL FEES, YOU MUST COMPLETE  
2739 CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE  
2740 LIST THAT WILL BE PROVIDED TO YOU BY THIS PROVIDER. YOU MAY ALSO  
2741 AGREE TO COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY  
2742 THE AGENCY. THE COUNSELING MAY BE IN PERSON, BY TELEPHONE, OR  
2743 THROUGH THE INTERNET. YOU MUST NOTIFY US WITHIN 7 ~~SEVEN (7)~~ DAYS,  
2744 BY [DATE], THAT YOU HAVE MADE AN APPOINTMENT WITH ~~SUCH~~ A CONSUMER  
2745 CREDIT COUNSELING AGENCY. YOU MUST ALSO NOTIFY US WITHIN 60 ~~SIXTY~~  
2746 ~~(60)~~ DAYS, BY [DATE], THAT YOU HAVE COMPLETED THE CONSUMER CREDIT  
2747 COUNSELING. WE MAY VERIFY THIS INFORMATION WITH THE AGENCY. IF  
2748 YOU FAIL TO PROVIDE ~~EITHER~~ THE 7-DAY OR 60-DAY NOTICE, OR IF YOU  
2749 HAVE NOT MADE THE APPOINTMENT OR COMPLETED THE COUNSELING WITHIN  
2750 THE TIME REQUIRED, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR  
2751 PAYMENT AND PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE  
2752 THE DEBT.

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2753 (c) If a drawer completes an approved payment plan, the  
2754 deferred presentment provider shall pay one-half of the drawer's  
2755 fee for the deferred presentment agreement to the consumer credit  
2756 counseling agency.

2757 (23) The office shall implement a common database with  
2758 real-time access through an Internet connection for deferred  
2759 presentment providers, as provided in this subsection. The  
2760 database must be accessible to the office and the deferred  
2761 presentment providers in order to verify whether any deferred  
2762 presentment transactions are outstanding for a particular person.  
2763 Deferred presentment providers shall submit such data before  
2764 entering into each deferred presentment transaction in such  
2765 format as required ~~the commission shall require~~ by rule,  
2766 including the drawer's name, social security number or employment  
2767 authorization alien number, address, driver's license number,  
2768 amount of the transaction, date of transaction, the date that the  
2769 transaction is closed, and such additional information as is  
2770 required by rule ~~the commission~~. The commission may by rule  
2771 impose a fee of up to ~~not to exceed~~ \$1 per transaction for data  
2772 that must ~~required to~~ be submitted by a deferred presentment  
2773 provider. A deferred presentment provider may rely on the  
2774 information contained in the database as accurate and is not  
2775 subject to any administrative penalty or civil liability due to  
2776 ~~as a result of~~ relying on inaccurate information contained in the  
2777 database. A deferred presentment provider must notify the office  
2778 within 15 business days after ceasing operations and in a manner  
2779 as prescribed by rule. Such notification must include a  
2780 reconciliation of all open transactions. If the provider fails to  
2781 provide notice, the office shall take action to administratively

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2782 release all open and pending transactions in the database after  
2783 the office becomes aware of the closure. This section does not  
2784 affect the rights of the provider to enforce the contractual  
2785 provisions of the deferred presentment agreements through any  
2786 civil action allowed by law. The commission may adopt rules to  
2787 administer ~~and enforce the provisions of this subsection~~ section  
2788 and to ensure ~~assure~~ that the database is used by deferred  
2789 presentment providers in accordance with this section.

2790 (24) A deferred presentment provider may not accept more  
2791 than one check or authorization to initiate more than one  
2792 automated clearinghouse transaction to collect on a deferred  
2793 presentment transaction for a single deferred presentment  
2794 transaction.

2795 Section 44. Section 560.405, Florida Statutes, is amended  
2796 to read:

2797 560.405 Deposit; redemption.--

2798 (1) The deferred presentment provider or its affiliate may  
2799 ~~shall~~ not present the drawer's check before the end of the  
2800 deferment period ~~prior to the agreed-upon date of presentment~~, as  
2801 reflected in the deferred presentment transaction agreement.

2802 (2) Before a deferred presentment provider presents the  
2803 drawer's check, the check must ~~shall~~ be endorsed with the ~~actual~~  
2804 name under which the deferred presentment provider is doing  
2805 business.

2806 (3) Notwithstanding ~~the provisions of~~ subsection (1), in  
2807 lieu of presentment, a deferred presentment provider may allow  
2808 the check to be redeemed at any time upon payment ~~to the deferred~~  
2809 ~~presentment provider in the amount~~ of the face amount of the  
2810 drawer's check. However, payment may not be made in the form of a

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2811 personal check. Upon redemption, the deferred presentment  
2812 provider shall return the drawer's check ~~that was being held~~ and  
2813 provide a signed, dated receipt showing that the drawer's check  
2814 has been redeemed.

2815 (4) A ~~No~~ drawer may not ~~can~~ be required to redeem his or  
2816 her check before ~~prior to~~ the agreed-upon date; however, the  
2817 drawer may choose to redeem the check before the agreed-upon  
2818 presentment date.

2819 Section 45. Section 560.406, Florida Statutes, is amended  
2820 to read:

2821 560.406 Worthless checks.--

2822 (1) If a check is returned to a deferred presentment  
2823 provider from a payor financial institution due to lack of funds,  
2824 a closed account, or a stop-payment order, the deferred  
2825 presentment provider may seek collection pursuant to s. 68.065,  
2826 except a deferred presentment provider may ~~shall not be entitled~~  
2827 ~~to~~ collect treble damages ~~pursuant s. 68.065~~. The notice sent by  
2828 the a deferred deposit provider may ~~pursuant to s. 68.065~~ shall  
2829 not include any references to treble damages and must clearly  
2830 state that the deferred presentment provider is not entitled to  
2831 recover such damages. Except as otherwise provided in this part,  
2832 an individual who issues a personal check to a deferred  
2833 presentment provider under a deferred presentment agreement is  
2834 not subject to criminal penalty.

2835 (2) If a check is returned to a deferred presentment  
2836 provider from a payor financial institution due to insufficient  
2837 funds, a closed account, or a stop-payment order, the deferred  
2838 presentment provider may pursue all legally available civil  
2839 remedies to collect the check, including, but not limited to, the

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2840 imposition of all charges imposed on the deferred presentment  
2841 provider by the ~~any~~ financial institution. In its collection  
2842 practices, a deferred presentment provider must ~~shall~~ comply with  
2843 the prohibitions against harassment or abuse, false or misleading  
2844 representations, and unfair practices that ~~which~~ are contained in  
2845 ~~ss. 806, 807, and 808~~ of the Fair Debt Collections Practices Act,  
2846 15 U.S.C. ss. 1692d, 1692e, 1692f. A violation of this act is a  
2847 deceptive and unfair trade practice and constitutes a violation  
2848 of the Deceptive and Unfair Trade Practices Act under ~~7~~ part II of  
2849 chapter 501. In addition, a deferred presentment provider must  
2850 ~~shall~~ comply with the applicable provisions of ~~part VI of chapter~~  
2851 ~~559~~, the Consumer Collection Practices Act under part VI of  
2852 chapter 559, including, ~~but not limited to, the provisions of s.~~  
2853 559.77.

2854 (3) A deferred presentment provider may not assess the cost  
2855 of collection, other than charges for insufficient funds as  
2856 allowed by law, without a judgment from a court of competent  
2857 jurisdiction.

2858 Section 46. Subsection (7) of section 499.005, Florida  
2859 Statutes, is amended to read:

2860 499.005 Prohibited acts.--It is unlawful for a person to  
2861 perform or cause the performance of any of the following acts in  
2862 this state:

2863 (7) The purchase or sale of prescription drugs for  
2864 wholesale distribution in exchange for currency, as defined in s.  
2865 560.103 ~~s. 560.103(6)~~.

2866 Section 47. Paragraph (i) of subsection (2) of section  
2867 499.0691, Florida Statutes, is amended to read:

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2868 499.0691 Criminal punishment for violations related to  
2869 drugs; dissemination of false advertisement.--

2870 (2) Any person who violates any of the following provisions  
2871 commits a felony of the third degree, punishable as provided in  
2872 s. 775.082, s. 775.083, or s. 775.084, or as otherwise provided  
2873 in ss. 499.001-499.081.

2874 (i) The purchase or sale of prescription drugs for  
2875 wholesale distribution in exchange for currency, as defined in s.  
2876 560.103 ~~s. 560.103(6)~~.

2877 Section 48. Paragraph (b) of subsection (2) of section  
2878 501.95, Florida Statutes, is amended to read:

2879 501.95 Gift certificates and credit memos.--

2880 (2)

2881 (b) Paragraph (a) does not apply to a gift certificate or  
2882 credit memo sold or issued by a financial institution, as defined  
2883 in s. 655.005, or by a money services business ~~transmitter~~, as  
2884 defined in s. 560.103, if the gift certificate or credit memo is  
2885 redeemable by multiple unaffiliated merchants.

2886 Section 49. Paragraph (n) of subsection (2) of section  
2887 538.03, Florida Statutes, is amended to read:

2888 538.03 Definitions; applicability.--

2889 (2) This chapter does not apply to:

2890 (n) A business that contracts with other persons or  
2891 entities to offer its secondhand goods for sale, purchase,  
2892 consignment, or trade via an Internet website, and that maintains  
2893 a shop, store, or other business premises for this purpose, if  
2894 all of the following apply:

2895 1. The secondhand goods must be available on the website  
2896 for viewing by the public at no charge;

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2897           2. The records of the sale, purchase, consignment, or trade  
2898 must be maintained for at least 2 years;

2899           3. The records of the sale, purchase, consignment, or  
2900 trade, and the description of the secondhand goods as listed on  
2901 the website, must contain the serial number of each item, if any;

2902           4. The secondhand goods listed on the website must be  
2903 searchable based upon the state or zip code;

2904           5. The business must provide the appropriate law  
2905 enforcement agency with the name or names under which it conducts  
2906 business on the website;

2907           6. The business must allow the appropriate law enforcement  
2908 agency to inspect its business premises at any time during normal  
2909 business hours;

2910           7. Any payment by the business resulting from such a sale,  
2911 purchase, consignment, or trade must be made to the person or  
2912 entity with whom the business contracted to offer the goods and  
2913 must be made by check or via a money services business  
2914 ~~transmitter~~ licensed under part II of chapter 560; and

2915           8.a. At least 48 hours after the estimated time of  
2916 contracting to offer the secondhand goods, the business must  
2917 verify that any item having a serial number is not stolen  
2918 property by entering the serial number of the item into the  
2919 Department of Law Enforcement's stolen article database located  
2920 at the Florida Crime Information Center's public access system  
2921 website. The business shall record the date and time of such  
2922 verification on the contract covering the goods. If such  
2923 verification reveals that an item is stolen property, the  
2924 business shall immediately remove the item from any website on

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2925 | which it is being offered and notify the appropriate law  
2926 | enforcement agency; or

2927 |       b. The business must provide the appropriate law  
2928 | enforcement agency with an electronic copy of the name, address,  
2929 | phone number, driver's license number, and issuing state of the  
2930 | person with whom the business contracted to offer the goods, as  
2931 | well as an accurate description of the goods, including make,  
2932 | model, serial number, and any other unique identifying marks,  
2933 | numbers, names, or letters that may be on an item, in a format  
2934 | agreed upon by the business and the appropriate law enforcement  
2935 | agency. This information must be provided to the appropriate law  
2936 | enforcement agency within 24 hours after entering into the  
2937 | contract unless other arrangements are made between the business  
2938 | and the law enforcement agency.

2939 |       Section 50. Subsection (10) of section 896.101, Florida  
2940 | Statutes, is amended to read:

2941 |       896.101 Florida Money Laundering Act; definitions;  
2942 | penalties; injunctions; seizure warrants; immunity.--

2943 |       (10) Any financial institution, licensed money services  
2944 | business transmitter, or other person served with and complying  
2945 | with the terms of a warrant, temporary injunction, or other court  
2946 | order, including any subpoena issued under ~~the authority granted~~  
2947 | ~~by~~ s. 16.56 or s. 27.04, obtained in furtherance of an  
2948 | investigation of any crime in this section, including any crime  
2949 | listed as specified unlawful activity under this section or any  
2950 | felony violation of chapter 560, has immunity from criminal  
2951 | liability and is ~~shall~~ not be liable to any person for any lawful  
2952 | action taken in complying with the warrant, temporary injunction,  
2953 | or other court order, including any subpoena issued under ~~the~~

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2954 ~~authority granted by~~ s. 16.56 or s. 27.04. If any subpoena issued  
2955 under ~~the authority granted by~~ s. 16.56 or s. 27.04 contains a  
2956 nondisclosure provision, any financial institution, licensed  
2957 money services business ~~transmitter~~, employee or officer of a  
2958 financial institution or licensed money services business  
2959 ~~transmitter~~, or any other person may not notify, directly or  
2960 indirectly, any customer of that financial institution or  
2961 ~~licensed~~ money services business ~~transmitter~~ whose records are  
2962 being sought by the subpoena, or any other person named in the  
2963 subpoena, about the existence or the contents of that subpoena or  
2964 about information that has been furnished to the state attorney  
2965 or statewide prosecutor who issued the subpoena or other law  
2966 enforcement officer named in the subpoena in response to the  
2967 subpoena.

2968 Section 51. Subsection (5) of section 896.104, Florida  
2969 Statutes, is amended to read:

2970 896.104 Structuring transactions to evade reporting or  
2971 registration requirements prohibited.--

2972 (5) INFERENCE.--Proof that a person engaged for monetary  
2973 consideration in the business of a money funds ~~transmitter~~, as  
2974 defined in s. 560.103, ~~s. 560.103(10)~~ and who is transporting  
2975 more than \$10,000 in currency, or the foreign equivalent, without  
2976 being licensed ~~registered~~ as a money transmitter or designated as  
2977 an authorized agent vendor ~~under the provisions of~~ chapter 560,  
2978 gives rise to an inference that the transportation was done with  
2979 knowledge of the licensure ~~registration~~ requirements of chapter  
2980 560 and the reporting requirements of this chapter.

2981 Section 52. Paragraph (g) of subsection (3) of section  
2982 921.0022, Florida Statutes, is amended to read:

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2983	921.0022	Criminal Punishment Code; offense severity ranking
2984	chart.--	
2985	(3)	OFFENSE SEVERITY RANKING CHART
2986	(g)	LEVEL 7
	Florida	Felony
	Statute	Degree
2987	316.027 (1) (b)	1st Accident involving death, failure to stop; leaving scene.
2988	316.193 (3) (c) 2.	3rd DUI resulting in serious bodily injury.
2989	316.1935 (3) (b)	1st Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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2990	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
2991	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2992	409.920 (2)	3rd	Medicaid provider fraud.
2993	456.065 (2)	3rd	Practicing a health care profession without a license.
2994	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.

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2995	458.327 (1)	3rd	Practicing medicine without a license.
2996	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
2997	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2998	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2999	462.17	3rd	Practicing naturopathy without a license.
3000	463.015 (1)	3rd	Practicing optometry without a license.
3001	464.016 (1)	3rd	Practicing nursing without a license.
3002	465.015 (2)	3rd	Practicing pharmacy without a license.

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3003	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
3004	467.201	3rd	Practicing midwifery without a license.
3005	468.366	3rd	Delivering respiratory care services without a license.
3006	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
3007	483.901 (9)	3rd	Practicing medical physics without a license.
3008	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
3009	484.053	3rd	Dispensing hearing aids without a

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3010

494.0018 (2) 1st

license.

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.

3011

560.123 (8) (b) 1. 3rd

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

3012

560.125 (5) (a) 3rd

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

3013

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3014	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
3015	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
3016	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
3017	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
	782.051 (3)	2nd	Attempted felony

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3018	782.07(1)	2nd	murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
3019	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
3020	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 operation of a vessel in a reckless manner (vessel homicide).

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3021	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
3022	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
3023	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
3024	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
3025	784.048 (7)	3rd	Aggravated stalking; violation of court order.
3026	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
3027	784.074 (1) (a)	1st	Aggravated battery on sexually violent

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			predators facility staff.
3028	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
3029	784.081 (1)	1st	Aggravated battery on specified official or employee.
3030	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
3031	784.083 (1)	1st	Aggravated battery on code inspector.
3032	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
3033	790.16 (1)	1st	Discharge of a machine gun under specified

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3034	790.165 (2)	2nd	circumstances.
3035	790.165 (3)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
3036	790.166 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
3037	790.166 (4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
3038	794.08 (4)	3rd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
			Female genital

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3039	796.03	2nd	mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
3040	800.04 (5) (c) 1.	2nd	Procuring any person under 16 years for prostitution.
3041	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
3042	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
3043			Maliciously damage structure by fire or explosive.

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3044	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
3045	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
3046	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
3047	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

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3048	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
3049	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3050	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
3051	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
3052	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

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3053	812.131 (2) (a)	2nd	Robbery by sudden snatching.
3054	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
3055	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
3056	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
3057	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
3058	817.2341 (2) (b) & (3) (b )	1st	Making false entries of material fact or false statements regarding property

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3059	825.102 (3) (b)	2nd	values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
3060	825.103 (2) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
3061	827.03 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
3062	827.04 (3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
			Impregnation of a

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3063	837.05 (2)	3rd	child under 16 years of age by person 21 years of age or older.
3064	838.015	2nd	Giving false information about alleged capital felony to a law enforcement officer.
3065	838.016	2nd	Bribery. Unlawful compensation or reward for official behavior.
3066	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
3067	838.22	2nd	Bid tampering.
3068	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
3069			

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3070	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
3071	872.06	2nd	Abuse of a dead human body.
3072	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
3072	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a),

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3073	893.13(4)(a)	1st	(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.
3074	893.135(1)(a)1.	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
3075	893.135(1)(b)1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
3076	893.135(1)(c)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
			Trafficking in illegal drugs, more than 4 grams, less

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3077			than 14 grams.
	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
3078			
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
3079			
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
3080			
	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
3081			
	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
3082			

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3083	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
3084	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
3085	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
3086	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent

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3087	943.0435 (8)	2nd	residence; failure to comply with reporting requirements.
3088	943.0435 (9) (a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
3089	943.0435 (13)	3rd	Sexual offender; failure to comply with reporting requirements.
3090	943.0435 (14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
			Sexual offender; failure to report and reregister; failure to respond

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3091	944.607(9)	3rd	to address verification.
3092	944.607(10)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
3093	944.607(12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
3094	944.607(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3095	985.4815(10)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
			Sexual offender;

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3096 failure to submit to  
the taking of a  
digitized  
photograph.

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

3097 985.4815(13) 3rd Sexual offender;  
failure to report  
and reregister;  
failure to respond  
to address  
verification.

3098  
3099 Section 53. Sections 560.101, 560.102, 560.106, 560.1073,  
3100 560.108, 560.112. 560.117, 560.200, 560.202, 560.206, 560.207,  
3101 560.301, 560.302, 560.305, 560.306, 560.307, 560.308, 560.401,  
3102 560.402, and 560.407, Florida Statutes, are repealed.

3103 Section 54. Except as otherwise expressly provided in this  
3104 act, this act shall take effect October 1, 2008.