

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  
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  
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  
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  
 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  
 137 |       to read:

138 |       560.103 Definitions.--As used in this chapter, the term  
 139 |       ~~the 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.

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  
 150 of 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  
 162 a money services business or deferred presentment provider with  
 163 regard to the money transmission function.

164           (4)-(2) "Authorized agent vender" 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

168 | locations in this state pursuant to a written contract with the  
 169 | licensee registrant.

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

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

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

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

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

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

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

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

189 |        (8) "Commission" means the Financial Services Commission.

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

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

199 (10)~~(6)~~ "Currency" means the coin and paper money of the  
 200 United States or of any other country which is designated as  
 201 legal tender and which circulates and is customarily used and  
 202 accepted as a medium of exchange in the country of issuance.  
 203 Currency includes United States silver certificates, United  
 204 States notes, and Federal Reserve notes. Currency also includes  
 205 official foreign bank notes that are customarily used and  
 206 accepted as a medium of exchange in a foreign country.

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

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

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

220 (13) "Financial audit report" means a report prepared in  
 221 connection with a financial audit that is conducted in  
 222 accordance with generally accepted auditing standards prescribed



223 by the American Institute of Certified Public Accountants by a  
 224 certified public accountant licensed to do business in the  
 225 United States, and which must include:

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

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

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

244 ~~(8) "Office" means the Office of Financial Regulation of~~  
 245 ~~the commission.~~

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

249 ~~(10) "Funds transmitter" means a person who engages in the~~  
 250 ~~receipt of currency or payment instruments for the purpose of~~

251 ~~transmission by any means, including transmissions within this~~  
 252 ~~country or to or from locations outside this country, by wire,~~  
 253 ~~facsimile, electronic transfer, courier, or otherwise.~~

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

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

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

261 (19) ~~(11)~~ "Money services business transmitter" means any  
 262 person located in or doing business in this state, from this  
 263 state, or into this state from locations outside this state or  
 264 country who acts as a payment instrument seller, foreign  
 265 currency exchanger, check casher, or money funds transmitter, or  
 266 deferred presentment provider.

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

274 ~~(12) "Money transmitter affiliated party" means any~~  
 275 ~~director, officer, responsible person, employee, authorized~~  
 276 ~~vendor, independent contractor of a money transmitter, or a~~  
 277 ~~person who has filed, is required to file, or is found to~~  
 278 ~~control a money transmitter pursuant to s. 560.127, or any~~

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279 ~~person engaged in any jurisdiction, at any time, in the business~~  
280 ~~of money transmission as a controlling shareholder, director,~~  
281 ~~officer, or responsible person who becomes involved in a similar~~  
282 ~~capacity with a money transmitter registered in this state.~~

283 (21) "Office" means the Office of Financial Regulation of  
284 the commission.

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

293 (23) "Outstanding money transmission" means a money  
294 transmission request to a designated recipient or a refund to a  
295 sender that has not been completed.

296 (24)~~(14)~~ "Outstanding payment instrument ~~instruments~~"  
297 means an unpaid payment instrument ~~instruments~~ whose sale has  
298 been reported to a licensee ~~registrant~~.

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

305 (26)~~(16)~~ "Payment instrument seller" means a person who  
306 sells a payment instrument.

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

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

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

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

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

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

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

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

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

342 Section 2. Section 560.104, Florida Statutes, is amended  
 343 to read:

344 560.104 Exemptions.--The following entities are exempt  
 345 from the provisions of this chapter ~~the code~~:

346 (1) Banks, credit card banks, credit unions, trust  
 347 companies, associations, offices of an international banking  
 348 corporation, Edge Act or agreement corporations, or other  
 349 financial depository institutions organized under the laws of  
 350 any state or the United States, ~~provided that they do not sell~~  
 351 ~~payment instruments through authorized vendors who are not such~~  
 352 ~~entities.~~

353 (2) The United States or any agency or department,  
 354 ~~instrumentality, or agency~~ thereof.

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

356 Section 3. Section 560.105, Florida Statutes, is amended  
 357 to read:

358 560.105 Supervisory powers; rulemaking.--

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

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

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

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

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

375 (a) ~~(3)~~ The commission may adopt rules ~~pursuant to ss.~~  
 376 ~~120.536(1) and 120.54~~ requiring electronic submission of any  
 377 forms, documents, or fees required by this chapter, which must  
 378 ~~code if such rules~~ reasonably accommodate technological or  
 379 financial hardship. ~~The commission may prescribe by rule~~  
 380 ~~requirements~~ and provide procedures for obtaining an exemption  
 381 due to a technological or financial hardship.

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

386 Section 4. Section 560.109, Florida Statutes, is amended  
 387 to read:

388           560.109 Examinations and investigations, ~~subpoenas,~~  
 389 ~~hearings, and witnesses.--~~

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

401           (1) The office may examine each licensee as often as is  
 402 warranted for the protection of customers and in the public  
 403 interest, but at least once every 5 years. The office shall  
 404 provide at least 15 days' notice to a money services business,  
 405 its authorized agent, or license applicant before conducting an  
 406 examination or investigation. However, the office may conduct an  
 407 examination or investigation of a money services business,  
 408 authorized agent, or affiliated party at any time and without  
 409 advance notice if the office suspects that the money services  
 410 business, authorized agent, or affiliated party has violated or  
 411 is about to violate any provisions of this chapter or any  
 412 criminal laws of this state or of the United States.

413           (2) The office may conduct a joint or concurrent  
 414 examination with any state or federal regulatory agency and may  
 415 furnish a copy of all examinations to an appropriate regulator

416 if the regulator agrees to abide by the confidentiality  
 417 provisions in chapter 119 and this chapter. The office may also  
 418 accept an examination from any appropriate regulator or,  
 419 pursuant to s. 560.1091, from an independent third party that  
 420 has been approved by the office.

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

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

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

433 (4)-(2)-(a) In the course of or in connection with any  
 434 examination or an investigation conducted by the office:

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



444 1. Administer oaths and affirmations.

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

446 (b) The office, or any of its employees ~~officers~~ holding a

447 title of no lesser title than attorney, ~~or~~ area financial

448 manager, or higher may issue, revoke, quash, or modify subpoenas

449 and subpoenas duces tecum under the seal of the office or cause

450 any such subpoena or subpoena duces tecum to be issued by any

451 county court judge or clerk of the circuit court or county court

452 to require persons to appear before the office at a reasonable

453 time and place to be ~~therein~~ named and to bring such books,

454 records, and documents for inspection as may be ~~therein~~

455 designated. Such subpoenas may be served by a representative of

456 the office or ~~may be served~~ as otherwise provided ~~for~~ by law for

457 the service of subpoenas.

458 (c) ~~In connection with any such investigation or~~

459 ~~examination,~~ The office may allow ~~permit~~ a person to file a

460 statement in writing, under oath, ~~or otherwise as the office~~

461 ~~determines,~~ as to facts and circumstances specified by the

462 office.

463 ~~(5)(3)(a) If a person does not comply In the event of~~

464 ~~noncompliance~~ with a subpoena issued or caused to be issued by

465 the office pursuant to this section, the office may petition a

466 court of competent jurisdiction ~~the circuit court of the county~~

467 ~~in which the person subpoenaed resides or has its principal~~

468 ~~place of business~~ for an order requiring the subpoenaed person

469 to appear and testify and to produce such ~~books,~~ records, ~~and~~

470 ~~documents~~ as are specified in the ~~such~~ subpoena duces tecum. The

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471 office is entitled to the summary procedure provided in s.  
472 51.011, and the court shall advance the cause on its calendar.

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

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

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

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

494 ~~(7)-(5)~~ Reasonable and necessary costs incurred by the  
495 office and payable to third parties in connection ~~persons~~  
496 ~~involved~~ with examinations or investigations may be assessed  
497 against any person on the basis of actual costs incurred.  
498 Assessable expenses include, but are not limited to, + expenses

499 for: interpreters; certified translations of documents into the  
 500 English language required by this chapter or related rules;  
 501 ~~expenses for~~ communications; ~~expenses for~~ legal representation;  
 502 ~~expenses for~~ economic, legal, or other research, analyses, and  
 503 testimony; and fees and expenses for witnesses. ~~The failure to~~  
 504 ~~reimburse the office is a ground for denial of the registration~~  
 505 ~~application or for revocation of any approval thereof. No such~~  
 506 Costs may not ~~shall~~ be assessed against a person unless the  
 507 office has determined that the person has operated or is  
 508 operating in violation of this chapter ~~the code~~.

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

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

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

518 (b) The total number of initial referrals received from  
 519 another state or federal agency, the total number of  
 520 examinations and investigations opened as a result of referrals,  
 521 and the disposition of each of those cases.

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

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

528 Section 5. Section 560.1091, Florida Statutes, is created  
529 to read:

530 560.1091 Contracted examinations.--The office may contract  
531 with third parties to conduct examinations under this chapter.

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

536 (2) The examiner must be an independent certified public  
537 accountant or information technologist meeting criteria  
538 specified in rule.

539 (3) The licensee subject to the examination must pay to  
540 the office the expenses of the examination at rates adopted by  
541 commission rule.

542 (a) The rates charged must be consistent with rates  
543 charged by other persons in a similar profession and comparable  
544 with the rates charged for comparable examinations.

545 (b) Allowable expenses include actual travel expenses, an  
546 allowance for reasonable living expenses, compensation of the  
547 examiner or other person making the examination, and necessary  
548 administrative costs directly related to the examination.

549 Allowances for travel and living expenses are limited to those  
550 expenses incurred to conduct the examination.

551 (c) A detailed statement of allowable expenses shall be  
552 submitted to the office by the examiner and must be approved by

553 the office prior to being submitted by the office to the  
554 licensee for payment.

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

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

566 (5) The commission shall adopt rules to administer this  
567 section.

568 Section 6. Section 560.110, Florida Statutes, is created  
569 to read:

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

575 (1) The records required under this chapter may be  
576 maintained by the licensee at any location identified in its  
577 license application or by amendment to the application. The  
578 licensee must make such records available to the office for  
579 examination and investigation in this state within 3 business  
580 days after receipt of a written request.

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

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

596           (4) Any person who willfully fails to comply with this  
 597 section or ss. 560.211 and 560.310 commits a felony of the third  
 598 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 599 775.084.

600           Section 7. Section 560.111, Florida Statutes, is amended  
 601 to read:

602           560.111 Prohibited acts ~~and practices~~.--

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

606           (a) Receive or possess ~~itself of~~ any property except  
 607 ~~otherwise than~~ in payment of a just demand, and, with intent to  
 608 deceive or defraud, to omit to make or to cause to be made a

609 full and true entry thereof in its books and accounts, or to  
 610 concur in omitting to make any material entry thereof.†

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

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

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

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

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637 office or any of its employees any examination report, report of  
638 condition, report of income and dividends, audit, account,  
639 statement, file, or document known by it to be fraudulent or  
640 false as to any material matter. ~~7 or~~

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

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

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



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665 (4) Any person who willfully violates any provision of s.  
666 560.403, s. 560.404, s. 560.405, or s. 560.407 commits a felony  
667 of the third degree, punishable as provided in s. 775.082, s.  
668 775.083, or s. 775.084.

669 Section 8. Section 560.113, Florida Statutes, is amended  
670 to read:

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

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

691 (2) In addition to, or in lieu of, the enforcement of a  
692 temporary restraining order, temporary injunction, or permanent

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

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

715 Section 9. Section 560.114, Florida Statutes, is amended  
 716 to read:

717 560.114 Disciplinary actions; penalties.--

718 (1) The following actions by a money services business,  
 719 authorized agent, or affiliated party transmitter or money  
 720 transmitter affiliated party are violations of the code and

721 constitute grounds for the issuance of a cease and desist order,  
 722 the issuance of a removal order, the denial, ~~of a registration~~  
 723 ~~application or the suspension,~~ or revocation of a license any  
 724 ~~registration previously issued pursuant to the code,~~ or the  
 725 taking ~~of~~ any other action within the authority of the office  
 726 pursuant to this chapter ~~the code~~:

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

730 (b) Fraud, misrepresentation, deceit, or gross negligence  
 731 in any transaction by a involving money services business  
 732 ~~transmission,~~ regardless of reliance thereon by, or damage to, a  
 733 ~~money transmitter~~ customer.

734 (c) Fraudulent misrepresentation, circumvention, or  
 735 concealment of any matter that must ~~required to~~ be stated or  
 736 furnished to a ~~money transmitter~~ customer pursuant to this  
 737 chapter ~~the code,~~ regardless of reliance thereon by, or damage  
 738 to, such customer.

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

740 (e) Failure to maintain, preserve, ~~and~~ keep available for  
 741 examination, and produce all books, accounts, files, or other  
 742 documents required by this chapter or related rules or orders  
 743 ~~the code, by any rule or order adopted pursuant to the code, by~~  
 744 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29,  
 745 103.33, 103.37, 103.41, and 103.125 ~~as they existed on March 31,~~  
 746 ~~2004,~~ or by any agreement entered into with the office.

747 (f) Refusing to allow ~~Refusal to permit~~ the examination or  
 748 inspection of books, accounts, files, or other documents ~~and~~

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749 ~~records in an investigation or examination~~ by the office,  
750 pursuant to this chapter ~~the provisions of the code~~, or to  
751 comply with a subpoena issued by the office.

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

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

758 (i) Insolvency ~~or operating in an unsafe and unsound~~  
759 ~~manner~~.

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

766 (k) Making a any material misstatement, ~~or~~  
767 misrepresentation, or omission ~~or committing any fraud~~ in an  
768 initial or renewal application for licensure, any amendment to  
769 such application, or application for the appointment of an  
770 authorized agent registration.

771 (l) Committing any act that results ~~resulting in a license~~  
772 ~~an application for registration, or a registration~~ or its  
773 equivalent, to practice any profession or occupation being  
774 denied, suspended, revoked, or otherwise acted against by a  
775 licensing ~~registering~~ authority in any jurisdiction ~~or a finding~~

776 ~~by an appropriate regulatory body of engaging in unlicensed~~  
 777 ~~activity as a money transmitter within any jurisdiction.~~

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

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

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

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

804 crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5324, regardless  
 805 of adjudication ~~without regard to whether a judgment of~~  
 806 ~~conviction has been entered by the court.~~

807 (q) ~~(p)~~ Having been convicted of ~~or found guilty of~~, or  
 808 entered a plea of ~~having pleaded~~ guilty or nolo contendere to,  
 809 misappropriation, conversion, or unlawful withholding of moneys  
 810 belonging that belong to others, regardless of adjudication and  
 811 ~~were received in the conduct of the business of the money~~  
 812 ~~transmitter.~~

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

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

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

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

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

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

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

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

836 (w)~~(x)~~ Engaging or advertising engagement in the business  
 837 of a money services business or deferred presentment provider  
 838 ~~transmitter~~ without a license registration, unless the person is  
 839 exempted from licensure ~~the registration requirements of the~~  
 840 ~~code.~~

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

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

848 (z) Violations of 31 C.F.R. ss. 103.20, 103.22,  
 849 103.23, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and  
 850 103.125.

851 (aa) Any practice or conduct that creates the likelihood  
 852 of a material loss, insolvency, or dissipation of assets of a  
 853 money services business or otherwise materially prejudices the  
 854 interests of its customers

855 (2) The office may deny licensure if the applicant or an  
 856 affiliated party is the subject of a pending criminal  
 857 prosecution or governmental enforcement action in any  
 858 jurisdiction until the conclusion of the prosecution or action.

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

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

877        ~~(5)(4)~~ If a license ~~registration~~ granted under this  
878 chapter ~~code~~ expires or is surrendered by the licensee  
879 ~~registrant~~ during the pendency of an administrative action ~~under~~  
880 ~~this code~~, the proceeding may continue as if the license is  
881 ~~registration were~~ still in effect.

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

885        (7) In addition to any other provision of this chapter,  
886 the office may impose a fine of up to \$1,000 per day for each



887 day that a person engages in the business of a money services  
 888 business or deferred presentment provider without being  
 889 licensed.

890 (8) In imposing any administrative remedy or penalty under  
 891 this chapter, the office shall take into account the  
 892 appropriateness of the penalty with respect to the gravity of  
 893 the violation, the history of previous violations, and other  
 894 matters as justice may require.

895 Section 10. Section 560.115, Florida Statutes, is amended  
 896 to read:

897 560.115 Surrender of license registration.--~~A licensee Any~~  
 898 ~~money transmitter registered pursuant to the code may~~  
 899 voluntarily surrender its license registration at any time by  
 900 giving written notice to the office.

901 Section 11. Section 560.116, Florida Statutes, is amended  
 902 to read:

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

912 Section 12. Section 560.118, Florida Statutes, is amended  
 913 to read:

914           560.118 ~~Examinations, Reports, and internal audits;~~  
 915 ~~penalty.--~~

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

940           (b) ~~Persons subject to this chapter who are examined shall~~  
 941 ~~make available to the office or its examiners the accounts,~~

942 ~~records, documents, files, information, assets, and matters~~  
943 ~~which are in their immediate possession or control and which~~  
944 ~~relate to the subject of the examination. Those accounts,~~  
945 ~~records, documents, files, information, assets, and matters not~~  
946 ~~in their immediate possession shall be made available to the~~  
947 ~~office or the office's examiners within 10 days after actual~~  
948 ~~notice is served on such persons.~~

949 ~~(c) The audit of a money transmitter required under this~~  
950 ~~section may be performed by an independent third party that has~~  
951 ~~been approved by the office or by a certified public accountant~~  
952 ~~authorized to do business in the United States. The examination~~  
953 ~~of a money transmitter or authorized vendor required under this~~  
954 ~~section may be performed by an independent third party that has~~  
955 ~~been approved by the office or by a certified public accountant~~  
956 ~~authorized to do business in the United States. The cost of such~~  
957 ~~an independent examination or audit shall be directly borne by~~  
958 ~~the money transmitter or authorized vendor.~~

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

970 ~~issued from its activities as a payment instrument seller are~~  
 971 ~~less than \$200,000.~~

972 (2)(b) Each licensee must submit ~~The commission may, by~~  
 973 ~~rule, require each money transmitter or authorized vendor to~~  
 974 ~~submit~~ quarterly reports to the office in a format and include  
 975 information as specified by rule. ~~The rule~~ ~~commission~~ may  
 976 require the ~~that~~ ~~each~~ report to contain a declaration by an  
 977 officer, or any other responsible person authorized to make such  
 978 declaration, that the report is true and correct to the best of  
 979 her or his knowledge and belief. ~~Such report must include such~~  
 980 ~~information as the commission by rule requires for that type of~~  
 981 ~~money transmitter.~~

982 ~~(c) The office may levy an administrative fine of up to~~  
 983 ~~\$100 per day for each day the report is past due, unless it is~~  
 984 ~~excused for good cause. In excusing any such administrative~~  
 985 ~~fine, the office may consider the prior payment history of the~~  
 986 ~~money transmitter or authorized vendor.~~

987 ~~(3) Any person who willfully violates this section or~~  
 988 ~~fails to comply with any lawful written demand or order of the~~  
 989 ~~office made under this section commits a felony of the third~~  
 990 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~  
 991 ~~775.084.~~

992 Section 13. Section 560.119, Florida Statutes, is  
 993 transferred, renumbered as section 560.144, Florida Statutes,  
 994 and amended to read:

995 560.144 ~~560.119~~ Deposit of fees and assessments.--License  
 996 The application fees, license ~~registration~~ renewal fees, late  
 997 payment penalties, civil penalties, administrative fines, and

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998 other fees, costs, or penalties provided for in this chapter ~~the~~  
 999 ~~code shall, in all cases,~~ be paid directly to the office, which  
 1000 shall deposit such proceeds into the Regulatory Trust Fund, and  
 1001 use the proceeds to pay the costs of the office as necessary to  
 1002 carry out its responsibilities under this chapter. ~~Each year,~~  
 1003 ~~the Legislature shall appropriate from the trust fund to the~~  
 1004 ~~office sufficient moneys to pay the office's costs for~~  
 1005 ~~administration of the code. The Regulatory Trust Fund is subject~~  
 1006 ~~to the service charge imposed pursuant to chapter 215.~~

1007 Section 14. Section 560.121, Florida Statutes, is amended  
 1008 to read:

1009 560.121 Access to records; record retention; penalties  
 1010 ~~limited restrictions upon public access.--~~

1011 (1) ~~(a)~~ Orders of courts or of administrative law judges  
 1012 for the production of confidential records or information must  
 1013 ~~shall~~ provide for inspection in camera by the court or the  
 1014 administrative law judge; and, if after ~~if after~~ the court or  
 1015 administrative law judge determines ~~has made a determination~~  
 1016 that the documents requested are relevant or would likely lead  
 1017 to the discovery of admissible evidence, ~~said documents shall be~~  
 1018 ~~subject to further orders by~~ the court or the administrative law  
 1019 judge must issue further orders to protect the confidentiality  
 1020 of the documents thereof. Any order directing the release of  
 1021 information is ~~shall be~~ immediately reviewable, and a petition  
 1022 by the office for review of the ~~such~~ order shall automatically  
 1023 stay further proceedings in the trial court or the  
 1024 administrative hearing until the disposition of the ~~such~~  
 1025 petition by the reviewing court. ~~If any other party files such A~~

1026 petition for review of the order filed by any other party shall,  
 1027 ~~it will~~ operate as a stay of the ~~such~~ proceedings only upon  
 1028 order of the reviewing court.

1029 (2) ~~(b)~~ Confidential records and information furnished  
 1030 pursuant to a legislative subpoena must ~~shall~~ be kept  
 1031 confidential ~~by the legislative body or committee which receives~~  
 1032 ~~the records or information,~~ except in cases ~~a case~~ involving the  
 1033 investigation of charges against a public official subject to  
 1034 impeachment or removal, and then disclosure of such information  
 1035 shall be only to the extent determined to be necessary by the  
 1036 legislative body or committee ~~to be necessary~~.

1037 (3) ~~(2)~~ ~~The commission may prescribe by rule the minimum~~  
 1038 ~~information that must be shown in the books, accounts, records,~~  
 1039 ~~and documents of licensees for purposes of enabling the office~~  
 1040 ~~to determine the licensee's compliance with this chapter. In~~  
 1041 ~~addition, the commission may prescribe by rule requirements for~~  
 1042 ~~the destruction of books, accounts, records, and documents~~  
 1043 ~~retained by the licensee after completion of the time period~~  
 1044 ~~specified in this subsection. Examination reports, investigatory~~  
 1045 ~~records, applications, and related information compiled by the~~  
 1046 office, or photographic copies thereof, must ~~shall~~ be retained  
 1047 by the office for a ~~period of~~ at least 5 ~~3~~ years after ~~following~~  
 1048 the date ~~that~~ the examination or investigation ceases to be  
 1049 active. Application records, and related information compiled by  
 1050 the office, or photographic copies thereof, must ~~shall~~ be  
 1051 retained by the office for a period of at least 5 ~~2~~ years after  
 1052 ~~following~~ the date ~~that~~ the license ~~registration~~ ceases to be  
 1053 active.

1054 ~~(3) A copy of any document on file with the office which~~  
 1055 ~~is certified by the office as being a true copy may be~~  
 1056 ~~introduced in evidence as if it were the original. The~~  
 1057 ~~commission shall establish a schedule of fees for preparing true~~  
 1058 ~~copies of documents.~~

1059 (4) Any person who willfully discloses information made  
 1060 confidential by this section commits a felony of the third  
 1061 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1062 775.084.

1063 Section 15. Section 560.123, Florida Statutes, is amended  
 1064 to read:

1065 560.123 Florida Control of Money Laundering in ~~the~~ Money  
 1066 Services Business Act Transmitters' Code; ~~reports of~~  
 1067 ~~transactions involving currency or monetary instruments; when~~  
 1068 ~~required; purpose; definitions; penalties; corpus delicti.--~~

1069 (1) This section may be cited as the "Florida Control of  
 1070 Money Laundering in Money Services Business ~~Transmitters~~ Act."

1071 (2) ~~It is~~ The purpose of this section is to require the  
 1072 ~~submission to the office of reports and the~~ maintenance of  
 1073 certain records of transactions involving currency or payment  
 1074 ~~monetary instruments in order to which reports and records~~ deter  
 1075 the use of a money services business ~~money transmitters~~ to  
 1076 conceal proceeds from criminal activity and to ensure the  
 1077 availability of such records for ~~are useful in~~ criminal, tax, or  
 1078 regulatory investigations or proceedings.

1079 (3) ~~(a)~~ A ~~Every~~ money services business ~~must~~ ~~transmitter~~  
 1080 ~~shall~~ keep a record of every ~~each~~ financial transaction  
 1081 ~~occurring in this state~~ known to it that occurs in this state;

1082 involves ~~to involve~~ currency or other payment monetary  
 1083 instrument, as prescribed ~~the commission prescribes~~ by rule,  
 1084 having of a value greater than in excess of \$10,000; and  
 1085 involves, ~~to involve~~ the proceeds of specified unlawful  
 1086 activity, or is ~~to be~~ designed to evade the reporting  
 1087 requirements of this section or chapter 896. The money services  
 1088 business must ~~and shall~~ maintain appropriate procedures to  
 1089 ensure compliance with this section and chapter 896.

1090 (a) ~~(b)~~ Multiple financial transactions shall be treated as  
 1091 a single transaction if the money services business transmitter  
 1092 has knowledge that they are made by or on behalf of any one  
 1093 person and result in ~~either~~ cash in or cash out totaling more  
 1094 than \$10,000 during any day.

1095 (b) ~~(e)~~ A ~~Any~~ money services business transmitter may keep  
 1096 a record of any financial transaction occurring in this state,  
 1097 regardless of the value, if it suspects that the transaction  
 1098 involves the proceeds of specified unlawful activity.

1099 (c) The money services business must file a report with  
 1100 the office of any records required by this subsection, at such  
 1101 time and containing such information as required by rule. The  
 1102 timely filing of the report required by 31 U.S.C. s. 5313 with  
 1103 the appropriate federal agency shall be deemed compliance with  
 1104 the reporting requirements of this subsection unless the reports  
 1105 are not regularly and comprehensively transmitted by the federal  
 1106 agency to the office.

1107 (d) A money services business transmitter, or officer,  
 1108 employee, or agent thereof, that files a report in good faith  
 1109 pursuant to this section is not liable to any person for loss or



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1110 damage caused in whole or in part by the making, filing, or  
 1111 governmental use of the report, or any information contained  
 1112 therein.

1113 (4)~~(3)~~ A money services business ~~transmitters~~ must comply  
 1114 with ~~adhere to~~ the money laundering, enforcement, and reporting  
 1115 provisions of s. 655.50~~7~~ relating to reports of transactions  
 1116 involving currency transactions and payment ~~monetary~~  
 1117 instruments, and of chapter 896~~7~~ concerning offenses relating to  
 1118 financial transactions.

1119 (5)~~(4)~~ In enforcing this section, the ~~commission and~~  
 1120 office shall acknowledge and take into consideration the  
 1121 requirements of Title 31, United States Code, in order ~~both~~ to  
 1122 reduce the burden of ~~fulfilling~~ duplicate requirements and to  
 1123 acknowledge the economic advantage of having similar reporting  
 1124 and recordkeeping requirements between state and federal  
 1125 regulatory authorities.

1126 ~~(5) (a) Each money transmitter must file a report with the~~  
 1127 ~~office of the record required by this section. Each record filed~~  
 1128 ~~pursuant to this section must be filed at such time and contain~~  
 1129 ~~such information as the commission requires by rule.~~

1130 ~~(b) The timely filing of the report required by 31 U.S.C.~~  
 1131 ~~s. 5313, with the appropriate federal agency is deemed~~  
 1132 ~~compliance with the reporting requirements of this subsection~~  
 1133 ~~unless the reports are not regularly and comprehensively~~  
 1134 ~~transmitted by the federal agency to the office.~~

1135 (6) The office must retain a copy of all reports received  
 1136 under subsection (3) ~~(5)~~ for a minimum of 5 ~~3~~ ~~calendar~~ years  
 1137 after receipt of the report. However, if a report or information

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1138 contained in a report is known by the office to be the subject  
1139 of an existing criminal proceeding, the report must be retained  
1140 for a minimum of 10 ~~calendar~~ years after ~~from~~ the date of  
1141 receipt.

1142 (7) In addition to any other powers conferred upon the  
1143 office to enforce and administer this chapter ~~the code~~, the  
1144 office may:

1145 (a) Bring an action in any court of competent jurisdiction  
1146 to enforce or administer this section. In such action, the  
1147 office may seek award of any civil penalty authorized by law and  
1148 any other appropriate relief at law or equity.

1149 (b) Issue and serve upon a person an order requiring the  
1150 ~~such~~ person to cease and desist and take corrective action if  
1151 ~~whenever~~ the office finds that the ~~such~~ person is violating, has  
1152 violated, or is about to violate any provision of this section  
1153 or chapter 896; any rule or order adopted under this section or  
1154 chapter 896; or any written agreement related to this section or  
1155 chapter 896 which is entered into with the office.

1156 (c) Issue and serve upon a person an order suspending or  
1157 revoking the ~~such~~ person's money services business license if  
1158 ~~transmitter registration whenever~~ the office finds that the ~~such~~  
1159 person is violating, has violated, or is about to violate any  
1160 provision of this section or chapter 896; any rule or order  
1161 adopted under this section or chapter 896; or any written  
1162 agreement related to this section or chapter 896 which is  
1163 entered into with the office.

1164 (d) Issue and serve upon any person an order of removal  
1165 whenever the office finds that the ~~such~~ person is violating, has

1166 | violated, or is about to violate any provision of this section  
 1167 | or chapter 896; any rule or order adopted under this section or  
 1168 | chapter 896; or any written agreement related to this section or  
 1169 | chapter 896 which is entered into with the office.

1170 | (e) Impose and collect an administrative fine against any  
 1171 | person found to have violated any provision of this section or  
 1172 | chapter 896; any rule or order adopted under this section or  
 1173 | chapter 896; or any written agreement related to this section or  
 1174 | chapter 896 which is entered into with the office, of up to ~~in~~  
 1175 | ~~an amount not exceeding~~ \$10,000 per a day for each willful  
 1176 | violation or \$500 per a day for each negligent violation.

1177 | (8)(a) Except as provided in paragraph (b), a person who  
 1178 | willfully violates any provision of this section commits a  
 1179 | misdemeanor of the first degree, punishable as provided in s.  
 1180 | 775.082 or s. 775.083.

1181 | (b) A person who willfully violates any provision of this  
 1182 | section, if the violation involves:

1183 | 1. Currency or payment instruments exceeding \$300 but less  
 1184 | than \$20,000 in any 12-month period, commits a felony of the  
 1185 | third degree, punishable as provided in s. 775.082, s. 775.083,  
 1186 | or s. 775.084.

1187 | 2. Currency or payment instruments totaling or exceeding  
 1188 | \$20,000 but less than \$100,000 in any 12-month period, commits a  
 1189 | felony of the second degree, punishable as provided in s.  
 1190 | 775.082, s. 775.083, or s. 775.084.

1191 | 3. Currency or payment instruments totaling or exceeding  
 1192 | \$100,000 in any 12-month period, commits a felony of the first

1193 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1194 775.084.

1195 (c) In addition to the penalties ~~otherwise~~ authorized by  
 1196 s. 775.082, s. 775.083, or s. 775.084, a person who has been  
 1197 convicted of, or entered a plea of ~~who has pleaded~~ guilty or  
 1198 nolo contendere, regardless of adjudication, to having violated  
 1199 paragraph (b) may be sentenced to pay a fine of up to ~~not~~  
 1200 ~~exceeding~~ \$250,000 or twice the value of the currency or payment  
 1201 instruments, whichever is greater, except that on a second or  
 1202 subsequent conviction for or plea of guilty or nolo contendere,  
 1203 regardless of adjudication, to a violation of paragraph (b), the  
 1204 fine may be up to \$500,000 or quintuple the value of the  
 1205 currency or payment instruments, whichever is greater.

1206 (d) A person who violates this section is also liable for  
 1207 a civil penalty of not more than the greater of the value of the  
 1208 currency or payment instruments involved or \$25,000.

1209 (9) In any prosecution brought pursuant to this section,  
 1210 the common law corpus delicti rule does not apply. The  
 1211 defendant's confession or admission is admissible during trial  
 1212 without the state having to prove the corpus delicti if the  
 1213 court finds in a hearing conducted outside the presence of the  
 1214 jury that the defendant's confession or admission is  
 1215 trustworthy. Before the court admits the defendant's confession  
 1216 or admission, the state must prove by a preponderance of the  
 1217 evidence that there is sufficient corroborating evidence that  
 1218 tends to establish the trustworthiness of the statement by the  
 1219 defendant. Hearsay evidence is admissible during the  
 1220 presentation of evidence at the hearing. In making its

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1221 determination, the court may consider all relevant corroborating  
 1222 evidence, including the defendant's statements.

1223 Section 16. Section 560.1235, Florida Statutes, is created  
 1224 to read:

1225 560.1235 Money laundering requirements.--

1226 (1) A licensee must comply with all state and federal laws  
 1227 and rules relating to the detection and prevention of money  
 1228 laundering, including, as applicable, s. 560.123, and 31 C.F.R.  
 1229 ss. 103.20, 103.22, 103.23, 103.27. 103.28, 103.29, 103.33,  
 1230 103.37, and 103.41.

1231 (2) A licensee must maintain an anti-money laundering  
 1232 program in accordance with 31 C.F.R. s. 103.25. The program must  
 1233 be reviewed and updated as necessary to ensure that the program  
 1234 continues to be effective in detecting and deterring money  
 1235 laundering activities.

1236 Section 17. Section 560.124, Florida Statutes, is amended  
 1237 to read:

1238 560.124 Sharing of information.--

1239 ~~(1) It is not unlawful for~~ Any person may ~~to~~ provide  
 1240 ~~information~~ to a money services business, its transmitter,  
 1241 authorized agent, law enforcement agency, prosecutorial agency  
 1242 ~~vendor,~~ or appropriate regulator, or ~~for~~ any money services  
 1243 business, its transmitter, authorized agent, law enforcement  
 1244 agency, prosecutorial agency ~~vendor,~~ or appropriate regulator  
 1245 may ~~to~~ provide ~~information~~ to any person, information about any  
 1246 ~~other~~ person's known or suspected involvement in a violation of  
 1247 any state, federal, or foreign law, rule, or regulation relating  
 1248 to the business of a money services business or deferred present

1249 provider transmitter which has been reported to state, federal,  
 1250 or foreign authorities, and is not-

1251 ~~(2) No person shall be liable in any civil action for~~  
 1252 providing such information.

1253 Section 18. Section 560.125, Florida Statutes, is amended  
 1254 to read:

1255 560.125 Unlicensed activity ~~Money transmitter business by~~  
 1256 ~~unauthorized persons; penalties.--~~

1257 (1) A person ~~other than a registered money transmitter or~~  
 1258 ~~authorized vendor~~ may not engage in the business of a money  
 1259 services business or deferred presentment provider transmitter  
 1260 in this state unless the person is licensed or exempted from  
 1261 licensure under this chapter ~~from the registration requirements~~  
 1262 ~~of the code.~~

1263 (2) Only a money services business licensed under part II  
 1264 of this chapter may appoint an authorized agent. ~~No person shall~~  
 1265 ~~act as a vendor of a money transmitter when such money~~  
 1266 ~~transmitter is subject to registration under the code but has~~  
 1267 ~~not registered.~~ Any such person acting as the agent of an  
 1268 unlicensed money transmitter or payment instrument issuer  
 1269 becomes the principal thereof, and no longer merely acts as an  
 1270 agent ~~a vendor~~, and ~~such person~~ is liable to the holder or  
 1271 remitter as a principal money transmitter or payment instrument  
 1272 seller.

1273 (3) Any person whose substantial interests are affected by  
 1274 a proceeding brought by the office pursuant to this chapter ~~the~~  
 1275 ~~code~~ may, pursuant to s. 560.113, petition any court of  
 1276 competent jurisdiction to enjoin the person or activity that is

1277 the subject of the proceeding from violating any of the  
 1278 provisions of this section. For the purpose of this subsection,  
 1279 any money services business licensed under this chapter  
 1280 ~~transmitter registered pursuant to the code~~, any person residing  
 1281 in this state, and any person whose principal place of business  
 1282 is in this state are presumed to be substantially affected. In  
 1283 addition, the interests of a trade organization or association  
 1284 are deemed substantially affected if the interests of any of its  
 1285 members are ~~so~~ affected.

1286 (4) The office may issue and serve upon any person who  
 1287 violates any of the provisions of this section a complaint  
 1288 seeking a cease and desist order or impose an administrative  
 1289 fine as provided in s. 560.114 ~~in accordance with the procedures~~  
 1290 ~~and in the manner prescribed by s. 560.112. The office may also~~  
 1291 ~~impose an administrative fine pursuant to s. 560.117(3) against~~  
 1292 ~~any person who violates any of the provisions of this section.~~

1293 (5) A person who violates this section, if the violation  
 1294 involves:

1295 (a) Currency or payment instruments exceeding \$300 but  
 1296 less than \$20,000 in any 12-month period, commits a felony of  
 1297 the third degree, punishable as provided in s. 775.082, s.  
 1298 775.083, or s. 775.084.

1299 (b) Currency or payment instruments totaling or exceeding  
 1300 \$20,000 but less than \$100,000 in any 12-month period, commits a  
 1301 felony of the second degree, punishable as provided in s.  
 1302 775.082, s. 775.083, or s. 775.084.

1303 (c) Currency or payment instruments totaling or exceeding  
 1304 \$100,000 in any 12-month period, commits a felony of the first

1305 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1306 775.084.

1307 (6) In addition to the penalties authorized by s. 775.082,  
 1308 s. 775.083, or s. 775.084, a person who has been convicted of,  
 1309 or entered a plea of ~~found guilty of or who has pleaded~~ guilty  
 1310 or nolo contendere, to having violated this section may be  
 1311 sentenced to pay a fine of up to ~~not exceeding~~ \$250,000 or twice  
 1312 the value of the currency or payment instruments, whichever is  
 1313 greater, except that on a second or subsequent violation of this  
 1314 section, the fine may be up to \$500,000 or quintuple the value  
 1315 of the currency or payment instruments, whichever is greater.

1316 (7) A person who violates this section is also liable for  
 1317 a civil penalty of not more than the value of the currency or  
 1318 payment instruments involved or \$25,000, whichever is greater.

1319 (8) In any prosecution brought pursuant to this section,  
 1320 the common law corpus delicti rule does not apply. The  
 1321 defendant's confession or admission is admissible during trial  
 1322 without the state having to prove the corpus delicti if the  
 1323 court finds in a hearing conducted outside the presence of the  
 1324 jury that the defendant's confession or admission is  
 1325 trustworthy. Before the court admits the defendant's confession  
 1326 or admission, the state must prove by a preponderance of the  
 1327 evidence that there is sufficient corroborating evidence that  
 1328 tends to establish the trustworthiness of the statement by the  
 1329 defendant. Hearsay evidence is admissible during the  
 1330 presentation of evidence at the hearing. In making its  
 1331 determination, the court may consider all relevant corroborating  
 1332 evidence, including the defendant's statements.



1333 Section 19. Section 560.126, Florida Statutes, is amended  
 1334 to read:

1335 560.126 ~~Significant events; notice~~ Required notice by  
 1336 licensee.--

1337 (1) A licensee ~~Unless exempted by the office, every money~~  
 1338 ~~transmitter~~ must provide the office with a written notice sent  
 1339 by registered mail within 30 days after the occurrence or  
 1340 knowledge of, whichever period of time is greater, any of the  
 1341 following events:

1342 (a) The filing of a petition under the United States  
 1343 Bankruptcy Code for bankruptcy or reorganization by the licensee  
 1344 ~~money transmitter~~.

1345 (b) The commencement of an administrative or judicial  
 1346 license ~~any registration~~ suspension or revocation proceeding,  
 1347 ~~either administrative or judicial,~~ or the denial of a license  
 1348 ~~any original registration~~ request or a ~~registration~~ renewal, by  
 1349 any state, the District of Columbia, any United States  
 1350 territory, or any foreign country, in which the licensee ~~money~~  
 1351 ~~transmitter~~ operates, ~~or~~ plans to operate, or is licensed ~~or has~~  
 1352 registered to operate.

1353 (c) A felony indictment relating to ~~a the~~ money services  
 1354 ~~transmission~~ business or deferred presentment provider involving  
 1355 the licensee, its authorized agent, or an affiliated ~~money~~  
 1356 ~~transmitter or a money transmitter~~ affiliated party ~~of the money~~  
 1357 transmitter.

1358 (d) The felony conviction, guilty plea, or plea of nolo  
 1359 contendere, regardless of adjudication, of the licensee, its  
 1360 authorized agent, or an affiliated ~~if the court adjudicates the~~

1361 ~~nolo contendere pleader guilty, or the adjudication of guilt of~~  
 1362 ~~a money transmitter or money transmitter-affiliated party.~~

1363 (e) The interruption of any corporate surety bond required  
 1364 under this chapter ~~by the code.~~

1365 (f) Any suspected criminal act, ~~as defined by the~~  
 1366 ~~commission by rule,~~ perpetrated in this state relating to  
 1367 activities regulated under this chapter by an affiliated party  
 1368 against a money services business or its authorized agent  
 1369 ~~transmitter or authorized vendor.~~

1370 (g) Notification by a law enforcement or prosecutorial  
 1371 agency that the licensee or its authorized agent is under  
 1372 criminal investigation including, but not limited to, subpoenas  
 1373 to produce records or testimony and warrants issued by a court  
 1374 of competent jurisdiction which authorize the search and seizure  
 1375 of any records relating to a business activity regulated under  
 1376 this chapter.

1377  
 1378 ~~However, a person does not incur liability as a result of making~~  
 1379 ~~a good faith effort to fulfill this disclosure requirement.~~

1380 (2)(a) A licensee must ~~Each registrant under this code~~  
 1381 ~~shall~~ report, on a form adopted ~~prescribed~~ by rule of the  
 1382 ~~commission,~~ any change in the information contained in an ~~any~~  
 1383 initial license application form, ~~or~~ any amendment to such  
 1384 application, or the appointment of an authorized agent within  
 1385 ~~thereto not later than~~ 30 days after the change is effective.

1386 (3)(b) Each licensee must ~~registrant under the code shall~~  
 1387 report any change ~~changes~~ in the partners, officers, members,  
 1388 joint venturers, directors, controlling shareholders, or

1389 responsible persons of the licensee ~~any registrant~~ or changes in  
 1390 the form of business organization by written amendment in such  
 1391 form and at such time as specified ~~the commission specifies~~ by  
 1392 rule.

1393 (a)1. ~~If~~ In any case in which a person or a group of  
 1394 ~~persons~~, directly or indirectly or acting by or through one or  
 1395 more persons, proposes to purchase or acquire a controlling  
 1396 interest in a licensee, such person or group must submit an  
 1397 ~~initial~~ application for licensure registration as a money  
 1398 services business or deferred presentment provider transmitter  
 1399 before such purchase or acquisition at such time and in such  
 1400 form as prescribed ~~the commission prescribes~~ by rule.

1401 ~~2.~~ As used in this subsection, the term "controlling  
 1402 interest" means the same as described in s. 560.127 ~~possession~~  
 1403 ~~of the power to direct or cause the direction of the management~~  
 1404 ~~or policies of a company whether through ownership of~~  
 1405 ~~securities, by contract, or otherwise. Any person who directly~~  
 1406 ~~or indirectly has the right to vote 25 percent or more of the~~  
 1407 ~~voting securities of a company or is entitled to 25 percent or~~  
 1408 ~~more of its profits is presumed to possess a controlling~~  
 1409 ~~interest.~~

1410 (b)3. ~~The~~ Any addition of a partner, officer, member,  
 1411 joint venturer, director, controlling shareholder, or  
 1412 responsible person of the applicant who does not have a  
 1413 controlling interest and who has not previously complied with  
 1414 the applicable provisions of ss. 560.140 and 560.141 ~~is ss.~~  
 1415 ~~560.205 and 560.306 shall be subject to such provisions unless~~  
 1416 ~~required to file an initial application in accordance with~~

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1417 ~~subparagraph 1.~~ If the office determines that the licensee  
 1418 ~~registrant~~ does not continue to meet the licensure registration  
 1419 requirements, the office may bring an administrative action in  
 1420 accordance with s. 560.114 to enforce the provisions of this  
 1421 chapter code.

1422 (c)4. The commission shall adopt rules ~~pursuant to ss.~~  
 1423 ~~120.536(1) and 120.54~~ providing for the waiver of the license  
 1424 application required by this subsection if the person or group  
 1425 of persons proposing to purchase or acquire a controlling  
 1426 interest in a licensee registrant has previously complied with  
 1427 the applicable provisions of ss. 560.140 and 560.141 under ss.  
 1428 ~~560.205 and 560.306~~ with the same legal entity or is currently  
 1429 licensed registered with the office under this chapter code.

1430 Section 20. Section 560.127, Florida Statutes, is amended  
 1431 to read:

1432 560.127 Control of a money services business  
 1433 ~~transmitter.~~--A person has a controlling interest in control  
 1434 ~~over~~ a money services business transmitter if the person:

1435 ~~(1) the individual, partnership, corporation, trust, or~~  
 1436 ~~other organization~~ possesses the power, directly or indirectly,  
 1437 to direct the management or policies of the money services  
 1438 business a company, whether through ownership ~~of securities~~, by  
 1439 contract, or otherwise. A person is presumed to have control a  
 1440 ~~company~~ if the, ~~with respect to a particular company,~~ that  
 1441 person:

1442 (1)(a) Is a director, general partner, or officer  
 1443 exercising executive responsibility or having similar status or  
 1444 functions;

1445            ~~(2)(b)~~ Directly or indirectly may vote 25 percent or more  
 1446 of a class of a voting security or sell or direct the sale of 25  
 1447 percent or more of a class of voting securities; or

1448            ~~(3)(e)~~ In the case of a partnership, may receive upon  
 1449 dissolution or has contributed 25 percent or more of the  
 1450 capital.

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

1455            Section 21. Section 560.128, Florida Statutes, is amended  
 1456 to read:

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

1459            (1) A money services business or its authorized agent must  
 1460 provide each customer with ~~Every money transmitter and~~  
 1461 ~~authorized vendor shall provide each consumer of a money~~  
 1462 ~~transmitter transaction a toll-free telephone number for the~~  
 1463 ~~purpose of~~ contacting the money services business or its  
 1464 authorized agent or, consumer contacts; However, in lieu of a  
 1465 ~~such toll-free telephone number, the money transmitter or~~  
 1466 ~~authorized vendor may provide the address and telephone number~~  
 1467 ~~of the office may be provided and the Division of Consumer~~  
 1468 ~~Services of the Department of Financial Services.~~

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

1473 ~~money transmitter~~ engages in the activities authorized by the  
 1474 license registration.

1475 Section 22. Section 560.129, Florida Statutes, is amended  
 1476 to read:

1477 560.129 Confidentiality.--

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

1492 (2) (b) ~~Notwithstanding paragraph (a)~~, All information  
 1493 obtained by the office in the course of its investigation or  
 1494 examination which is a trade secret, as defined in s. 688.002,  
 1495 or which is personal financial information shall remain  
 1496 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 1497 of the State Constitution. If any administrative, civil, or  
 1498 criminal proceeding against a the money services business, its  
 1499 authorized agent, transmitter or an affiliated a money  
 1500 ~~transmitter~~ affiliated party is initiated and the office seeks

1501 to use matter that a licensee ~~registrant~~ believes to be a trade  
 1502 secret or personal financial information, such records shall be  
 1503 subject to an in camera review by the administrative law judge,  
 1504 if the matter is before the Division of Administrative Hearings,  
 1505 or a judge of any court of this state, any other state, or the  
 1506 United States, as appropriate, for the purpose of determining if  
 1507 the matter is a trade secret or is personal financial  
 1508 information. If it is determined that the matter is a trade  
 1509 secret, the matter shall remain confidential. If it is  
 1510 determined that the matter is personal financial information,  
 1511 the matter shall remain confidential unless the administrative  
 1512 law judge or judge determines that, in the interests of justice,  
 1513 the matter should become public.

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

1524 (4) ~~(d)~~ Except as necessary for the office or any other  
 1525 administrative, regulatory, or law enforcement agency of any  
 1526 jurisdiction to enforce the provisions of this chapter or the  
 1527 law of any other state or the United States, a consumer  
 1528 complaint and other information concerning an investigation or

1529 examination shall remain confidential and exempt from s.  
 1530 119.07(1) and s. 24(a), Art. I of the State Constitution after  
 1531 the investigation or examination ceases to be active to the  
 1532 extent that disclosure would:

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

1535 (b)2. Reveal personal financial information;

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

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

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

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

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

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

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



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

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

1568           Section 23. Section 560.140, Florida Statutes, is created  
 1569 to read:

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

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

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

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

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

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

1584 Section 24. Section 560.141, Florida Statutes, is created  
 1585 to read:

1586 560.141 License application.--

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

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

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

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

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

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

1607 5. The applicant's history of operations in other states  
 1608 if applicable and a description of the money services business  
 1609 or deferred presentment provider activities proposed to be  
 1610 conducted by the applicant in this state.

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

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

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

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

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

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

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

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

- 1638       1. A nonrefundable application fee as provided in s.  
1639 560.143.
- 1640       2. A fingerprint card for each of the persons listed in  
1641 subparagraph (a)3. unless the applicant is a publicly traded  
1642 corporation, or is exempted from this chapter under s.  
1643 560.104(1). The fingerprints must be taken by an authorized law  
1644 enforcement agency. The office shall submit the fingerprints to  
1645 the Department of Law Enforcement for state processing and the  
1646 Department of Law Enforcement shall forward the fingerprints to  
1647 the Federal Bureau of Investigations for federal processing. The  
1648 cost of the fingerprint processing may be borne by the office,  
1649 the employer, or the person subject to the criminal records  
1650 background check. The office shall screen the background results  
1651 to determine if the applicant meets licensure requirements. As  
1652 used in this section, the term "publicly traded" means a stock  
1653 is currently traded on a national securities exchange registered  
1654 with the federal Securities and Exchange Commission or traded on  
1655 an exchange in a country other than the United States regulated  
1656 by a regulator equivalent to the Securities and Exchange  
1657 Commission and the disclosure and reporting requirements of such  
1658 regulator are substantially similar to those of the commission.
- 1659       3. A copy of the applicant's written anti-money laundering  
1660 program required under 31 C.F.R. s. 103.125.
- 1661       4. Within the time allotted by rule, any information  
1662 needed to resolve any deficiencies found in the application.
- 1663       (2) If the office determines that the applicant meets the  
1664 qualifications and requirements of this chapter, the office

1665 shall issue a license to the applicant. A license may not be  
 1666 issued for more than 2 years.

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

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

1675 Section 25. Section 560.142, Florida Statutes, is created  
 1676 to read:

1677 560.142 License renewal.--

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

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

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

1693           (4) If a license or declaration of intent to engage in  
 1694 deferred presentment transactions expires, the license or  
 1695 declaration of intent may be reinstated only if a renewal  
 1696 application or declaration of intent, all required renewal fees,  
 1697 and any applicable late fees are received by the office within  
 1698 60 days after expiration. If not submitted within 60 days, the  
 1699 license or declaration on intent expires and a new license  
 1700 application or declaration of intent must be filed with the  
 1701 office pursuant to this chapter.

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

1704           Section 26. Section 560.143, Florida Statutes, is created  
 1705 to read:

1706           560.143 Fees.--

1707           (1) License Application Fees.--The applicable non-  
 1708 refundable fees must accompany an application for licensure:

1709           (a) Under part II  
 1710 \$500.

1711           (b) Part III  
 1712 \$250.

1713           (c) Per branch office  
 1714 \$50.

1715           (d) For each appointment of an authorized agent  
 1716 \$50.

1717           (e) Declaration as a deferred presentment provider  
 1718 \$1,000.

1719           (f) Fingerprint fees as prescribed by rule.

1720           (2) License Renewal Fees.--The applicable non-refundable  
 1721 license renewal fees must accompany a renewal of licensure:

1722           (a) Part II  
 1723 1,000.

1724           (b) Part III  
 1725 \$500.

1726           (c) Per branch office  
 1727 \$50.

1728           (d) For each appointment of an authorized agents  
 1729 \$50.

1730           (e) Declaration as a deferred presentment provider  
 1731 \$1,000.

1732           (f) Renewal fees for branch offices and authorized agents  
 1733 are limited to \$20,000 biennially.

1734           (3) Late license renewal fees.--

1735           (a) Part II  
 1736 \$500.

1737           (b) Part III  
 1738 \$250.

1739           (c) Declaration as a deferred presentment provider  
 1740 \$500.

1741           Section 27. Section 560.203, Florida Statutes, is amended  
 1742 to read:

1743           560.203 Exemptions from licensure.--Authorized agents  
 1744 ~~vendors~~ of a licensee registrant acting within the scope of  
 1745 authority conferred by the licensee are registrant ~~shall be~~  
 1746 exempt from licensure but are ~~having to register pursuant to the~~

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1747 ~~code but shall~~ otherwise be subject to the its provisions of  
 1748 this chapter.

1749 Section 28. Section 560.204, Florida Statutes, is amended  
 1750 to read:

1751 560.204 License required ~~Requirement of registration~~.--

1752 (1) Unless exempted, a ~~No~~ person may not shall engage in  
 1753 ~~for consideration, or nor~~ in any manner advertise that they  
 1754 engage, in, the selling or issuing of payment instruments or in  
 1755 the activity of a money funds transmitter, for compensation,  
 1756 without first obtaining a license registration under the  
 1757 ~~provisions of~~ this part. For purposes of this section,  
 1758 "compensation" includes profit or loss on the exchange of  
 1759 currency.

1760 (2) A licensee under this part ~~person registered pursuant~~  
 1761 ~~to this part is permitted to engage in the activities authorized~~  
 1762 ~~by this part. A person registered pursuant to this part~~ may also  
 1763 engage in the activities authorized under part III of this  
 1764 chapter without the imposition of any additional licensing fees  
 1765 ~~and is exempt from the registration fee required by s. 560.307.~~

1766 Section 29. Section 560.205, Florida Statutes, is amended  
 1767 to read:

1768 560.205 Additional license application requirements  
 1769 ~~Qualifications of applicant for registration; contents~~.--In  
 1770 addition to the license application requirements under part I of  
 1771 this chapter, an applicant seeking a license under this part  
 1772 must also submit to the office:

- 1773 (1) A sample authorized agent contract, if applicable.
- 1774 (2) A sample form of payment instrument, if applicable.



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1775        (3) Documents demonstrating that the net worth and bonding  
1776 requirements specified in s. 560.209 have been fulfilled.

1777        (4) A copy of the applicant's financial audit report for  
1778 the most recent fiscal year.

1779        ~~(1) To qualify for registration under this part, an~~  
1780 ~~applicant must demonstrate to the office such character and~~  
1781 ~~general fitness as to command the confidence of the public and~~  
1782 ~~warrant the belief that the registered business will be operated~~  
1783 ~~lawfully and fairly. The office may investigate each applicant~~  
1784 ~~to ascertain whether the qualifications and requirements~~  
1785 ~~prescribed by this part have been met. The office's~~  
1786 ~~investigation may include a criminal background investigation of~~  
1787 ~~all controlling shareholders, principals, officers, directors,~~  
1788 ~~members, and responsible persons of a funds transmitter and a~~  
1789 ~~payment instrument seller and all persons designated by a funds~~  
1790 ~~transmitter or payment instrument seller as an authorized~~  
1791 ~~vendor. Each controlling shareholder, principal, officer,~~  
1792 ~~director, member, and responsible person of a funds transmitter~~  
1793 ~~or payment instrument seller, unless the applicant is a publicly~~  
1794 ~~traded corporation as defined by the commission by rule, a~~  
1795 ~~subsidiary thereof, or a subsidiary of a bank or bank holding~~  
1796 ~~company organized and regulated under the laws of any state or~~  
1797 ~~the United States, shall file a complete set of fingerprints. A~~  
1798 ~~fingerprint card submitted to the office must be taken by an~~  
1799 ~~authorized law enforcement agency. The office shall submit the~~  
1800 ~~fingerprints to the Department of Law Enforcement for state~~  
1801 ~~processing, and the Department of Law Enforcement shall forward~~  
1802 ~~the fingerprints to the Federal Bureau of Investigation for~~

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1803 ~~state and federal processing. The cost of the fingerprint~~  
1804 ~~processing may be borne by the office, the employer, or the~~  
1805 ~~person subject to the background check. The Department of Law~~  
1806 ~~Enforcement shall submit an invoice to the office for the~~  
1807 ~~fingerprints received each month. The office shall screen the~~  
1808 ~~background results to determine if the applicant meets licensure~~  
1809 ~~requirements. The commission may waive by rule the requirement~~  
1810 ~~that applicants file a set of fingerprints or the requirement~~  
1811 ~~that such fingerprints be processed by the Department of Law~~  
1812 ~~Enforcement or the Federal Bureau of Investigation.~~

1813 ~~(2) Each application for registration must be submitted~~  
1814 ~~under oath to the office on such forms as the commission~~  
1815 ~~prescribes by rule and must be accompanied by a nonrefundable~~  
1816 ~~application fee. Such fee may not exceed \$500 for each payment~~  
1817 ~~instrument seller or funds transmitter and \$50 for each~~  
1818 ~~authorized vendor or location operating within this state. The~~  
1819 ~~application must contain such information as the commission~~  
1820 ~~requires by rule, including, but not limited to:~~

1821 ~~(a) The name and address of the applicant, including any~~  
1822 ~~fictitious or trade names used by the applicant in the conduct~~  
1823 ~~of its business.~~

1824 ~~(b) The history of the applicant's material litigation,~~  
1825 ~~criminal convictions, pleas of nolo contendere, and cases of~~  
1826 ~~adjudication withheld.~~

1827 ~~(c) A description of the activities conducted by the~~  
1828 ~~applicant, the applicant's history of operations, and the~~  
1829 ~~business activities in which the applicant seeks to engage in~~  
1830 ~~this state.~~

1831           ~~(d) A sample authorized vendor contract, if applicable.~~  
 1832           ~~(e) A sample form of payment instrument, if applicable.~~  
 1833           ~~(f) The name and address of the clearing financial~~  
 1834 ~~institution or financial institutions through which the~~  
 1835 ~~applicant's payment instruments will be drawn or through which~~  
 1836 ~~such payment instruments will be payable.~~  
 1837           ~~(g) Documents revealing that the net worth and bonding~~  
 1838 ~~requirements specified in s. 560.209 have been or will be~~  
 1839 ~~fulfilled.~~  
 1840           ~~(3) Each application for registration by an applicant that~~  
 1841 ~~is a corporation shall contain such information as the~~  
 1842 ~~commission requires by rule, including, but not limited to:~~  
 1843           ~~(a) The date of the applicant's incorporation and state of~~  
 1844 ~~incorporation.~~  
 1845           ~~(b) A certificate of good standing from the state or~~  
 1846 ~~country in which the applicant was incorporated.~~  
 1847           ~~(c) A description of the corporate structure of the~~  
 1848 ~~applicant, including the identity of any parent or subsidiary of~~  
 1849 ~~the applicant, and the disclosure of whether any parent or~~  
 1850 ~~subsidiary is publicly traded on any stock exchange.~~  
 1851           ~~(d) The name, social security number, business and~~  
 1852 ~~residence addresses, and employment history for the past 5 years~~  
 1853 ~~for each executive officer, each director, each controlling~~  
 1854 ~~shareholder, and the responsible person who will be in charge of~~  
 1855 ~~all the applicant's business activities in this state.~~  
 1856           ~~(e) The history of material litigation and criminal~~  
 1857 ~~convictions, pleas of nolo contendere, and cases of adjudication~~  
 1858 ~~withheld for each officer, each director, each controlling~~

1859 ~~shareholder, and the responsible person who will be in charge of~~  
1860 ~~the applicant's registered activities.~~

1861 ~~(f) Copies of the applicant's audited financial statements~~  
1862 ~~for the current year and, if available, for the immediately~~  
1863 ~~preceding 2 year period. In cases where the applicant is a~~  
1864 ~~wholly owned subsidiary of another corporation, the parent's~~  
1865 ~~consolidated audited financial statements may be submitted to~~  
1866 ~~satisfy this requirement. An applicant who is not required to~~  
1867 ~~file audited financial statements may satisfy this requirement~~  
1868 ~~by filing unaudited financial statements verified under penalty~~  
1869 ~~of perjury, as provided by the commission by rule.~~

1870 ~~(g) An applicant who is not required to file audited~~  
1871 ~~financial statements may file copies of the applicant's~~  
1872 ~~unconsolidated, unaudited financial statements for the current~~  
1873 ~~year and, if available, for the immediately preceding 2 year~~  
1874 ~~period.~~

1875 ~~(h) If the applicant is a publicly traded company, copies~~  
1876 ~~of all filings made by the applicant with the United States~~  
1877 ~~Securities and Exchange Commission, or with a similar regulator~~  
1878 ~~in a country other than the United States, within the year~~  
1879 ~~preceding the date of filing of the application.~~

1880 ~~(4) Each application for registration submitted to the~~  
1881 ~~office by an applicant that is not a corporation shall contain~~  
1882 ~~such information as the commission requires by rule, including,~~  
1883 ~~but not limited to:~~

1884 ~~(a) Evidence that the applicant is registered to do~~  
1885 ~~business in this state.~~

1886           ~~(b) The name, business and residence addresses, personal~~  
 1887 ~~financial statement and employment history for the past 5 years~~  
 1888 ~~for each individual having a controlling ownership interest in~~  
 1889 ~~the applicant, and each responsible person who will be in charge~~  
 1890 ~~of the applicant's registered activities.~~

1891           ~~(c) The history of material litigation and criminal~~  
 1892 ~~convictions, pleas of nolo contendere, and cases of adjudication~~  
 1893 ~~withheld for each individual having a controlling ownership~~  
 1894 ~~interest in the applicant and each responsible person who will~~  
 1895 ~~be in charge of the applicant's registered activities.~~

1896           ~~(d) Copies of the applicant's audited financial statements~~  
 1897 ~~for the current year, and, if available, for the preceding 2~~  
 1898 ~~years. An applicant who is not required to file audited~~  
 1899 ~~financial statements may satisfy this requirement by filing~~  
 1900 ~~unaudited financial statements verified under penalty of~~  
 1901 ~~perjury, as provided by the commission by rule.~~

1902           ~~(5) Each applicant shall designate and maintain an agent~~  
 1903 ~~in this state for service of process.~~

1904           Section 30. Effective January 1, 2009, section 560.208,  
 1905 Florida Statutes, is amended to read:

1906           560.208 Conduct of business.--In addition to the  
 1907 requirements specified in s. 560.140, a licensee under this  
 1908 part:

1909           (1) ~~A registrant~~ May conduct its business at one or more  
 1910 locations within this state through branches or by means of  
 1911 authorized agents vendors, as designated by the licensee and  
 1912 approved by the office registrant, including the conduct of

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1913 business through electronic transfer, such as by the telephone  
1914 or the Internet.

1915 (2) Notwithstanding and without violating s. 501.0117, a  
1916 ~~registrant~~ may charge a different price for a money transmitter  
1917 ~~funds transmission~~ service based on the mode of transmission  
1918 used in the transaction ~~as, so~~ long as the price charged for a  
1919 service paid for with a credit card is not more ~~greater~~ than the  
1920 price charged when the ~~that~~ service is paid for with currency or  
1921 other similar means ~~accepted within the same mode of~~  
1922 ~~transmission.~~

1923 (3) Is responsible for the acts of its authorized agents  
1924 within the scope of its written contract with the agent.

1925 (4) Shall place assets that are the property of a customer  
1926 in a segregated account in a federally insured financial  
1927 institution and shall maintain separate accounts for operating  
1928 capital and the clearing of customer funds.

1929 (5) Shall, in the normal course of business, ensure that  
1930 money transmitted is available to the designated recipient  
1931 within 10 business days after receipt.

1932 (6) Shall immediately upon receipt of currency or payment  
1933 instrument provide a confirmation number to the customer  
1934 verbally, by paper, or electronically.

1935 ~~(2)~~ ~~Within 60 days after the date a registrant either~~  
1936 ~~opens a location within this state or authorizes an authorized~~  
1937 ~~vendor to operate on the registrant's behalf within this state,~~  
1938 ~~the registrant shall notify the office on a form prescribed by~~  
1939 ~~the commission by rule. The notification shall be accompanied by~~  
1940 ~~a nonrefundable \$50 fee for each authorized vendor or location.~~

1941 ~~Each notification shall also be accompanied by a financial~~  
 1942 ~~statement demonstrating compliance with s. 560.209(1), unless~~  
 1943 ~~compliance has been demonstrated by a financial statement filed~~  
 1944 ~~with the registrant's quarterly report in compliance with s.~~  
 1945 ~~560.118(2). The financial statement must be dated within 90 days~~  
 1946 ~~of the date of designation of the authorized vendor or location.~~  
 1947 ~~This subsection shall not apply to any authorized vendor or~~  
 1948 ~~location that has been designated by the registrant before~~  
 1949 ~~October 1, 2001.~~

1950 ~~(3) Within 60 days after the date a registrant closes a~~  
 1951 ~~location within this state or withdraws authorization for an~~  
 1952 ~~authorized vendor to operate on the registrant's behalf within~~  
 1953 ~~this state, the registrant shall notify the office on a form~~  
 1954 ~~prescribed by the commission by rule.~~

1955 Section 31. Effective January 1, 2009, section 560.2085,  
 1956 Florida Statutes, is created to read:

1957 560.2085 Authorized agents.--A licensee under this part  
 1958 shall:

1959 (1) Before an authorized agent commences business on  
 1960 behalf of a licensee, file with the office such information as  
 1961 prescribed by rule together with the nonrefundable appointment  
 1962 fee as provided by s. 560.143, for any person whom the licensee  
 1963 seeks to appoint as an authorized agent together.

1964 (2) Enter into a written contract, signed by the licensee  
 1965 and the authorized agent, which:

1966 (a) Sets forth the nature and scope of the relationship  
 1967 between the licensee and the authorized agent, including the  
 1968 respective rights and responsibilities of the parties; and

1969           (b) Includes contract provisions that require the  
 1970 authorized agent to:

1971           1. Report to the licensee, immediately upon discovery, the  
 1972 theft or loss of currency received for a transmission or payment  
 1973 instrument;

1974           2. Display a notice to the public, in such form as  
 1975 prescribed by rule, that the agent is the authorized agent of  
 1976 licensee;

1977           3. Remit all amounts owed to the licensee for all  
 1978 transmissions accepted and all payment instruments sold in  
 1979 accordance with the contract between the licensee and the  
 1980 authorized agent;

1981           4. Hold in trust, in favor of the licensee, all money  
 1982 received for all transmissions accepted or payment instruments  
 1983 sold from the time of receipt by the authorized agent until the  
 1984 time the money is forwarded to the licensee;

1985           5. Not commingle the money received for transmissions  
 1986 accepted or payment instruments sold on behalf of the licensee  
 1987 with the money or property of the authorized agent, except for  
 1988 making change in the ordinary course of the agent's business,  
 1989 and ensure that the money is accounted for at the end of the  
 1990 business day;

1991           6. Consent to examination or investigation by the office;

1992           7. Adhere to the applicable state and federal laws and  
 1993 rules pertaining to a money services business; and

1994           8. Provide such other information or disclosure as may be  
 1995 required by rule.



1996           (3) Develop and implement written internal audit policies  
 1997 and procedures to monitor compliance with applicable state and  
 1998 federal law by its authorized agents.

1999           (4) Hold in trust all currency or payment instruments  
 2000 received for transmissions or for the purchase of payment  
 2001 instruments from the time of receipt by the licensee or  
 2002 authorized agent until the time the transmission obligation is  
 2003 completed.

2004           Section 32. Section 560.209, Florida Statutes, is amended  
 2005 to read:

2006           560.209 Adjusted net worth; corporate surety bond;  
 2007 collateral deposit in lieu of bond.--

2008           (1) A licensee must ~~Any person engaging in a registered~~  
 2009 ~~activity shall~~ have an adjusted a net worth of at least \$100,000  
 2010 ~~computed according to generally accepted accounting principles.~~  
 2011 A licensee operating in Applicants proposing to conduct  
 2012 ~~registered activities at~~ more than one location must ~~shall~~ have  
 2013 an additional adjusted net worth of \$10,000 ~~\$50,000~~ per location  
 2014 in this state, up as applicable, to a maximum of \$2 million  
 2015 ~~\$500,000.~~ The required adjusted net worth must be maintained at  
 2016 all times.

2017           (2) A licensee must obtain an annual financial audit  
 2018 report, which must be submitted to the office within 120 days  
 2019 after the end of the licensee's fiscal year end, as disclosed to  
 2020 the office.

2021           (3)-(2) Before the office may issue a license under this  
 2022 part registration, the applicant must provide to the office a

2023 corporate surety bond, issued by a bonding company or insurance  
 2024 company authorized to do business in this state.

2025 (a) The corporate surety bond shall be in an ~~such~~ amount  
 2026 as specified ~~may be determined~~ by ~~commission~~ rule, but may ~~shall~~  
 2027 not be less than \$50,000 or exceed \$2 million ~~\$250,000~~. The rule  
 2028 shall provide allowances for the financial condition, number of  
 2029 locations, and anticipated volume of the licensee. ~~However, the~~  
 2030 ~~commission and office may consider extraordinary circumstances,~~  
 2031 ~~such as the registrant's financial condition, the number of~~  
 2032 ~~locations, and the existing or anticipated volume of outstanding~~  
 2033 ~~payment instruments or funds transmitted, and require an~~  
 2034 ~~additional amount above \$250,000, up to \$500,000.~~

2035 (b) The corporate surety bond must ~~shall~~ be in a form  
 2036 satisfactory to the office and shall run to the state for the  
 2037 benefit of any claimants in this state against the applicant or  
 2038 its authorized agents ~~vendors~~ to secure the faithful performance  
 2039 of the obligations of the applicant and its agents ~~authorized~~  
 2040 ~~vendors~~ with respect to the receipt, handling, transmission, and  
 2041 payment of funds. The aggregate liability of the corporate  
 2042 surety bond may not ~~in no event shall~~ exceed the principal sum  
 2043 of the bond. ~~Such~~ Claimants against the applicant or its  
 2044 authorized agent ~~vendors~~ may ~~themselves~~ bring suit directly on  
 2045 the corporate surety bond, or the Department of Legal Affairs  
 2046 may bring suit ~~thereon~~ on behalf of the ~~such~~ claimants, ~~in~~  
 2047 ~~either one action or in successive actions.~~

2048 (c) The ~~A~~ corporate surety bond ~~filed with the office for~~  
 2049 ~~purposes of compliance with this section~~ may not be canceled by  
 2050 ~~either~~ the licensee ~~registrant~~ or the corporate surety except

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2051 upon written notice to the office by registered ~~or certified~~  
 2052 mail ~~with return receipt requested~~. A cancellation may ~~shall~~ not  
 2053 take effect until less than 30 days after receipt by the office  
 2054 of the ~~such~~ written notice.

2055 (d) The corporate surety must, within 10 days after it  
 2056 pays any claim ~~to any claimant~~, give written notice to the  
 2057 office by registered ~~or certified~~ mail of such payment with  
 2058 details sufficient to identify the claimant and the claim or  
 2059 judgment ~~so~~ paid.

2060 (e) If ~~Whenever~~ the principal sum of the ~~such~~ bond is  
 2061 reduced by one or more recoveries or payments, the licensee  
 2062 ~~registrant~~ must furnish a new or additional bond so that the  
 2063 total or aggregate principal sum of the ~~such~~ bond equals the sum  
 2064 required pursuant to paragraph (a) ~~by the commission~~.  
 2065 Alternatively, a licensee ~~registrant~~ may furnish an endorsement  
 2066 executed by the corporate surety reinstating the bond to the  
 2067 required principal sum ~~thereof~~.

2068 ~~(4)(3)~~ In lieu of a ~~such~~ corporate surety bond, or of any  
 2069 portion of the principal sum ~~thereof~~ required by this section,  
 2070 the applicant may deposit collateral cash, securities, or  
 2071 alternative security devices as provided by rule ~~approved by the~~  
 2072 ~~commission~~, with a ~~any~~ federally insured financial institution.

2073 (a) Acceptable collateral deposit items ~~in lieu of a bond~~  
 2074 include cash and interest-bearing stocks and bonds, notes,  
 2075 debentures, or other obligations of the United States or any  
 2076 agency or instrumentality thereof, or guaranteed by the United  
 2077 States, or of this state.

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2078 (b) The collateral deposit must be in an aggregate amount,  
 2079 based upon principal amount or market value, whichever is lower,  
 2080 of at least ~~not less than~~ the amount of the required corporate  
 2081 surety bond or portion thereof.

2082 (c) Collateral deposits must ~~made under this subsection~~  
 2083 ~~shall~~ be pledged to the office and held by the insured financial  
 2084 institution to secure the same obligations as ~~would~~ the  
 2085 corporate surety bond, but the depositor is entitled to receive  
 2086 any ~~all~~ interest and dividends thereon and may, with the  
 2087 approval of the office, substitute other securities or deposits  
 2088 for those deposited. The principal amount of the deposit shall  
 2089 be released only on written authorization of the office or on  
 2090 the order of a court of competent jurisdiction.

2091 (5) ~~(4)~~ A licensee ~~registrant~~ must at all times ~~have and~~  
 2092 maintain the bond or collateral deposit in the required amount  
 2093 ~~prescribed by the commission~~. If the office ~~at any time~~  
 2094 reasonably determines that the bond or elements of the  
 2095 collateral deposit are insecure, deficient in amount, or  
 2096 exhausted in whole or in part, the office may, by written order,  
 2097 require the filing of a new or supplemental bond or the deposit  
 2098 of new or additional collateral deposit items.

2099 (6) ~~(5)~~ The bond and collateral deposit shall remain in  
 2100 place for 5 years after the licensee ~~registrant~~ ceases licensed  
 2101 ~~registered~~ operations in this state. The office may allow ~~permit~~  
 2102 the bond or collateral deposit to be reduced or eliminated prior  
 2103 to that time to the extent that the amount of the licensee's  
 2104 ~~registrant's~~ outstanding payment instruments or money funds  
 2105 transmitted in this state are reduced. The office may also allow

2106 a licensee ~~permit a registrant~~ to substitute a letter of credit  
 2107 or ~~such~~ other form of acceptable security for the bond or  
 2108 collateral deposit at the time the licensee ~~registrant~~ ceases  
 2109 licensed ~~money transmission~~ operations in this state.

2110 ~~(6) The office may waive or reduce a registrant's net~~  
 2111 ~~worth or bond or collateral deposit requirement. Such waiver or~~  
 2112 ~~modification must be requested by the applicant or registrant,~~  
 2113 ~~and may be granted upon a showing by the applicant or registrant~~  
 2114 ~~to the satisfaction of the office that:~~

2115 ~~(a) The existing net worth, bond, or collateral deposit~~  
 2116 ~~requirement is sufficiently in excess of the registrant's~~  
 2117 ~~highest potential level of outstanding payment instruments or~~  
 2118 ~~money transmissions in this state;~~

2119 ~~(b) The direct and indirect cost of meeting the net worth,~~  
 2120 ~~bond, or collateral deposit requirement will restrict the~~  
 2121 ~~ability of the money transmitter to effectively serve the needs~~  
 2122 ~~of its customers and the public; or~~

2123 ~~(c) The direct and indirect cost of meeting the net worth,~~  
 2124 ~~bond, or collateral requirement will not only have a negative~~  
 2125 ~~impact on the money transmitter but will severely hinder the~~  
 2126 ~~ability of the money transmitter to participate in and promote~~  
 2127 ~~the economic progress and welfare of this state or the United~~  
 2128 ~~States.~~

2129 Section 33. Section 560.210, Florida Statutes, is amended  
 2130 to read:

2131 560.210 Permissible investments.--

2132 (1) A licensee must ~~registrant shall~~ at all times possess  
 2133 permissible investments with an aggregate market value,

2134 calculated in accordance with ~~United States~~ generally accepted  
 2135 accounting principles, of at least ~~not less than~~ the aggregate  
 2136 face amount of all outstanding money funds transmissions and  
 2137 payment instruments issued or sold by the licensee ~~registrant~~ or  
 2138 an authorized agent ~~vender~~ in the United States. As used in this  
 2139 section,

2140 ~~(2) Acceptable~~ permissible investments include:

2141 (a) Cash.

2142 (b) Certificates of deposit or other deposit liabilities  
 2143 of a domestic or foreign financial institution, ~~either domestic~~  
 2144 ~~or foreign.~~

2145 (c) Bankers' acceptances eligible for purchase by member  
 2146 banks of the Federal Reserve System.

2147 (d) An investment bearing a rating of one of the three  
 2148 highest grades as defined by a nationally recognized rating  
 2149 service of such securities.

2150 (e) Investment securities that are obligations of the  
 2151 United States, its agencies or instrumentalities, or obligations  
 2152 that are guaranteed fully as to principal and interest by the  
 2153 United States, or any obligations of any state or municipality,  
 2154 or any political subdivision thereof.

2155 (f) Shares in a money market mutual fund.

2156 (g) A demand borrowing agreement or agreements made to a  
 2157 corporation or a subsidiary of a corporation whose capital stock  
 2158 is listed on a national exchange.

2159 (h) Receivables that are due to a licensee ~~registrant~~ from  
 2160 the licensee's ~~registrant's~~ authorized agent ~~venders~~ except

2161 those that are more than 90 ~~30~~ days past due or are doubtful of  
 2162 collection.

2163 (i) Any other investment approved by rule ~~the commission~~.

2164 (2) ~~(3)~~ Notwithstanding any other provision of this part,  
 2165 the office, with respect to any particular licensee ~~registrant~~  
 2166 or all licensees ~~registrants~~, may limit the extent to which any  
 2167 class of permissible investments may be considered a permissible  
 2168 investment, except for cash and certificates of deposit.

2169 (3) ~~(4)~~ The office may waive the permissible investments  
 2170 requirement if the dollar value of a licensee's ~~registrant's~~  
 2171 outstanding payment instruments and money ~~funds~~ transmitted do  
 2172 not exceed the bond or collateral deposit posted by the licensee  
 2173 ~~registrant~~ under s. 560.209.

2174 Section 34. Section 560.211, Florida Statutes, is amended  
 2175 to read:

2176 560.211 Required records.--

2177 (1) In addition to the record retention requirements under  
 2178 s. 560.110, each licensee under this part ~~Each registrant~~ must  
 2179 make, keep, and preserve the following books, accounts, records,  
 2180 and documents ~~other records~~ for 5 ~~a period of 3~~ years:

2181 (a) A daily record ~~or records~~ of payment instruments sold  
 2182 and money ~~funds~~ transmitted.

2183 (b) A general ledger containing all asset, liability,  
 2184 capital, income, and expense accounts, which ~~general ledger~~  
 2185 shall be posted at least monthly.

2186 (c) Daily settlement sheets received from authorized  
 2187 agents ~~vendors~~.

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(d) Monthly financial institution statements and reconciliation records.

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

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

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

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

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

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

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



2215 ~~or copies thereof after the expiration of the retention period~~  
 2216 ~~required by this section.~~

2217 ~~(4) The original of any record of a registrant or~~  
 2218 ~~authorized vendor includes the data or other information~~  
 2219 ~~comprising a record stored or transmitted in or by means of any~~  
 2220 ~~electronic, computerized, mechanized, or other information~~  
 2221 ~~storage or retrieval or transmission system or device which can~~  
 2222 ~~upon request generate, regenerate, or transmit the precise data~~  
 2223 ~~or other information comprising the record; and an original also~~  
 2224 ~~includes the visible data or other information so generated,~~  
 2225 ~~regenerated, or transmitted if it is legible or can be made~~  
 2226 ~~legible by enlargement or other process.~~

2227 ~~(2)(5)~~ Any person who willfully fails to comply with this  
 2228 section commits a felony of the third degree, punishable as  
 2229 provided in s. 775.082, s. 775.083, or s. 775.084.

2230 Section 35. Section 560.212, Florida Statutes, is amended  
 2231 to read:

2232 560.212 Financial liability.--A licensee ~~Each registrant~~  
 2233 under this part is liable for the payment of all money funds  
 2234 transmitted and payment instruments that it sells, in whatever  
 2235 form and whether directly or through an authorized agent ~~vendor~~,  
 2236 as the maker, drawer, or principal thereof, regardless of  
 2237 whether such item is negotiable or nonnegotiable.

2238 Section 36. Section 560.213, Florida Statutes, is amended  
 2239 to read:

2240 560.213 Payment instrument information.--Each payment  
 2241 instrument sold or issued by a licensee ~~registrant~~, directly or  
 2242 through an authorized agent ~~vendor~~, must ~~shall~~ bear the name of

2243 the licensee, and any other information as may be required by  
 2244 rule, registrant clearly imprinted thereon.

2245 Section 37. Section 560.303, Florida Statutes, is amended  
 2246 to read:

2247 560.303 License required ~~Requirement of registration.~~--

2248 (1) A ~~No~~ person may not ~~shall~~ engage in, or in any manner  
 2249 advertise engagement in, the business of cashing payment  
 2250 instruments or ~~the~~ exchanging ~~of~~ foreign currency without being  
 2251 licensed first registering under the provisions of this part.

2252 (2) A person licensed under ~~registered pursuant to~~ this  
 2253 part may not engage ~~in the activities authorized by this part.~~ A  
 2254 ~~person registered under this part is prohibited from engaging~~  
 2255 directly in the activities that require a license under ~~are~~  
 2256 ~~authorized under a registration issued pursuant to part II of~~  
 2257 this chapter, but may be ~~such person is not prohibited from~~  
 2258 ~~engaging in an authorized agent for vendor relationship with a~~  
 2259 person licensed ~~registered~~ under part II.

2260 (3) A person exempt from licensure under ~~registration~~  
 2261 ~~pursuant to~~ this part engaging in the business of cashing  
 2262 payment instruments or the exchanging of foreign currency may  
 2263 ~~shall~~ not charge fees in excess of those provided in s. 560.309.

2264 Section 38. Section 560.304, Florida Statutes, is amended  
 2265 to read:

2266 560.304 Exemption from licensure ~~Exceptions to~~  
 2267 ~~registration.~~--The requirement for licensure under ~~provisions of~~  
 2268 this part does ~~do~~ not apply to a person, at a location, cashing  
 2269 payment instruments that have an aggregate face value of less

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2270 than \$2,000 per person per day. The burden of establishing the  
 2271 right to the exemption is on the party claiming the exemption.+

2272 ~~(1) Authorized vendors of any person registered pursuant~~  
 2273 ~~to the provisions of the code, acting within the scope of~~  
 2274 ~~authority conferred by the registrant.~~

2275 ~~(2) Persons engaged in the cashing of payment instruments~~  
 2276 ~~or the exchanging of foreign currency which is incidental to the~~  
 2277 ~~retail sale of goods or services whose compensation for cashing~~  
 2278 ~~payment instruments or exchanging foreign currency at each site~~  
 2279 ~~does not exceed 5 percent of the total gross income from the~~  
 2280 ~~retail sale of goods or services by such person during its most~~  
 2281 ~~recently completed fiscal year.~~

2282 Section 39. Section 560.309, Florida Statutes, is amended  
 2283 to read:

2284 560.309 Conduct of business Rules.--

2285 (1) A licensee may transact business under this part only  
 2286 under the legal name under which the person is licensed. The use  
 2287 of a fictitious name is allowed if the fictitious name has been  
 2288 registered with the Department of State and disclosed to the  
 2289 office as part of an initial license application, or subsequent  
 2290 amendment to the application, prior to its use. ~~Before a~~  
 2291 ~~registrant shall deposit, with any financial institution, a~~  
 2292 ~~payment instrument that is cashed by a registrant, each such~~  
 2293 ~~item must be endorsed with the actual name under which such~~  
 2294 ~~registrant is doing business.~~

2295 (2) At the time a licensee accepts a payment instrument  
 2296 that is cashed by the licensee, the payment instrument must be  
 2297 endorsed using the legal name under which the licensee is

2298 licensed. ~~Registrants must comply with all the laws of this~~  
 2299 ~~state and any federal laws relating to money laundering,~~  
 2300 ~~including, as applicable, the provisions of s. 560.123.~~

2301 (3) A licensee under this part must deposit or sell  
 2302 payment instruments within 5 business days after the acceptance  
 2303 of the payment instrument.

2304 (4) A licensee may not accept or cash multiple payment  
 2305 instruments from a person who is not the original payee, unless  
 2306 the person is licensed to cash payment instruments pursuant to  
 2307 this part and all payment instruments accepted are endorsed with  
 2308 the legal name of the person.

2309 (5) A license must report all suspicious activity to the  
 2310 office in accordance with the criteria set forth in 31 C.F.R. s.  
 2311 103.20. In lieu of filing such reports, the commission may  
 2312 prescribe by rule that the licensee may file such reports with  
 2313 an appropriate regulator.

2314 (6)~~(3)~~ The commission may by rule require a ~~every~~ check  
 2315 casher to display its license registration and post a notice  
 2316 listing containing its charges for cashing payment instruments.

2317 (7)~~(4)~~ Exclusive of the direct costs of verification which  
 2318 shall be established by ~~commission~~ rule, a ~~no~~ check casher may  
 2319 not shall:

2320 (a) Charge fees, except as otherwise provided by this  
 2321 part, in excess of 5 percent of the face amount of the payment  
 2322 instrument, ~~or 6 percent without the provision of~~  
 2323 ~~identification,~~ or \$5, whichever is greater;

2324 (b) Charge fees in excess of 3 percent of the face amount  
 2325 of the payment instrument, ~~or 4 percent without the provision of~~

2326 ~~identification,~~ or \$5, whichever is greater, if such payment  
 2327 instrument is the payment of any kind of state public assistance  
 2328 or federal social security benefit payable to the bearer of the  
 2329 ~~such~~ payment instrument; or

2330 (c) Charge fees for personal checks or money orders in  
 2331 excess of 10 percent of the face amount of those payment  
 2332 instruments, or \$5, whichever is greater.

2333 ~~(d) As used in this subsection, "identification" means,~~  
 2334 ~~and is limited to, an unexpired and otherwise valid driver~~  
 2335 ~~license, a state identification card issued by any state of the~~  
 2336 ~~United States or its territories or the District of Columbia,~~  
 2337 ~~and showing a photograph and signature, a United States~~  
 2338 ~~Government Resident Alien Identification Card, a United States~~  
 2339 ~~passport, or a United States Military identification card.~~

2340 (8) A licensee cashing payment instruments may not assess  
 2341 the cost of collections, other than fees for insufficient funds  
 2342 as provided by law, without a judgment from a court of competent  
 2343 jurisdiction.

2344 (9) If a check is returned to a licensee from a payor  
 2345 financial institution due to lack of funds, a closed account, or  
 2346 a stop-payment order, the licensee may seek collection pursuant  
 2347 to s. 68.065. In seeking collection, the licensee must comply  
 2348 with the prohibitions against harassment or abuse, false or  
 2349 misleading representations, and unfair practices in the Fair  
 2350 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and  
 2351 1692f. A violation of this subsection is a deceptive and unfair  
 2352 trade practice and constitutes a violation of the Deceptive and  
 2353 Unfair Trade Practices Act under part II of chapter 501. In

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2354 addition, a licensee must comply with the applicable provisions  
2355 of the Consumer Collection Practices Act under part VI of  
2356 chapter 559, including s. 559.77.

2357 Section 40. Section 560.310, Florida Statutes, is amended  
2358 to read:

2359 560.310 Records of check cashers and foreign currency  
2360 exchangers.--

2361 (1) In addition to the record retention requirements  
2362 specified in s. 560.110, a person engaged in check cashing must  
2363 maintain the following:

2364 (a) Customer files, as prescribed by rule, on all  
2365 customers who cash corporate or third-party payment instruments  
2366 exceeding \$1,000.

2367 (b) For any payment instrument accepted having a face  
2368 value of \$1,000 or more:

2369 1. A copy of the personal identification that bears a  
2370 photograph of the customer used as identification and presented  
2371 by the customer. Acceptable personal identification is limited  
2372 to a valid driver's license; a state identification card issued  
2373 by any state of the United States or its territories or the  
2374 District of Columbia, and showing a photograph and signature; a  
2375 United States Government Resident Alien Identification Card; a  
2376 United States passport; or a United States Military  
2377 identification card.

2378 2. A photograph and thumbprint of the customer taken by  
2379 the licensee.

2380 (c) In addition to the requirements of paragraph (b), for  
2381 any payment instrument accepted having a face value greater than

2382 \$10,000, the licensee must take a photograph of the customer,  
 2383 unless the licensee has such a photograph of the customer on  
 2384 file along with other documents establishing the identity of the  
 2385 customer.

2386 (d) A payment instrument log that must be maintained  
 2387 electronically as prescribed by rule. For purposes of this  
 2388 paragraph, multiple payment instruments accepted from any one  
 2389 person on any given day which total \$1,000 or more must be  
 2390 aggregated and reported on the log. Each registrant must  
 2391 maintain all books, accounts, records, and documents necessary  
 2392 to determine the registrant's compliance with the provisions of  
 2393 the code. Such books, accounts, records, and documents shall be  
 2394 retained for a period of at least 3 years.

2395 (2) A licensee under this part may engage the services of  
 2396 a third party that is not a depository institution for the  
 2397 maintenance and storage of records required by this section if  
 2398 all the requirements of this section are met. The records  
 2399 required to be maintained by the code may be maintained by the  
 2400 registrant at any location if the registrant notifies the  
 2401 office, in writing, of the location of the records in its  
 2402 application or otherwise by amendment as prescribed by  
 2403 commission rule. The registrant shall make such records  
 2404 available to the office for examination and investigation in  
 2405 this state, as permitted by the code, within 7 days after  
 2406 receipt of a written request.

2407 ~~(3) Registrants and authorized vendors need not preserve~~  
 2408 ~~or retain any of the records required by this section or copies~~  
 2409 ~~thereof for a period longer than 3 years unless a longer period~~

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2410 ~~is expressly required by the laws of this state or any federal~~  
 2411 ~~law. A registrant or authorized vendor may destroy any of its~~  
 2412 ~~records or copies thereof after the expiration of the retention~~  
 2413 ~~period required by this section.~~

2414 ~~(4) The original of any record of a registrant or~~  
 2415 ~~authorized vendor includes the data or other information~~  
 2416 ~~comprising a record stored or transmitted in or by means of any~~  
 2417 ~~electronic, computerized, mechanized, or other information~~  
 2418 ~~storage or retrieval or transmission system or device which can~~  
 2419 ~~upon request generate, regenerate, or transmit the precise data~~  
 2420 ~~or other information comprising the record, and an original also~~  
 2421 ~~includes the visible data or other information so generated,~~  
 2422 ~~regenerated, or transmitted if it is legible or can be made~~  
 2423 ~~legible by enlargement or other process.~~

2424 ~~(5) Any person who willfully violates this section or~~  
 2425 ~~fails to comply with any lawful written demand or order of the~~  
 2426 ~~office made pursuant to this section commits a felony of the~~  
 2427 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
 2428 ~~or s. 775.084.~~

2429 Section 41. Section 560.402, Florida Statutes, is amended  
 2430 to read:

2431 560.402 Definitions.--~~In addition to the definitions~~  
 2432 ~~provided in ss. 560.103, 560.202, and 560.302 and unless~~  
 2433 ~~otherwise clearly indicated by the context, For the purposes of~~  
 2434 ~~this part, the term:~~

2435 (1) "Affiliate" means a person who, directly or  
 2436 indirectly, through one or more intermediaries controls, ~~or~~ is



2437 controlled by, or is under common control with, a deferred  
 2438 presentment provider.

2439 ~~(2) "Business day" means the hours during a particular day~~  
 2440 ~~during which a deferred presentment provider customarily~~  
 2441 ~~conducts business, not to exceed 15 consecutive hours during~~  
 2442 ~~that day.~~

2443 ~~(3) "Days" means calendar days.~~

2444 (2)~~(4)~~ "Deferment period" means the number of days a  
 2445 deferred presentment provider agrees to defer depositing, ~~or~~  
 2446 presenting, or redeeming a payment instrument.

2447 ~~(5) "Deferred presentment provider" means a person who~~  
 2448 ~~engages in a deferred presentment transaction and is registered~~  
 2449 ~~under part II or part III of the code and has filed a~~  
 2450 ~~declaration of intent with the office.~~

2451 (3)~~(6)~~ "Deferred presentment transaction" means providing  
 2452 currency or a payment instrument in exchange for a drawer's  
 2453 person's check and agreeing to hold the ~~that person's~~ check for  
 2454 a deferment period ~~of time prior to presentment, deposit, or~~  
 2455 ~~redemption.~~

2456 (4)~~(7)~~ "Drawer" means a customer ~~any person~~ who writes a  
 2457 personal check and upon whose account the check is drawn.

2458 (5) "Extension of a deferred presentment agreement" means  
 2459 continuing a deferred presentment transaction past the deferment  
 2460 period by having the drawer pay additional fees and the deferred  
 2461 presentment provider continuing to hold the check for another  
 2462 deferment period.

2463 (6)~~(8)~~ "Rollover" means the termination or extension of a  
 2464 ~~an existing~~ deferred presentment agreement by the payment of an

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2465 any additional fee and the continued holding of the check, or  
 2466 the substitution of a new check ~~drawn~~ by the drawer pursuant to  
 2467 a new deferred presentment agreement.

2468 ~~(9) "Fee" means the fee authorized for the deferral of the~~  
 2469 ~~presentation of a check pursuant to this part.~~

2470 (7) ~~(10)~~ "Termination of a ~~an existing~~ deferred presentment  
 2471 agreement" means that the check that is the basis for the ~~an~~  
 2472 agreement is redeemed by the drawer by payment in full in cash,  
 2473 or is deposited and the deferred presentment provider has  
 2474 evidence that such check has cleared. A Verification of  
 2475 sufficient funds in the drawer's account by the deferred  
 2476 presentment provider is ~~shall~~ not ~~be~~ sufficient evidence to deem  
 2477 that the ~~existing~~ deferred deposit transaction is ~~to be~~  
 2478 terminated.

2479 ~~(11) "Extension of an existing deferred presentment~~  
 2480 ~~agreement" means that a deferred presentment transaction is~~  
 2481 ~~continued by the drawer paying any additional fees and the~~  
 2482 ~~deferred presentment provider continues to hold the check for~~  
 2483 ~~another period of time prior to deposit, presentment, or~~  
 2484 ~~redemption.~~

2485 Section 42. Section 560.403, Florida Statutes, is amended  
 2486 to read:

2487 560.403 ~~Requirements of registration,~~ Declaration of  
 2488 intent.--

2489 (1) Except for financial institutions as defined in s.  
 2490 655.005 ~~No person, Unless otherwise exempt from this chapter, a~~  
 2491 person may not ~~shall~~ engage in a deferred presentment  
 2492 transaction unless the person is licensed as a money services

2493 business registered under the provisions of part II or part III  
 2494 of this chapter and has on file with the office a declaration of  
 2495 intent to engage in deferred presentment transactions,  
 2496 regardless of whether such person is exempted from licensure  
 2497 under any other provision of this chapter. The declaration of  
 2498 intent must ~~shall~~ be under oath and on such form as prescribed  
 2499 ~~the commission prescribes~~ by rule. The declaration of intent  
 2500 must ~~shall~~ be filed ~~together~~ with a nonrefundable filing fee as  
 2501 provided in s. 560.143 of \$1,000. Any person who is registered  
 2502 under part II or part III on the effective date of this act and  
 2503 ~~intends to engage in deferred presentment transactions shall~~  
 2504 ~~have 60 days after the effective date of this act to file a~~  
 2505 ~~declaration of intent.~~ A declaration of intent expires after 24  
 2506 months and must be renewed.

2507 ~~(2) A registrant under this part shall renew his or her~~  
 2508 ~~intent to engage in the business of deferred presentment~~  
 2509 ~~transactions or to act as a deferred presentment provider upon~~  
 2510 ~~renewing his or her registration under part II or part III and~~  
 2511 ~~shall do so by indicating his or her intent by submitting a~~  
 2512 ~~nonrefundable deferred presentment provider renewal fee of~~  
 2513 ~~\$1,000, in addition to any fees required for renewal of~~  
 2514 ~~registration under part II or part III.~~

2515 ~~(3) A registrant under this part who fails to timely renew~~  
 2516 ~~his or her intent to engage in the business of deferred~~  
 2517 ~~presentment transactions or to act as a deferred presentment~~  
 2518 ~~provider shall immediately cease to engage in the business of~~  
 2519 ~~deferred presentment transactions or to act as a deferred~~  
 2520 ~~presentment provider.~~

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2521           ~~(4) The notice of intent of a registrant under this part~~  
2522 ~~who fails to timely renew his or her intent to engage in the~~  
2523 ~~business of deferred presentment transactions or to act as a~~  
2524 ~~deferred presentment provider on or before the expiration date~~  
2525 ~~of the registration period automatically expires. A renewal fee~~  
2526 ~~and a nonrefundable late fee of \$500 must be filed within 60~~  
2527 ~~calendar days after the expiration of an existing registration~~  
2528 ~~in order for the declaration of intent to be reinstated. The~~  
2529 ~~office shall grant a reinstatement of registration if an~~  
2530 ~~application is filed during the 60-day period, and the~~  
2531 ~~reinstatement is effective upon receipt of the required fees and~~  
2532 ~~any information that the commission requires by rule. If the~~  
2533 ~~registrant has not filed a reinstatement of a renewal~~  
2534 ~~declaration of intent within 60 calendar days after the~~  
2535 ~~expiration date of an existing registration, the notice of~~  
2536 ~~intent expires and a new declaration of intent must be filed~~  
2537 ~~with the office.~~

2538           ~~(5) No person, other than a financial institution as~~  
2539 ~~defined in s. 655.005, shall be exempt from registration and~~  
2540 ~~declaration if such person engages in deferred presentment~~  
2541 ~~transactions, regardless of whether such person is currently~~  
2542 ~~exempt from registration under any provision of this code.~~

2543           Section 43. Section 560.404, Florida Statutes, is amended  
2544 to read:

2545           560.404 Requirements for deferred presentment  
2546 transactions.--

2547           (1) Each ~~Every~~ deferred presentment transaction must ~~shall~~  
 2548 be documented in a written agreement signed by ~~both~~ the deferred  
 2549 presentment provider and the drawer.

2550           (2) The deferred presentment transaction agreement must  
 2551 ~~shall~~ be executed on the day the deferred presentment provider  
 2552 furnishes currency or a payment instrument to the drawer.

2553           (3) Each written agreement must ~~shall contain the~~  
 2554 ~~following information~~, in addition to any information required  
 2555 ~~the commission requires by rule~~, contain the following  
 2556 information:

2557           (a) The name or trade name, address, and telephone number  
 2558 of the deferred presentment provider and the name and title of  
 2559 the person who signs the agreement on behalf of the ~~deferred~~  
 2560 ~~presentment~~ provider.

2561           (b) The date the deferred presentment transaction is ~~was~~  
 2562 ~~made~~.

2563           (c) The amount of the drawer's check.

2564           (d) The length of the deferment ~~deferral~~ period.

2565           (e) The last day of the deferment period.

2566           (f) The address and telephone number of the office ~~and the~~  
 2567 ~~Division of Consumer Services of the Department of Financial~~  
 2568 ~~Services~~.

2569           (g) A clear description of the drawer's payment  
 2570 obligations under the deferred presentment transaction.

2571           (h) The transaction number assigned by the office's  
 2572 database.

2573           (4) The ~~Every~~ deferred presentment provider must ~~shall~~  
 2574 furnish ~~to the drawer~~ a copy of the deferred presentment  
 2575 transaction agreement to the drawer.

2576           (5) The face amount of a check taken for deferred  
 2577 presentment may not exceed \$500 exclusive of the fees allowed  
 2578 under ~~by~~ this part.

2579           (6) A ~~No~~ deferred presentment provider or its affiliate  
 2580 may not ~~shall~~ charge fees that exceed ~~in excess of~~ 10 percent of  
 2581 the currency or payment instrument provided. However, a  
 2582 verification fee may be charged as provided in s. 560.309(7) ~~in~~  
 2583 ~~accordance with s. 560.309(4) and the rules adopted pursuant to~~  
 2584 ~~the code~~. The 10-percent fee may not be applied to the  
 2585 verification fee. A deferred presentment provider may charge  
 2586 only those fees specifically authorized in this section.

2587           (7) The fees authorized by this section may not be  
 2588 collected before the drawer's check is presented or redeemed.

2589           (8) A ~~No~~ deferred presentment agreement may not ~~shall~~ be  
 2590 for a term longer than ~~in excess of~~ 31 days or less than 7 days.

2591           (9) A ~~No~~ deferred presentment provider may not ~~shall~~  
 2592 require a drawer ~~person~~ to provide any additional security for  
 2593 the deferred presentment transaction or any extension or require  
 2594 the drawer ~~a person~~ to provide any additional guaranty from  
 2595 another person.

2596           (10) A deferred presentment provider may ~~shall~~ not include  
 2597 any of the following provisions in a deferred provider ~~any~~  
 2598 ~~written~~ agreement:

2599           (a) A hold harmless clause.†

2600           (b) A confession of judgment clause.†

2601 (c) Any assignment of or order for payment of wages or  
 2602 other compensation for services.~~†~~

2603 (d) A provision in which the drawer agrees not to assert  
 2604 any claim or defense arising out of the agreement.~~† or~~

2605 (e) A waiver of any provision of this part.

2606 (11) A ~~Each~~ deferred presentment provider shall  
 2607 immediately provide the drawer with the full amount of any check  
 2608 to be held, less only the fees allowed ~~permitted~~ under this  
 2609 section.

2610 (12) The deferred presentment agreement and the drawer's  
 2611 check must ~~shall~~ bear the same date, and the number of days of  
 2612 the deferment period shall be calculated from that ~~this~~ date.  
 2613 The ~~No~~ deferred presentment provider and the drawer ~~or person~~  
 2614 may not alter or delete the date on any written agreement or  
 2615 check held by the deferred presentment provider.

2616 (13) For each deferred presentment transaction, the  
 2617 deferred presentment provider must comply with the disclosure  
 2618 requirements of 12 C.F.R., part 226, relating to the federal  
 2619 Truth-in-Lending Act, and Regulation Z of the Board of Governors  
 2620 of the Federal Reserve Board. A copy of the disclosure must be  
 2621 provided to the drawer at the time the deferred presentment  
 2622 transaction is initiated.

2623 (14) A ~~No~~ deferred presentment provider or its affiliate  
 2624 may not accept or hold an undated check or a check dated on a  
 2625 date other than the date on which the deferred presentment  
 2626 provider agreed to hold the check and signed the deferred  
 2627 presentment transaction agreement.

2628 (15) A ~~Every~~ deferred presentment provider must ~~shall~~ hold  
 2629 the drawer's check for the agreed number of days, unless the  
 2630 drawer chooses to redeem the check before the ~~agreed~~ presentment  
 2631 date.

2632 (16) Proceeds in a deferred presentment transaction may be  
 2633 made to the drawer in the form of the deferred presentment  
 2634 provider's payment instrument if the deferred presentment  
 2635 provider is registered under part II; however, an ~~no~~ additional  
 2636 fee may not be charged by a deferred presentment provider or its  
 2637 affiliate for issuing or cashing the deferred presentment  
 2638 provider's payment instrument.

2639 (17) A ~~No~~ deferred presentment provider may not require  
 2640 the drawer to accept its payment instrument in lieu of currency.

2641 (18) A ~~No~~ deferred presentment provider or its affiliate  
 2642 may not engage in the rollover of a ~~any~~ deferred presentment  
 2643 agreement. A deferred presentment provider may ~~shall~~ not redeem,  
 2644 extend, or otherwise consolidate a deferred presentment  
 2645 agreement with the proceeds of another deferred presentment  
 2646 transaction made by the same or an affiliate ~~affiliated deferred~~  
 2647 ~~presentment provider~~.

2648 (19) A deferred presentment provider may not enter into a  
 2649 deferred presentment transaction with a drawer ~~person~~ who has an  
 2650 outstanding deferred presentment transaction with that provider  
 2651 or with any other deferred presentment provider, or with a  
 2652 person whose previous deferred presentment transaction with that  
 2653 provider or with any other provider has been terminated for less  
 2654 than 24 hours. The deferred presentment provider must verify  
 2655 such information as follows:



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2656 (a) The deferred presentment provider shall maintain a  
2657 common database and shall verify whether the ~~that~~ deferred  
2658 ~~presentment~~ provider or an affiliate has an outstanding deferred  
2659 presentment transaction with a particular person or has  
2660 terminated a transaction with that person within the previous 24  
2661 hours.

2662 (b) The deferred presentment provider shall access the  
2663 office's database established pursuant to subsection (23) and  
2664 shall verify whether any other deferred presentment provider has  
2665 an outstanding deferred presentment transaction with a  
2666 particular person or has terminated a transaction with that  
2667 person within the previous 24 hours. If a provider has not  
2668 established ~~Prior to the time that the office has implemented~~  
2669 ~~such~~ a database, the deferred presentment provider may rely upon  
2670 the written verification of the drawer as provided in subsection  
2671 (20).

2672 (20) A deferred presentment provider shall provide the  
2673 following notice in a prominent place on each deferred  
2674 presentment agreement in at least 14-point type in substantially  
2675 the following form and must obtain the signature of the drawer  
2676 where indicated:

2677

2678

2679

2680 NOTICE

2681

2682 1. STATE LAW PROHIBITS YOU FROM HAVING MORE THAN ONE DEFERRED  
2683 PRESENTMENT AGREEMENT AT ANY ONE TIME. STATE LAW ALSO PROHIBITS

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2684 YOU FROM ENTERING INTO A DEFERRED PRESENTMENT AGREEMENT WITHIN  
 2685 24 HOURS AFTER ~~OF~~ TERMINATING ANY PREVIOUS DEFERRED PRESENTMENT  
 2686 AGREEMENT. FAILURE TO OBEY THIS LAW COULD CREATE SEVERE  
 2687 FINANCIAL HARDSHIP FOR YOU AND YOUR FAMILY.

2688

2689

2690 YOU MUST SIGN THE FOLLOWING STATEMENT:

2691

2692 I DO NOT HAVE AN OUTSTANDING DEFERRED PRESENTMENT AGREEMENT WITH  
 2693 ANY DEFERRED PRESENTMENT PROVIDER AT THIS TIME. I HAVE NOT  
 2694 TERMINATED A DEFERRED PRESENTMENT AGREEMENT WITHIN THE PAST 24  
 2695 HOURS.

2696

2697 (Signature of Drawer)

2698

2699

2700 2. YOU CANNOT BE PROSECUTED IN CRIMINAL COURT FOR A CHECK  
 2701 WRITTEN UNDER THIS AGREEMENT, BUT ALL LEGALLY AVAILABLE CIVIL  
 2702 MEANS TO ENFORCE THE DEBT MAY BE PURSUED AGAINST YOU.

2703

2704

2705 3. STATE LAW PROHIBITS A DEFERRED PRESENTMENT PROVIDER (THIS  
 2706 BUSINESS) FROM ALLOWING YOU TO "ROLL OVER" YOUR DEFERRED  
 2707 PRESENTMENT TRANSACTION. THIS MEANS THAT YOU CANNOT BE ASKED OR  
 2708 REQUIRED TO PAY AN ADDITIONAL FEE IN ORDER TO FURTHER DELAY THE  
 2709 DEPOSIT OR PRESENTMENT OF YOUR CHECK FOR PAYMENT. IF YOU INFORM  
 2710 THE PROVIDER IN PERSON THAT YOU CANNOT COVER THE CHECK OR PAY IN  
 2711 FULL THE AMOUNT OWING AT THE END OF THE TERM OF THIS AGREEMENT,

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2712 YOU WILL RECEIVE A GRACE PERIOD EXTENDING THE TERM OF THE  
 2713 AGREEMENT FOR AN ADDITIONAL 60 DAYS AFTER THE ORIGINAL  
 2714 TERMINATION DATE, WITHOUT ANY ADDITIONAL CHARGE. THE DEFERRED  
 2715 PRESENTMENT PROVIDER SHALL REQUIRE THAT YOU, AS A CONDITION OF  
 2716 OBTAINING THE GRACE PERIOD, COMPLETE CONSUMER CREDIT COUNSELING  
 2717 PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED  
 2718 TO YOU BY THIS PROVIDER. YOU MAY ALSO AGREE TO COMPLY WITH AND  
 2719 ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY. IF YOU DO  
 2720 NOT COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT  
 2721 AGENCY, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR PAYMENT AND  
 2722 PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE THE DEBT AT  
 2723 THE END OF THE 60-DAY GRACE PERIOD.

2724 (21) The deferred presentment provider may not deposit or  
 2725 present the drawer's check if the drawer informs the provider in  
 2726 person that the drawer cannot redeem or pay in full in cash the  
 2727 amount due and owing the deferred presentment provider. No  
 2728 additional fees or penalties may be imposed on the drawer by  
 2729 virtue of any misrepresentation made by the drawer as to the  
 2730 sufficiency of funds in the drawer's account. ~~In no event shall~~  
 2731 any Additional fees may not be added to the amounts due and  
 2732 owing to the deferred presentment provider.

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

2740           (a) The provider shall require that as a condition of  
 2741 providing a ~~this~~ grace period, that ~~within the first 7 days of~~  
 2742 ~~the grace period~~ the drawer make an appointment with a consumer  
 2743 credit counseling agency within 7 days after the end of the  
 2744 deferment period and complete the counseling by the end of the  
 2745 grace period. The drawer may agree to, comply with, and adhere  
 2746 to a repayment plan approved by the counseling agency. If the  
 2747 drawer agrees to comply with and adhere to a repayment plan  
 2748 approved by the counseling agency, the provider must ~~is~~ also  
 2749 ~~required to~~ comply with and adhere to that repayment plan. The  
 2750 deferred presentment provider may not deposit or present the  
 2751 drawer's check for payment before the end of the 60-day grace  
 2752 period unless the drawer fails to comply with such conditions or  
 2753 the drawer fails to notify the provider of such compliance.  
 2754 Before each deferred presentment transaction, the provider may  
 2755 verbally advise the drawer of the availability of the grace  
 2756 period consistent with ~~the provisions of~~ the written notice in  
 2757 subsection (20), and may ~~shall~~ not discourage the drawer from  
 2758 using the grace period.

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

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

2763           2. A list of approved consumer credit counseling agencies  
 2764 prepared by the office. The office list shall include nonprofit  
 2765 consumer credit counseling agencies affiliated with the National  
 2766 Foundation for Credit Counseling which provide credit counseling  
 2767 services to state Florida residents in person, by telephone, or

2768 through the Internet. The office list must include phone numbers  
 2769 for the agencies, the counties served by the agencies, and  
 2770 indicate the agencies that provide telephone counseling and  
 2771 those that provide Internet counseling. The office shall update  
 2772 the list at least once each year.

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

2775  
 2776  
 2777 AS A CONDITION OF OBTAINING A GRACE PERIOD EXTENDING THE TERM OF  
 2778 YOUR DEFERRED PRESENTMENT AGREEMENT FOR AN ADDITIONAL 60 DAYS,  
 2779 UNTIL [DATE], WITHOUT ANY ADDITIONAL FEES, YOU MUST COMPLETE  
 2780 CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE  
 2781 LIST THAT WILL BE PROVIDED TO YOU BY THIS PROVIDER. YOU MAY ALSO  
 2782 AGREE TO COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY  
 2783 THE AGENCY. THE COUNSELING MAY BE IN PERSON, BY TELEPHONE, OR  
 2784 THROUGH THE INTERNET. YOU MUST NOTIFY US WITHIN 7 ~~SEVEN (7)~~  
 2785 DAYS, BY [DATE], THAT YOU HAVE MADE AN APPOINTMENT WITH SUCH A  
 2786 CONSUMER CREDIT COUNSELING AGENCY. YOU MUST ALSO NOTIFY US  
 2787 WITHIN 60 ~~SIXTY (60)~~ DAYS, BY [DATE], THAT YOU HAVE COMPLETED  
 2788 THE CONSUMER CREDIT COUNSELING. WE MAY VERIFY THIS INFORMATION  
 2789 WITH THE AGENCY. IF YOU FAIL TO PROVIDE ~~EITHER~~ THE 7-DAY OR 60-  
 2790 DAY NOTICE, OR IF YOU HAVE NOT MADE THE APPOINTMENT OR COMPLETED  
 2791 THE COUNSELING WITHIN THE TIME REQUIRED, WE MAY DEPOSIT OR  
 2792 PRESENT YOUR CHECK FOR PAYMENT AND PURSUE ALL LEGALLY AVAILABLE  
 2793 CIVIL MEANS TO ENFORCE THE DEBT.

2794 (c) If a drawer completes an approved payment plan, the  
 2795 deferred presentment provider shall pay one-half of the drawer's

2796 fee for the deferred presentment agreement to the consumer  
 2797 credit counseling agency.

2798 (23) The office shall implement a common database with  
 2799 real-time access through an Internet connection for deferred  
 2800 presentment providers, as provided in this subsection. The  
 2801 database must be accessible to the office and the deferred  
 2802 presentment providers in order to verify whether any deferred  
 2803 presentment transactions are outstanding for a particular  
 2804 person. Deferred presentment providers shall submit such data  
 2805 before entering into each deferred presentment transaction in  
 2806 such format as required ~~the commission shall require~~ by rule,  
 2807 including the drawer's name, social security number or  
 2808 employment authorization alien number, address, driver's license  
 2809 number, amount of the transaction, date of transaction, the date  
 2810 that the transaction is closed, and such additional information  
 2811 as is required by rule ~~the commission~~. The commission may by  
 2812 rule impose a fee of up to ~~not to exceed~~ \$1 per transaction for  
 2813 data that must ~~required to~~ be submitted by a deferred  
 2814 presentment provider. A deferred presentment provider may rely  
 2815 on the information contained in the database as accurate and is  
 2816 not subject to any administrative penalty or civil liability due  
 2817 to ~~as a result of~~ relying on inaccurate information contained in  
 2818 the database. A deferred presentment provider must notify the  
 2819 office within 15 business days after ceasing operations and in a  
 2820 manner as prescribed by rule. Such notification must include a  
 2821 reconciliation of all open transactions. If the provider fails  
 2822 to provide notice, the office shall take action to  
 2823 administratively release all open and pending transactions in

2824 the database after the office becomes aware of the closure. This  
 2825 section does not affect the rights of the provider to enforce  
 2826 the contractual provisions of the deferred presentment  
 2827 agreements through any civil action allowed by law. The  
 2828 commission may adopt rules to administer ~~and enforce the~~  
 2829 ~~provisions of this subsection section~~ and to ensure assure that  
 2830 the database is used by deferred presentment providers in  
 2831 accordance with this section.

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

2837 Section 44. Section 560.405, Florida Statutes, is amended  
 2838 to read:

2839 560.405 Deposit; redemption.--

2840 (1) The deferred presentment provider or its affiliate may  
 2841 ~~shall~~ not present the drawer's check before the end of the  
 2842 deferment period ~~prior to the agreed-upon date of presentment,~~  
 2843 as reflected in the deferred presentment transaction agreement.

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

2848 (3) Notwithstanding ~~the provisions of~~ subsection (1), in  
 2849 lieu of presentment, a deferred presentment provider may allow  
 2850 the check to be redeemed at any time upon payment ~~to the~~  
 2851 ~~deferred presentment provider in the amount~~ of the face amount

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2852 of the drawer's check. However, payment may not be made in the  
 2853 form of a personal check. Upon redemption, the deferred  
 2854 presentment provider shall return the drawer's check ~~that was~~  
 2855 ~~being held~~ and provide a signed, dated receipt showing that the  
 2856 drawer's check has been redeemed.

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

2861 Section 45. Section 560.406, Florida Statutes, is amended  
 2862 to read:

2863 560.406 Worthless checks.--

2864 (1) If a check is returned to a deferred presentment  
 2865 provider from a payor financial institution due to lack of  
 2866 funds, a closed account, or a stop-payment order, the deferred  
 2867 presentment provider may seek collection pursuant to s. 68.065,  
 2868 except a deferred presentment provider may ~~shall not be entitled~~  
 2869 ~~to~~ collect treble damages ~~pursuant s. 68.065~~. The notice sent by  
 2870 the a deferred deposit provider may ~~pursuant to s. 68.065 shall~~  
 2871 not include any references to treble damages and must clearly  
 2872 state that the deferred presentment provider is not entitled to  
 2873 recover such damages. Except as otherwise provided in this part,  
 2874 an individual who issues a personal check to a deferred  
 2875 presentment provider under a deferred presentment agreement is  
 2876 not subject to criminal penalty.

2877 (2) If a check is returned to a deferred presentment  
 2878 provider from a payor financial institution due to insufficient  
 2879 funds, a closed account, or a stop-payment order, the deferred



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

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

2900 Section 46. Subsection (7) of section 499.005, Florida  
 2901 Statutes, is amended to read:

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

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

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2908 Section 47. Paragraph (i) of subsection (2) of section  
 2909 499.0691, Florida Statutes, is amended to read:

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

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

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

2919 Section 48. Paragraph (b) of subsection (2) of section  
 2920 501.95, Florida Statutes, is amended to read:

2921 501.95 Gift certificates and credit memos.--

2922 (2)

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

2928 Section 49. Paragraph (n) of subsection (2) of section  
 2929 538.03, Florida Statutes, is amended to read:

2930 538.03 Definitions; applicability.--

2931 (2) This chapter does not apply to:

2932 (n) A business that contracts with other persons or  
 2933 entities to offer its secondhand goods for sale, purchase,  
 2934 consignment, or trade via an Internet website, and that

2935 maintains a shop, store, or other business premises for this  
 2936 purpose, if all of the following apply:

- 2937 1. The secondhand goods must be available on the website  
 2938 for viewing by the public at no charge;
- 2939 2. The records of the sale, purchase, consignment, or  
 2940 trade must be maintained for at least 2 years;
- 2941 3. The records of the sale, purchase, consignment, or  
 2942 trade, and the description of the secondhand goods as listed on  
 2943 the website, must contain the serial number of each item, if  
 2944 any;
- 2945 4. The secondhand goods listed on the website must be  
 2946 searchable based upon the state or zip code;
- 2947 5. The business must provide the appropriate law  
 2948 enforcement agency with the name or names under which it  
 2949 conducts business on the website;
- 2950 6. The business must allow the appropriate law enforcement  
 2951 agency to inspect its business premises at any time during  
 2952 normal business hours;
- 2953 7. Any payment by the business resulting from such a sale,  
 2954 purchase, consignment, or trade must be made to the person or  
 2955 entity with whom the business contracted to offer the goods and  
 2956 must be made by check or via a money services business  
 2957 ~~transmitter~~ licensed under part II of chapter 560; and
- 2958 8.a. At least 48 hours after the estimated time of  
 2959 contracting to offer the secondhand goods, the business must  
 2960 verify that any item having a serial number is not stolen  
 2961 property by entering the serial number of the item into the  
 2962 Department of Law Enforcement's stolen article database located

2963 at the Florida Crime Information Center's public access system  
 2964 website. The business shall record the date and time of such  
 2965 verification on the contract covering the goods. If such  
 2966 verification reveals that an item is stolen property, the  
 2967 business shall immediately remove the item from any website on  
 2968 which it is being offered and notify the appropriate law  
 2969 enforcement agency; or

2970 b. The business must provide the appropriate law  
 2971 enforcement agency with an electronic copy of the name, address,  
 2972 phone number, driver's license number, and issuing state of the  
 2973 person with whom the business contracted to offer the goods, as  
 2974 well as an accurate description of the goods, including make,  
 2975 model, serial number, and any other unique identifying marks,  
 2976 numbers, names, or letters that may be on an item, in a format  
 2977 agreed upon by the business and the appropriate law enforcement  
 2978 agency. This information must be provided to the appropriate law  
 2979 enforcement agency within 24 hours after entering into the  
 2980 contract unless other arrangements are made between the business  
 2981 and the law enforcement agency.

2982 Section 50. Subsection (10) of section 896.101, Florida  
 2983 Statutes, is amended to read:

2984 896.101 Florida Money Laundering Act; definitions;  
 2985 penalties; injunctions; seizure warrants; immunity.--

2986 (10) Any financial institution, licensed money services  
 2987 business transmitter, or other person served with and complying  
 2988 with the terms of a warrant, temporary injunction, or other  
 2989 court order, including any subpoena issued under ~~the authority~~  
 2990 ~~granted by~~ s. 16.56 or s. 27.04, obtained in furtherance of an

2991 investigation of any crime in this section, including any crime  
 2992 listed as specified unlawful activity under this section or any  
 2993 felony violation of chapter 560, has immunity from criminal  
 2994 liability and is ~~shall~~ not be liable to any person for any  
 2995 lawful action taken in complying with the warrant, temporary  
 2996 injunction, or other court order, including any subpoena issued  
 2997 under ~~the authority granted by~~ s. 16.56 or s. 27.04. If any  
 2998 subpoena issued under ~~the authority granted by~~ s. 16.56 or s.  
 2999 27.04 contains a nondisclosure provision, any financial  
 3000 institution, licensed money services business transmitter,  
 3001 employee or officer of a financial institution or licensed money  
 3002 services business transmitter, or any other person may not  
 3003 notify, directly or indirectly, any customer of that financial  
 3004 institution or ~~licensed~~ money services business transmitter  
 3005 whose records are being sought by the subpoena, or any other  
 3006 person named in the subpoena, about the existence or the  
 3007 contents of that subpoena or about information that has been  
 3008 furnished to the state attorney or statewide prosecutor who  
 3009 issued the subpoena or other law enforcement officer named in  
 3010 the subpoena in response to the subpoena.

3011 Section 51. Subsection (5) of section 896.104, Florida  
 3012 Statutes, is amended to read:

3013 896.104 Structuring transactions to evade reporting or  
 3014 registration requirements prohibited.--

3015 (5) INFERENCE.--Proof that a person engaged for monetary  
 3016 consideration in the business of a money funds transmitter, as  
 3017 defined in s. 560.103, ~~s. 560.103(10)~~ and who is transporting  
 3018 more than \$10,000 in currency, or the foreign equivalent,

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3019 without being licensed ~~registered~~ as a money transmitter or  
 3020 designated as an authorized agent ~~vender~~ under ~~the provisions of~~  
 3021 chapter 560, gives rise to an inference that the transportation  
 3022 was done with knowledge of the licensure ~~registration~~  
 3023 requirements of chapter 560 and the reporting requirements of  
 3024 this chapter.

3025 Section 52. Paragraph (g) of subsection (3) of section  
 3026 921.0022, Florida Statutes, is amended to read:

3027 921.0022 Criminal Punishment Code; offense severity  
 3028 ranking chart.--

3029 (3) OFFENSE SEVERITY RANKING CHART

3030 (g) LEVEL 7

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

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3034	327.35 (3) (c) 2.	3rd	<p>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.</p>
3035	402.319 (2)	2nd	<p>Vessel BUI resulting in serious bodily injury.</p> <p>Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.</p>
3036	409.920 (2)	3rd	<p>Medicaid provider</p>

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3037			fraud.
	456.065 (2)	3rd	Practicing a health care profession without a license.
3038			
	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
3039			
	458.327 (1)	3rd	Practicing medicine without a license.
3040			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
3041			
	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
3042			
	461.012 (1)	3rd	Practicing podiatric medicine without a



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3043			license.
	462.17	3rd	Practicing naturopathy without a license.
3044			
	463.015 (1)	3rd	Practicing optometry without a license.
3045			
	464.016 (1)	3rd	Practicing nursing without a license.
3046			
	465.015 (2)	3rd	Practicing pharmacy without a license.
3047			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
3048			
	467.201	3rd	Practicing midwifery without a license.
3049			
	468.366	3rd	Delivering respiratory care services without a license.
3050			

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3051	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
3052	483.901 (9)	3rd	Practicing medical physics without a license.
3053	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
3054	484.053	3rd	Dispensing hearing aids without a license.
3055	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

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3056	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by <u>a money services business</u> <del>transmitter.</del>
3057	560.125 (5) (a)	3rd	Money <u>services</u> <del>transmitter</del> business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
3058	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21 (10) (a)	3rd	Sexual predator; failure to register;

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3059	775.21 (10) (b)	3rd	failure to renew driver's license or identification card; other registration violations.
3060	775.21 (10) (g)	3rd	Sexual predator working where children regularly congregate.
3061	782.051 (3)	2nd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
3062	782.07 (1)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. Killing of a human

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3063

782.071

2nd

being by the act,  
procurement, or  
culpable negligence  
of another  
(manslaughter).

Killing of a human  
being or viable  
fetus by the  
operation of a motor  
vehicle in a  
reckless manner  
(vehicular  
homicide).

3064

782.072

2nd

Killing of a human  
being by the  
operation of a  
vessel in a reckless  
manner (vessel  
homicide).

3065

784.045 (1) (a) 1.

2nd

Aggravated battery;  
intentionally  
causing great bodily  
harm or  
disfigurement.

3066

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3067	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
3068	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
3069	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
3070	784.048 (7)	3rd	Aggravated stalking; violation of court order.
3071	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
3072	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years

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3073	784.081(1)	1st	of age or older. Aggravated battery on specified official or employee.
3074	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
3075	784.083(1)	1st	Aggravated battery on code inspector.
3076	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
3077	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
3078	790.165(2)	2nd	Manufacture, sell,

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3079	790.165 (3)	2nd	possess, or deliver hoax bomb.
3080	790.166 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
3081	790.166 (4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
3082	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 mutilation; consent



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3083			by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
3084	796.03	2nd	Procuring any person under 16 years for prostitution.
3085	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
3086	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
3087	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.

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3088	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
3089	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
3090	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
3091	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

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3092	812.014 (2) (b) 2.	2nd	damage; 1st degree grand theft.
3093	812.014 (2) (b) 3.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
3094	812.014 (2) (b) 4.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3095	812.0145 (2) (a)	1st	Property stolen, law enforcement equipment from authorized emergency vehicle.
3096	812.019 (2)	1st	Theft from person 65 years of age or older; \$50,000 or more.
			Stolen property; initiates, organizes, plans,

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3097	812.131 (2) (a)	2nd	etc., the theft of property and traffics in stolen property.
3098	812.133 (2) (b)	1st	Robbery by sudden snatching.
3099	817.234 (8) (a)	2nd	Carjacking; no firearm, deadly weapon, or other weapon.
3100	817.234 (9)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
3101	817.234 (11) (c)	1st	Organizing, planning, or participating in an intentional motor vehicle collision.
			Insurance fraud; property value

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3102

817.2341(2)(b)&(3)(b) 1st  
)

\$100,000 or more.

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

3103

825.102(3)(b) 2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

3104

825.103(2)(b) 2nd

Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than

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3105	827.03 (3) (b)	2nd	\$100,000.
3106	827.04 (3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
3107	837.05 (2)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
3108	838.015	2nd	Giving false information about alleged capital felony to a law enforcement officer.
3109	838.016	2nd	Bribery. Unlawful compensation or reward for official behavior.
3110	838.021 (3) (a)	2nd	Unlawful harm to a

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3111			public servant.
	838.22	2nd	Bid tampering.
3112			
	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
3113			
	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
3114			
	872.06	2nd	Abuse of a dead human body.
3115			
	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,

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3116	893.13 (1) (e) 1.	1st	<p>school, or state,          county, or municipal          park or publicly          owned recreational          facility or          community center.</p>
3117	893.13 (4) (a)	1st	<p>Sell, manufacture,          or deliver cocaine          or other drug          prohibited under s.          893.03 (1) (a),          (1) (b), (1) (d),          (2) (a), (2) (b), or          (2) (c) 4., within          1,000 feet of          property used for          religious services          or a specified          business site.</p>
3118			<p>Deliver to minor          cocaine (or other s.          893.03 (1) (a),          (1) (b), (1) (d),          (2) (a), (2) (b), or          (2) (c) 4. drugs).</p>



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3119	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
3120	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
3121	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
3122	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
3123	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more

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3124	893.135 (1) (g) 1.a.	1st	than 14 grams, less than 28 grams.
3125	893.135 (1) (h) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
3126	893.135 (1) (j) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
3127	893.135 (1) (k) 2.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
3128	896.101 (5) (a)	3rd	Money laundering,

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3129	896.104 (4) (a) 1.	3rd	financial transactions exceeding \$300 but less than \$20,000.
3130	943.0435 (4) (c)	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
3131	943.0435 (8)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.  Sexual offender; remains in state after indicating intent to leave; failure to comply

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3132	943.0435 (9) (a)	3rd	with reporting requirements.
3133	943.0435 (13)	3rd	Sexual offender; failure to comply with reporting requirements.
3134	943.0435 (14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3135	944.607 (9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
3136			Sexual offender; failure to comply with reporting requirements.

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3137	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
3138	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3139	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
3140	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
	985.4815(12)	3rd	Failure to report or

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3141

providing false  
information about a  
sexual offender;  
harbor or conceal a  
sexual offender.

985.4815(13)

3rd

Sexual offender;  
failure to report  
and reregister;  
failure to respond  
to address  
verification.

3142

3143 Section 53. Sections 560.101, 560.102, 560.106, 560.1073,  
3144 560.108, 560.112. 560.117, 560.200, 560.202, 560.206, 560.207,  
3145 560.301, 560.302, 560.305, 560.306, 560.307, 560.308, 560.401,  
3146 560.402, and 560.407, Florida Statutes, are repealed.

3147 Section 54. Except as otherwise expressly provided in this  
3148 act, this act shall take effect October 1, 2008.