

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

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

57 | court or the Legislature; amending s. 560.123, F.S.;

58 | revising provisions relating to the Florida Control of

59 | Money Laundering in Money Services Business; creating s.

60 | 560.1235, F.S.; requiring a licensee to comply with state

61 | and federal anti-money laundering laws and rules; amending

62 | s. 560.124, F.S.; revising provisions relating to sharing

63 | reported information; amending s. 560.125, F.S.; revising

64 | provisions relating to unlicensed activity; amending s.

65 | 560.126, F.S.; revising provisions relating to certain

66 | notice requirements by a licensee; providing for transfer

67 | of certain appointments and licenses to a new license

68 | under certain circumstances; amending s. 560.127, F.S.;

69 | revising provisions relating to the control of a money

70 | services business; amending s. 560.128, F.S.; revising

71 | provisions relating to customer contacts and license

72 | display; amending s. 560.129, F.S.; revising provisions

73 | relating to the confidentiality of certain records;

74 | creating s. 560.140, F.S.; providing licensing standards

75 | for a money services business; creating s. 560.141, F.S.;

76 | providing for a license application; creating s. 560.142,

77 | F.S.; providing for license renewal; creating s. 560.143,

78 | F.S.; providing for license fees; amending s. 560.203,

79 | F.S.; revising the exemption from licensure for authorized

80 | vendors of a money services business; amending s. 560.204,

81 | F.S.; revising provisions relating to the requirement for

82 | licensure of money transmitters or sellers of payment

83 | instruments under part II of ch. 560, F.S.; amending s.

84 | 560.205, F.S.; providing additional requirements for a

85 license application; amending s. 560.208, F.S.; revising  
86 provisions relating to the conduct of a licensee; creating  
87 s. 560.2085, F.S.; providing requirements for authorized  
88 vendors; amending s. 560.209, F.S.; revising provisions  
89 relating to a licensee's net worth and the filing of a  
90 corporate surety bond; requiring a financial audit report;  
91 increasing the upper limit of the bond; deleting the  
92 option of waiving the bond; amending s. 560.210, F.S.;  
93 revising provisions relating to permissible investments;  
94 amending s. 560.211, F.S.; revising provisions relating to  
95 required recordkeeping under part II of ch. 560, F.S.;  
96 amending s. 560.212, F.S.; revising provisions relating to  
97 licensee liability; amending s. 560.213, F.S.; revising  
98 provisions relating information that must be printed on a  
99 payment instrument; amending s. 560.303, F.S.; revising  
100 provisions relating to the licensure of check cashers  
101 under part II of ch. 560, F.S.; amending s. 560.304, F.S.;  
102 revising provisions relating to exemptions from licensure;  
103 limiting the exemption for the payment of instruments  
104 below a certain value and incidental to certain retail  
105 sales; amending s. 560.309, F.S.; revising provisions  
106 relating to the conduct of check cashers; providing  
107 additional requirements; amending s. 560.310, F.S.;  
108 revising requirements for licensee records; specifying the  
109 maintenance of identification records for certain  
110 customers; amending s. 560.402, F.S.; revising definitions  
111 relating to deferred presentment providers; amending s.  
112 560.403, F.S.; revising provisions relating to the

113 |       licensing requirements for deferred presentment providers;  
114 |       amending s. 560.404, F.S.; revising provisions relating to  
115 |       deferred presentment transactions; amending s. 560.405,  
116 |       F.S.; revising provisions relating to the redemption or  
117 |       deposit of a deferred presentment transaction; amending s.  
118 |       560.406, F.S.; revising provisions relating to worthless  
119 |       checks; amending ss. 499.005, 499.0691, 501.95, 538.03,  
120 |       896.101, 896.104, and 921.0022, F.S.; conforming cross-  
121 |       references; repealing s. 560.101, F.S., relating to a  
122 |       short title; repealing s. 560.102, F.S., relating to  
123 |       purpose and application; repealing s. 560.106, F.S.,  
124 |       relating to chapter constructions; repealing s. 560.1073,  
125 |       F.S., relating to false or misleading statements or  
126 |       documents; repealing s. 560.108, F.S., relating to  
127 |       administrative enforcement guidelines; repealing s.  
128 |       560.112, F.S., relating to disciplinary action procedures;  
129 |       repealing s. 560.117, F.S., relating to administrative  
130 |       fines; repealing s. 560.200, F.S., relating to a short  
131 |       title; repealing s. 560.202, F.S., relating to  
132 |       definitions; repealing s. 560.206, F.S., relating to the  
133 |       investigation of applicants; repealing s. 560.207, F.S.,  
134 |       relating to registration; repealing s. 560.301, F.S.,  
135 |       relating to a short title; repealing s. 560.302, F.S.,  
136 |       relating to definitions; repealing s. 560.305, F.S.,  
137 |       relating to application for registration; repealing s.  
138 |       560.306, F.S., relating to standards; repealing s.  
139 |       560.307, F.S., relating to fees; repealing s. 560.308,  
140 |       F.S., relating to registration; repealing s. 560.401,

141 F.S., relating to a short title; repealing s. 560.407,  
 142 F.S., relating to required records; providing an effective  
 143 date.

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

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

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

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

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

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

167 (4) "Branch office" means the physical location, other  
 168 than the principal place of business, of a money services

169 business operated by a licensee under this chapter.

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

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

176 ~~(4) "Code" means the "Money Transmitters' Code,"~~  
 177 ~~consisting of:~~

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

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

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

184 ~~(d) Part IV of this chapter, relating to deferred~~  
 185 ~~presentments.~~

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

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

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

196 (9)(6) "Currency" means the coin and paper money of the

197 United States or of any other country which is designated as  
 198 legal tender and which circulates and is customarily used and  
 199 accepted as a medium of exchange in the country of issuance.  
 200 Currency includes United States silver certificates, United  
 201 States notes, and Federal Reserve notes. Currency also includes  
 202 official foreign bank notes that are customarily used and  
 203 accepted as a medium of exchange in a foreign country.

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

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

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

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

223 (a) Financial statements, including notes related to the  
 224 financial statements and required supplementary information,



225 prepared in conformity with accounting principles generally  
 226 accepted in the United States. The notes must, at a minimum,  
 227 include detailed disclosures regarding receivables that are  
 228 greater than 90 days, if the total amount of such receivables  
 229 represent more than 2 percent of the licensee's total assets.

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

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

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

243 ~~(14)~~~~(9)~~ "Foreign currency exchanger" means a person who  
 244 exchanges, for compensation, currency of the United States or a  
 245 foreign government to currency of another government.

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

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

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

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

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

264           (19) "Money transmitter" means a corporation, limited  
 265 liability company, limited liability partnership, or foreign  
 266 entity qualified to do business in this state which receives  
 267 currency, monetary value, or payment instruments for the purpose  
 268 of transmitting the same by any means, including transmission by  
 269 wire, facsimile, electronic transfer, courier, the Internet, or  
 270 through bill payment services or other businesses that  
 271 facilitate such transfer within this country, or to or from this  
 272 country.

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

281 ~~capacity with a money transmitter registered in this state.~~

282 (20) "Net worth" means assets minus liabilities,  
 283 determined in accordance with United States generally accepted  
 284 accounting principles.

285 (21) "Office" means the Office of Financial Regulation of  
 286 the commission.

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

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

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

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

307 (26)~~(16)~~ "Payment instrument seller" means a corporation,  
 308 limited liability company, limited liability partnership, or

309 foreign entity qualified to do business in this state which  
 310 ~~person who~~ sells a payment instrument.

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

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

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

323 ~~(29)-(20)~~ "Sells Sell" means to sell, issue, provide, or  
 324 deliver.

325 ~~(30)~~ "Stored value" means funds or monetary value  
 326 represented in digital electronics format, whether or not  
 327 specially encrypted, and stored or capable of storage on  
 328 electronic media in such a way as to be retrievable and  
 329 transferred electronically.

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

331 ~~(a)~~ ~~Any practice or conduct found by the office to be~~  
 332 ~~contrary to generally accepted standards applicable to the~~  
 333 ~~specific money transmitter, or a violation of any prior order of~~  
 334 ~~an appropriate regulatory agency, which practice, conduct, or~~  
 335 ~~violation creates the likelihood of material loss, insolvency,~~  
 336 ~~or dissipation of assets of the money transmitter or otherwise~~

337 ~~materially prejudices the interests of its customers, or~~  
 338 ~~(b) Failure to adhere to the provisions of 31 C.F.R. ss.~~  
 339 ~~103.20, 103.22, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41,~~  
 340 ~~and 103.125 as they existed on March 31, 2004.~~

341  
 342 ~~In making a determination under this subsection, the office must~~  
 343 ~~consider the size and condition of the money transmitter, the~~  
 344 ~~magnitude of the loss, the gravity of the violation, and the~~  
 345 ~~prior conduct of the person or business involved.~~

346 Section 2. Section 560.104, Florida Statutes, is amended  
 347 to read:

348 560.104 Exemptions.--The following entities are exempt  
 349 from the provisions of this chapter ~~the code~~:

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

357 (2) The United States or any agency or department,  
 358 ~~instrumentality, or agency~~ thereof.

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

360 Section 3. Section 560.105, Florida Statutes, is amended  
 361 to read:

362 560.105 Supervisory powers; rulemaking.--

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

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

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

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

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

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

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

390 Section 4. Section 560.109, Florida Statutes, is amended  
 391 to read:

392 560.109 Examinations and investigations, ~~subpoenas,~~

393 ~~hearings, and witnesses.--~~

394       (1) The office may conduct examinations and ~~make~~  
395 ~~investigations or examinations as prescribed in s. 560.118,~~  
396 ~~within or outside this state, which it deems necessary in order~~  
397 ~~to determine whether a person has violated any provision of this~~  
398 ~~chapter and related rules the code, the rules adopted by the~~  
399 ~~commission pursuant to the code, or of any practice or conduct~~  
400 ~~that creates the likelihood of material loss, insolvency, or~~  
401 ~~dissipation of the assets of a money services business or~~  
402 ~~otherwise materially prejudices the interests of their customers~~  
403 ~~31 C.F.R. ss. 103.20, 103.22, 103.27, 103.28, 103.29, 103.33,~~  
404 ~~103.37, 103.41, and 103.125 as they existed on March 31, 2004.~~

405       (1) The office may examine each licensee as often as is  
406 warranted for the protection of customers and in the public  
407 interest, but at least once every 5 years. A new licensee shall  
408 be examined within 6 months after the issuance of the license.  
409 The office shall provide at least 15 days' notice to a money  
410 services business, its authorized vendor, or license applicant  
411 before conducting an examination or investigation. However, the  
412 office may conduct an examination or investigation of a money  
413 services business, authorized vendor, or affiliated party at any  
414 time and without advance notice if the office suspects that the  
415 money services business, authorized vendor, or affiliated party  
416 has violated or is about to violate any provisions of this  
417 chapter or any criminal laws of this state or of the United  
418 States.

419       (2) The office may conduct a joint or concurrent  
420 examination with any state or federal regulatory agency and may

421 furnish a copy of all examinations to an appropriate regulator  
422 if the regulator agrees to abide by the confidentiality  
423 provisions in chapter 119 and this chapter. The office may also  
424 accept an examination from any appropriate regulator or,  
425 pursuant to s. 560.1091, from an independent third party that  
426 has been approved by the office.

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

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

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

442 ~~(4)(2)(a)~~ In the course of or in connection with any  
443 examination or ~~an~~ investigation conducted by the office:

444 (a) An employee of the office holding the title and  
445 position of a ~~pursuant to the provisions of subsection (1) or an~~  
446 investigation or examination in connection with any application  
447 to the office for the organization or establishment of a money  
448 transmitter business, or in connection with an examination or



449 ~~investigation of a money transmitter or its authorized vendor,~~  
 450 ~~the office, or any of its officers holding no lesser title and~~  
 451 ~~position than~~ financial examiner or analyst, financial  
 452 investigator, ~~or~~ attorney at law, or higher may:

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

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

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

472 ~~(5)(3)(a)~~ If a person does not comply ~~In the event of~~  
 473 ~~noncompliance~~ with a subpoena issued or caused to be issued by  
 474 the office pursuant to this section, the office may petition a  
 475 court of competent jurisdiction ~~the circuit court of the county~~  
 476 ~~in which the person subpoenaed resides or has its principal~~

477 ~~place of business~~ for an order requiring the subpoenaed person  
478 to appear and testify and to produce such ~~books, records, and~~  
479 ~~documents~~ as are specified in the ~~such~~ subpoena duces tecum. The  
480 office is entitled to the summary procedure provided in s.  
481 51.011, and the court shall advance the cause on its calendar.

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

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

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

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

503 (7) ~~(5)~~ Reasonable and necessary costs incurred by the  
504 office or third parties authorized by the office in connection

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

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

525 (9) The office shall prepare and submit an annual report  
 526 to the President of the Senate and the Speaker of the House of  
 527 Representatives beginning January 1, 2009, through January 1,  
 528 2014, which includes:

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

532 (b) The total number of initial referrals received from

533 another state or federal agency, the total number of  
 534 examinations and investigations opened as a result of referrals,  
 535 and the disposition of each of those cases.

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

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

542 Section 5. Section 560.1091, Florida Statutes, is created  
 543 to read:

544 560.1091 Contracted examinations.--The office may contract  
 545 with third parties to conduct examinations under this chapter.

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

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

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

559 (b) The licensee make payment for the examination pursuant  
 560 to s. 560.1092 and in accordance with the rates and terms

561 established by the office and the person or firm performing the  
562 examination.

563 Section 6. Section 560.1092, Florida Statutes, is created  
564 to read:

565 560.1092 Examination expenses.--

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

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

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

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

595       Section 7. Section 560.110, Florida Statutes, is created  
596 to read:

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

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

608       (2) The original of any record of a licensee or authorized  
609 vendor includes a record stored or transmitted by electronic,  
610 computerized, mechanized, or other information storage or  
611 retrieval or transmission system or device that can generate,  
612 regenerate, or transmit the precise data or other information  
613 comprising the record. An original also includes the visible  
614 data or other information so generated, regenerated, or  
615 transmitted if it is legible or can be made legible by  
616 enlargement or other process.

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

621           (4) Any person who willfully fails to comply with this  
 622 section or ss. 560.211 and 560.310 commits a felony of the third  
 623 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 624 775.084.

625           Section 8. Section 560.111, Florida Statutes, is amended  
 626 to read:

627           560.111 Prohibited acts ~~and practices~~.--

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

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

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

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

645 person, or with intent to deceive the office, any appropriate  
 646 regulator ~~other state or federal regulatory agency~~, or any  
 647 authorized third party representative appointed by the office to  
 648 examine or investigate the affairs of the ~~such~~ money services  
 649 business transmitter or authorized vendor.~~†~~

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

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

665 (f) Place among the assets of a money services business  
 666 ~~such money transmitter~~ or authorized vendor any note,  
 667 obligation, or security that the money services business  
 668 ~~transmitter~~ or authorized vendor does not own or is known to be  
 669 ~~that to the person's knowledge is~~ fraudulent or otherwise  
 670 worthless, or ~~for any such person~~ to represent to the office  
 671 that any note, obligation, or security ~~carried as an asset of~~  
 672 ~~such money transmitter or authorized vendor~~ is the property of



673 the money services business transmitter or authorized vendor and  
 674 is genuine if it is known to be ~~such person that such~~  
 675 ~~representation is false or that such note, obligation, or~~  
 676 ~~security is~~ fraudulent or otherwise worthless.

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

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

688 (4) Any person who willfully violates any provision of s.  
 689 560.403, s. 560.404, s. 560.405, or s. 560.407 commits a felony  
 690 of the third degree, punishable as provided in s. 775.082, s.  
 691 775.083, or s. 775.084.

692 Section 9. Section 560.113, Florida Statutes, is amended  
 693 to read:

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

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

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

729 or administrator.

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

738 Section 10. Section 560.114, Florida Statutes, is amended  
 739 to read:

740 560.114 Disciplinary actions; penalties.--

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

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

753 (b) Fraud, misrepresentation, deceit, or gross negligence  
 754 in any transaction by a involving money services business  
 755 transmission, regardless of reliance thereon by, or damage to, a  
 756 money transmitter customer.

757 (c) Fraudulent misrepresentation, circumvention, or  
758 concealment of any matter that must ~~required to~~ be stated or  
759 furnished to a ~~money transmitter~~ customer pursuant to this  
760 chapter ~~the code~~, regardless of reliance thereon by, or damage  
761 to, such customer.

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

763 (e) Failure to maintain, preserve, ~~and~~ keep available for  
764 examination, and produce all books, accounts, files, or other  
765 documents required by this chapter or related rules or orders  
766 ~~the code, by any rule or order adopted pursuant to the code~~, by  
767 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29,  
768 103.33, 103.37, 103.41, and 103.125 ~~as they existed on March 31,~~  
769 ~~2004~~, or by any agreement entered into with the office.

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

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

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

781 (i) Insolvency ~~or operating in an unsafe and unsound~~  
782 ~~manner~~.

783 (j) Failure by a money services business ~~transmitter~~ to  
784 remove an affiliated ~~a money transmitter~~ affiliated party after

785 the office has issued and served upon the money services  
 786 business transmitter a final order setting forth a finding that  
 787 the affiliated money transmitter-affiliated party has violated a  
 788 any provision of this chapter ~~the code~~.

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

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

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

805 (n) ~~(m)~~ Committing any act resulting in a license  
 806 ~~registration~~ or its equivalent, ~~or an application for~~  
 807 ~~registration,~~ to practice any profession or occupation being  
 808 denied, suspended, revoked, or otherwise acted against by a  
 809 licensing ~~registering~~ authority in any jurisdiction for a  
 810 violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s.  
 811 1960, 31 U.S.C. s. 5324, or any other law or, ~~rule,~~ ~~or~~  
 812 ~~regulation~~ of another state or of the United States relating to

813 a money services business, deferred presentment provider, the  
814 ~~business of money transmission~~ or usury that which may cause the  
815 denial, suspension, or revocation of a money services business  
816 or deferred presentment provider transmitter license or its  
817 equivalent ~~or registration~~ in such jurisdiction.

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

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

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

836 (r) ~~(q)~~ Failure to inform the office in writing within 30  
837 ~~15~~ days after having pled ~~pleading~~ guilty or nolo contendere to,  
838 or being convicted ~~or found guilty of,~~ any felony or crime  
839 punishable by imprisonment of 1 year or more under the law of  
840 any state or ~~of~~ the United States, or ~~of~~ any crime involving

841 fraud, moral turpitude, or dishonest dealing, ~~without regard to~~  
 842 ~~whether a judgment of conviction has been entered by the court.~~

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

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

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

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

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

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

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

859 ~~(w)-(x)~~ Engaging or advertising engagement in the business  
 860 of a money services business or deferred presentment provider  
 861 transmitter without a license registration, unless the person is  
 862 exempted from licensure the registration requirements of the  
 863 code.

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

868 (y) Violations of 31 C.F.R. ss. 103.20, 103.22, 103.23,

869 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and 103.125, and  
870 United States Treasury Interpretative Release 2004-1.

871 (z) Any practice or conduct that creates the likelihood of  
872 a material loss, insolvency, or dissipation of assets of a money  
873 services business or otherwise materially prejudices the  
874 interests of its customers.

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

884 (3) The office may deny licensure if the applicant or an  
885 affiliated party is the subject of a pending criminal  
886 prosecution or governmental enforcement action in any  
887 jurisdiction until the conclusion of the prosecution or action.

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

896 (5)(3) A Each money services business licensed under part



897 II of this chapter ~~transmitter~~ is responsible for any act of its  
 898 authorized vendors if the money services business ~~transmitter~~  
 899 should have known of the act or had ~~if the money transmitter has~~  
 900 actual knowledge that such act is a violation of this chapter,  
 901 ~~the code~~ and the money services business ~~transmitter~~ willfully  
 902 allowed the ~~such~~ act to continue. Such responsibility is limited  
 903 to conduct engaged in by the authorized vendor pursuant to the  
 904 authority granted to it by the money services business  
 905 ~~transmitter~~.

906 (6)(4) If a license registration granted under this  
 907 chapter code expires or is surrendered by the licensee  
 908 ~~registrant~~ during the pendency of an administrative action ~~under~~  
 909 ~~this code~~, the proceeding may continue as if the license is  
 910 ~~registration~~ were still in effect.

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

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

920 Section 11. Section 560.1141, Florida Statutes, is created  
 921 to read:

922 560.1141 Disciplinary guidelines.--

923 (1) The commission shall adopt by rule disciplinary  
 924 guidelines applicable to each ground for disciplinary action

925 that may be imposed by the office.

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

934 (3) The commission shall adopt by rule mitigating and  
 935 aggravating circumstances that allow the office to impose a  
 936 penalty other than that provided for in the guidelines, and for  
 937 variations and a range of penalties permitted under such  
 938 circumstances.

939 Section 12. Section 560.115, Florida Statutes, is amended  
 940 to read:

941 560.115 Surrender of license registration.--~~A licensee Any~~  
 942 ~~money transmitter registered pursuant to the code~~ may  
 943 voluntarily surrender its license registration at any time by  
 944 giving written notice to the office.

945 Section 13. Section 560.116, Florida Statutes, is amended  
 946 to read:

947 560.116 Civil immunity.--Any person having reason to  
 948 believe that a provision of this chapter ~~the code~~ is being  
 949 violated, ~~or~~ has been violated, or is about to be violated, may  
 950 file a complaint with the office setting forth the details of  
 951 the alleged violation. Such person is immune ~~An Immunity~~ from  
 952 civil liability ~~is hereby granted to any person who furnishes~~

953 ~~such information,~~ unless the information provided is false and  
954 has been provided ~~the person providing the information does so~~  
955 with reckless disregard for the truth.

956 Section 14. Section 560.118, Florida Statutes, is amended  
957 to read:

958 560.118 ~~Examinations, Reports, and internal audits,~~  
959 ~~penalty.~~ --

960 (1) (a) ~~The office may conduct an examination of a money~~  
961 ~~transmitter or authorized vendor by providing not less than 15~~  
962 ~~days' advance notice to the money transmitter or authorized~~  
963 ~~vendor. However, if the office suspects that the money~~  
964 ~~transmitter or authorized vendor has violated any provisions of~~  
965 ~~this code or any criminal laws of this state or of the United~~  
966 ~~States or is engaging in an unsafe and unsound practice, the~~  
967 ~~office may, at any time without advance notice, conduct an~~  
968 ~~examination of all affairs, activities, transactions, accounts,~~  
969 ~~business records, and assets of any money transmitter or any~~  
970 ~~money transmitter affiliated party for the protection of the~~  
971 ~~public. For the purpose of examinations, the office may~~  
972 ~~administer oaths and examine a money transmitter or any of its~~  
973 ~~affiliated parties concerning their operations and business~~  
974 ~~activities and affairs. The office may accept an audit or~~  
975 ~~examination from any appropriate regulatory agency or from an~~  
976 ~~independent third party with respect to the operations of a~~  
977 ~~money transmitter or an authorized vendor. The office may also~~  
978 ~~make a joint or concurrent examination with any state or federal~~  
979 ~~regulatory agency. The office may furnish a copy of all~~  
980 ~~examinations made of such money transmitter or authorized vendor~~

981 ~~to the money transmitter and any appropriate regulatory agency~~  
982 ~~provided that such agency agrees to abide by the confidentiality~~  
983 ~~provisions as set forth in chapter 119.~~

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

993 ~~(c) The audit of a money transmitter required under this~~  
994 ~~section may be performed by an independent third party that has~~  
995 ~~been approved by the office or by a certified public accountant~~  
996 ~~authorized to do business in the United States. The examination~~  
997 ~~of a money transmitter or authorized vendor required under this~~  
998 ~~section may be performed by an independent third party that has~~  
999 ~~been approved by the office or by a certified public accountant~~  
1000 ~~authorized to do business in the United States. The cost of such~~  
1001 ~~an independent examination or audit shall be directly borne by~~  
1002 ~~the money transmitter or authorized vendor.~~

1003 ~~(2)(a) Annual financial audit reports must that are~~  
1004 ~~required to be filed with the office pursuant to this chapter or~~  
1005 ~~related rules under the code or any rules adopted thereunder~~  
1006 ~~must be audited by an independent third party that has been~~  
1007 ~~approved by the office or by a certified public accountant~~  
1008 ~~authorized to do business in the United States. The licensee~~

1009 ~~money transmitter or authorized vendor shall directly bear the~~  
 1010 ~~cost of the audit. This paragraph does not apply to any seller~~  
 1011 ~~of payment instruments who can prove to the satisfaction of the~~  
 1012 ~~office that it has a combined total of fewer than 50 employees~~  
 1013 ~~and authorized vendors or that its annual payment instruments~~  
 1014 ~~issued from its activities as a payment instrument seller are~~  
 1015 ~~less than \$200,000.~~

1016 (2)(b) Each licensee must submit ~~The commission may, by~~  
 1017 ~~rule, require each money transmitter or authorized vendor to~~  
 1018 ~~submit quarterly reports to the office~~ in a format and include  
 1019 information as specified by rule. ~~The rule~~ ~~commission~~ may  
 1020 require the ~~that~~ ~~each~~ report to contain a declaration by an  
 1021 officer, or any other responsible person authorized to make such  
 1022 declaration, that the report is true and correct to the best of  
 1023 her or his knowledge and belief. ~~Such report must include such~~  
 1024 ~~information as the commission by rule requires for that type of~~  
 1025 ~~money transmitter.~~

1026 ~~(c) The office may levy an administrative fine of up to~~  
 1027 ~~\$100 per day for each day the report is past due, unless it is~~  
 1028 ~~excused for good cause. In excusing any such administrative~~  
 1029 ~~fine, the office may consider the prior payment history of the~~  
 1030 ~~money transmitter or authorized vendor.~~

1031 ~~(3) Any person who willfully violates this section or~~  
 1032 ~~fails to comply with any lawful written demand or order of the~~  
 1033 ~~office made under this section commits a felony of the third~~  
 1034 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~  
 1035 ~~775.084.~~

1036 Section 15. Section 560.119, Florida Statutes, is

1037 transferred, renumbered as section 560.144, Florida Statutes,  
 1038 and amended to read:

1039 560.144 ~~560.119~~ Deposit of fees and assessments.--License  
 1040 The application fees, license ~~registration~~ renewal fees, late  
 1041 payment penalties, civil penalties, administrative fines, and  
 1042 other fees, costs, or penalties provided for in this chapter ~~the~~  
 1043 ~~code shall, in all cases,~~ be paid directly to the office, which  
 1044 shall deposit such proceeds into the Regulatory Trust Fund, and  
 1045 use the proceeds to pay the costs of the office as necessary to  
 1046 carry out its responsibilities under this chapter. ~~Each year,~~  
 1047 ~~the Legislature shall appropriate from the trust fund to the~~  
 1048 ~~office sufficient moneys to pay the office's costs for~~  
 1049 ~~administration of the code. The Regulatory Trust Fund is subject~~  
 1050 ~~to the service charge imposed pursuant to chapter 215.~~

1051 Section 16. Section 560.121, Florida Statutes, is amended  
 1052 to read:

1053 560.121 Access to records; record retention; penalties  
 1054 ~~limited restrictions upon public access.--~~

1055 (1)~~(a)~~ Orders of courts or of administrative law judges  
 1056 for the production of confidential records or information must  
 1057 ~~shall~~ provide for inspection in camera by the court or the  
 1058 administrative law judge; and, if after the court or  
 1059 administrative law judge determines ~~has made a determination~~  
 1060 that the documents requested are relevant or would likely lead  
 1061 to the discovery of admissible evidence, ~~said documents shall be~~  
 1062 ~~subject to further orders by~~ the court or the administrative law  
 1063 judge must issue further orders to protect the confidentiality  
 1064 of the documents thereof. Any order directing the release of

1065 information is ~~shall be~~ immediately reviewable, and a petition  
 1066 by the office for review of the ~~such~~ order shall automatically  
 1067 stay further proceedings in the trial court or the  
 1068 administrative hearing until the disposition of the ~~such~~  
 1069 petition by the reviewing court. ~~If any other party files such A~~  
 1070 petition for review of the order filed by any other party shall,  
 1071 ~~it will~~ operate as a stay of the ~~such~~ proceedings only upon  
 1072 order of the reviewing court.

1073 (2) ~~(b)~~ Confidential records and information furnished  
 1074 pursuant to a legislative subpoena must ~~shall~~ be kept  
 1075 confidential ~~by the legislative body or committee which receives~~  
 1076 ~~the records or information,~~ except in cases ~~a case~~ involving the  
 1077 investigation of charges against a public official subject to  
 1078 impeachment or removal, and then disclosure of such information  
 1079 shall be only to the extent determined to be necessary by the  
 1080 legislative body or committee ~~to be necessary~~.

1081 (3) ~~(2)~~ ~~The commission may prescribe by rule the minimum~~  
 1082 ~~information that must be shown in the books, accounts, records,~~  
 1083 ~~and documents of licensees for purposes of enabling the office~~  
 1084 ~~to determine the licensee's compliance with this chapter. In~~  
 1085 ~~addition, the commission may prescribe by rule requirements for~~  
 1086 ~~the destruction of books, accounts, records, and documents~~  
 1087 ~~retained by the licensee after completion of the time period~~  
 1088 ~~specified in this subsection.~~ Examination reports, investigatory  
 1089 records, applications, and related information compiled by the  
 1090 office, or photographic copies thereof, must ~~shall~~ be retained  
 1091 by the office for a ~~period of~~ at least 5 ~~3~~ years after ~~following~~  
 1092 the date ~~that~~ the examination or investigation ceases to be

1093 active. Application records, and related information compiled by  
 1094 the office, or photographic copies thereof, must ~~shall~~ be  
 1095 retained by the office for a period of at least 5 ~~2~~ years after  
 1096 ~~following~~ the date ~~that~~ the license ~~registration~~ ceases to be  
 1097 active.

1098 ~~(3) A copy of any document on file with the office which~~  
 1099 ~~is certified by the office as being a true copy may be~~  
 1100 ~~introduced in evidence as if it were the original. The~~  
 1101 ~~commission shall establish a schedule of fees for preparing true~~  
 1102 ~~copies of documents.~~

1103 (4) Any person who willfully discloses information made  
 1104 confidential by this section commits a felony of the third  
 1105 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1106 775.084.

1107 Section 17. Section 560.123, Florida Statutes, is amended  
 1108 to read:

1109 560.123 Florida Control of Money Laundering in ~~the~~ Money  
 1110 Services Business Act Transmitters' Code; ~~reports of~~  
 1111 ~~transactions involving currency or monetary instruments; when~~  
 1112 ~~required; purpose; definitions; penalties; corpus delicti.--~~

1113 (1) This section may be cited as the "Florida Control of  
 1114 Money Laundering in Money Services Business Transmitters Act."

1115 (2) ~~It is~~ The purpose of this section is to require the  
 1116 ~~submission to the office of reports and the~~ maintenance of  
 1117 certain records of transactions involving currency or payment  
 1118 ~~monetary instruments in order to which reports and records~~ deter  
 1119 the use of a money services business money transmitters to  
 1120 conceal proceeds from criminal activity and to ensure the



1121 availability of such records for ~~are useful in~~ criminal, tax, or  
 1122 regulatory investigations or proceedings.

1123 ~~(3)(a)~~ A Every money services business must transmitter  
 1124 ~~shall~~ keep a record of every each financial transaction  
 1125 ~~occurring in this state~~ known to it which occurs in this state;  
 1126 involves to involve currency or other payment monetary  
 1127 instrument, as prescribed ~~the commission prescribes~~ by rule,  
 1128 having of a value greater than in excess of \$10,000; and  
 1129 involves, to involve the proceeds of ~~specified~~ unlawful  
 1130 activity, or is to be designed to evade the reporting  
 1131 requirements of this section or chapter 896. The money services  
 1132 business must and shall maintain appropriate procedures to  
 1133 ensure compliance with this section and chapter 896.

1134 ~~(a)(b)~~ Multiple financial transactions shall be treated as  
 1135 a single transaction if the money services business transmitter  
 1136 has knowledge that they are made by or on behalf of any one  
 1137 person and result in ~~either~~ cash in or cash out totaling more  
 1138 than \$10,000 during any day.

1139 ~~(b)(e)~~ A Any money services business transmitter may keep  
 1140 a record of any financial transaction occurring in this state,  
 1141 regardless of the value, if it suspects that the transaction  
 1142 involves the proceeds of ~~specified~~ unlawful activity.

1143 (c) The money services business must file a report with  
 1144 the office of any records required by this subsection, at such  
 1145 time and containing such information as required by rule. The  
 1146 timely filing of the report required by 31 U.S.C. s. 5313 with  
 1147 the appropriate federal agency shall be deemed compliance with  
 1148 the reporting requirements of this subsection unless the reports

1149 are not regularly and comprehensively transmitted by the federal  
 1150 agency to the office.

1151 (d) A money services business ~~transmitter~~, or officer,  
 1152 employee, or agent thereof, that files a report in good faith  
 1153 pursuant to this section is not liable to any person for loss or  
 1154 damage caused in whole or in part by the making, filing, or  
 1155 governmental use of the report, or any information contained  
 1156 therein.

1157 ~~(4)(3)~~ A money services business ~~transmitters~~ must comply  
 1158 with ~~adhere to~~ the money laundering, enforcement, and reporting  
 1159 provisions of s. 655.50~~7~~ relating to reports of transactions  
 1160 involving currency transactions and payment ~~monetary~~  
 1161 instruments, and of chapter 896~~7~~ concerning offenses relating to  
 1162 financial transactions.

1163 ~~(5)(4)~~ In enforcing this section, the ~~commission and~~  
 1164 office shall acknowledge and take into consideration the  
 1165 requirements of Title 31, United States Code, in order ~~both~~ to  
 1166 reduce the burden of ~~fulfilling~~ duplicate requirements and to  
 1167 acknowledge the economic advantage of having similar reporting  
 1168 and recordkeeping requirements between state and federal  
 1169 regulatory authorities.

1170 ~~(5)(a)~~ Each money ~~transmitter~~ must ~~file a report with the~~  
 1171 ~~office of the record required by this section.~~ Each record filed  
 1172 ~~pursuant to this section must be filed at such time and contain~~  
 1173 ~~such information as the commission requires by rule.~~

1174 ~~(b)~~ The ~~timely filing of the report required by 31 U.S.C.~~  
 1175 ~~s. 5313, with the appropriate federal agency is deemed~~  
 1176 ~~compliance with the reporting requirements of this subsection~~

1177 ~~unless the reports are not regularly and comprehensively~~  
 1178 ~~transmitted by the federal agency to the office.~~

1179 (6) The office must retain a copy of all reports received  
 1180 under subsection (3) ~~(5)~~ for a minimum of 5 ~~3~~ ~~calendar~~ years  
 1181 after receipt of the report. However, if a report or information  
 1182 contained in a report is known by the office to be the subject  
 1183 of an existing criminal proceeding, the report must be retained  
 1184 for a minimum of 10 ~~calendar~~ years after ~~from~~ the date of  
 1185 receipt.

1186 (7) In addition to any other powers conferred upon the  
 1187 office to enforce and administer this chapter ~~the code~~, the  
 1188 office may:

1189 (a) Bring an action in any court of competent jurisdiction  
 1190 to enforce or administer this section. In such action, the  
 1191 office may seek award of any civil penalty authorized by law and  
 1192 any other appropriate relief at law or equity.

1193 (b) Issue and serve upon a person an order requiring the  
 1194 ~~such~~ person to cease and desist and take corrective action if  
 1195 ~~whenever~~ the office finds that the ~~such~~ person is violating, has  
 1196 violated, or is about to violate any provision of this section  
 1197 or chapter 896; any rule or order adopted under this section or  
 1198 chapter 896; or any written agreement related to this section or  
 1199 chapter 896 which is entered into with the office.

1200 (c) Issue and serve upon a person an order suspending or  
 1201 revoking the ~~such~~ person's money services business license if  
 1202 ~~transmitter registration whenever~~ the office finds that the ~~such~~  
 1203 person is violating, has violated, or is about to violate any  
 1204 provision of this section or chapter 896; any rule or order

1205 adopted under this section or chapter 896; or any written  
 1206 agreement related to this section or chapter 896 which is  
 1207 entered into with the office.

1208 (d) Issue and serve upon any person an order of removal  
 1209 whenever the office finds that the ~~such~~ person is violating, has  
 1210 violated, or is about to violate any provision of this section  
 1211 or chapter 896; any rule or order adopted under this section or  
 1212 chapter 896; or any written agreement related to this section or  
 1213 chapter 896 which is entered into with the office.

1214 (e) Impose and collect an administrative fine against any  
 1215 person found to have violated any provision of this section or  
 1216 chapter 896; any rule or order adopted under this section or  
 1217 chapter 896; or any written agreement related to this section or  
 1218 chapter 896 which is entered into with the office, of up to ~~in~~  
 1219 ~~an amount not exceeding~~ \$10,000 per a day for each willful  
 1220 violation or \$500 per a day for each negligent violation.

1221 (8) (a) Except as provided in paragraph (b), a person who  
 1222 willfully violates any provision of this section commits a  
 1223 misdemeanor of the first degree, punishable as provided in s.  
 1224 775.082 or s. 775.083.

1225 (b) A person who willfully violates any provision of this  
 1226 section, if the violation involves:

1227 1. Currency or payment instruments exceeding \$300 but less  
 1228 than \$20,000 in any 12-month period, commits a felony of the  
 1229 third degree, punishable as provided in s. 775.082, s. 775.083,  
 1230 or s. 775.084.

1231 2. Currency or payment instruments totaling or exceeding  
 1232 \$20,000 but less than \$100,000 in any 12-month period, commits a

1233 felony of the second degree, punishable as provided in s.  
 1234 775.082, s. 775.083, or s. 775.084.

1235 3. Currency or payment instruments totaling or exceeding  
 1236 \$100,000 in any 12-month period, commits a felony of the first  
 1237 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1238 775.084.

1239 (c) In addition to the penalties ~~otherwise~~ authorized by  
 1240 s. 775.082, s. 775.083, or s. 775.084, a person who has been  
 1241 convicted of, or entered a plea of ~~who has pleaded~~ guilty or  
 1242 nolo contendere, regardless of adjudication, to having violated  
 1243 paragraph (b) may be sentenced to pay a fine of up to ~~not~~  
 1244 ~~exceeding~~ \$250,000 or twice the value of the currency or payment  
 1245 instruments, whichever is greater, except that on a second or  
 1246 subsequent conviction for or plea of guilty or nolo contendere,  
 1247 regardless of adjudication, to a violation of paragraph (b), the  
 1248 fine may be up to \$500,000 or quintuple the value of the  
 1249 currency or payment instruments, whichever is greater.

1250 (d) A person who violates this section is also liable for  
 1251 a civil penalty of not more than the greater of the value of the  
 1252 currency or payment instruments involved or \$25,000.

1253 (9) In any prosecution brought pursuant to this section,  
 1254 the common law corpus delicti rule does not apply. The  
 1255 defendant's confession or admission is admissible during trial  
 1256 without the state having to prove the corpus delicti if the  
 1257 court finds in a hearing conducted outside the presence of the  
 1258 jury that the defendant's confession or admission is  
 1259 trustworthy. Before the court admits the defendant's confession  
 1260 or admission, the state must prove by a preponderance of the

1261 evidence that there is sufficient corroborating evidence that  
 1262 tends to establish the trustworthiness of the statement by the  
 1263 defendant. Hearsay evidence is admissible during the  
 1264 presentation of evidence at the hearing. In making its  
 1265 determination, the court may consider all relevant corroborating  
 1266 evidence, including the defendant's statements.

1267 Section 18. Section 560.1235, Florida Statutes, is created  
 1268 to read:

1269 560.1235 Anti-money laundering requirements.--

1270 (1) A licensee and authorized vendor must comply with all  
 1271 state and federal laws and rules relating to the detection and  
 1272 prevention of money laundering, including, as applicable, s.  
 1273 560.123, and 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27.  
 1274 103.28, 103.29, 103.33, 103.37, and 103.41.

1275 (2) A licensee and authorized vendor must maintain an  
 1276 anti-money laundering program in accordance with 31 C.F.R. s.  
 1277 103.125. The program must be reviewed and updated as necessary  
 1278 to ensure that the program continues to be effective in  
 1279 detecting and deterring money laundering activities.

1280 (3) A licensee must comply with United States Treasury  
 1281 Interpretive Release 2004-1.

1282 Section 19. Section 560.124, Florida Statutes, is amended  
 1283 to read:

1284 560.124 Sharing of information.--

1285 ~~(1) It is not unlawful for~~ Any person may ~~to~~ provide  
 1286 ~~information~~ to a money services business transmitter, authorized  
 1287 vendor, law enforcement agency, prosecutorial agency, or  
 1288 appropriate regulator, or ~~for~~ any money services business

1289 ~~transmitter~~, authorized vendor, law enforcement agency,  
 1290 prosecutorial agency, or appropriate regulator may ~~to~~ provide  
 1291 ~~information~~ to any person, information about any ~~other~~ person's  
 1292 known or suspected involvement in a violation of any state,  
 1293 federal, or foreign law, rule, or regulation relating to the  
 1294 business of a money services business or deferred present  
 1295 provider transmitter which has been reported to state, federal,  
 1296 or foreign authorities, and is not.

1297 ~~(2) No person shall be liable in any civil action for~~  
 1298 ~~providing such information.~~

1299 Section 20. Section 560.125, Florida Statutes, is amended  
 1300 to read:

1301 560.125 Unlicensed activity ~~Money transmitter business by~~  
 1302 ~~unauthorized persons; penalties.--~~

1303 (1) A person ~~other than a registered money transmitter or~~  
 1304 ~~authorized vendor~~ may not engage in the business of a money  
 1305 services business or deferred presentment provider transmitter  
 1306 in this state unless the person is licensed or exempted from  
 1307 licensure under this chapter ~~from the registration requirements~~  
 1308 ~~of the code.~~

1309 (2) Only a money services business licensed under part II  
 1310 of this chapter may appoint an authorized vendor. ~~No person~~  
 1311 ~~shall act as a vendor of a money transmitter when such money~~  
 1312 ~~transmitter is subject to registration under the code but has~~  
 1313 ~~not registered.~~ Any such person acting as a vendor for an  
 1314 unlicensed money transmitter or payment instrument issuer  
 1315 becomes the principal thereof, and no longer merely acts as a  
 1316 vendor, and ~~such person~~ is liable to the holder or remitter as a

1317 principal money transmitter or payment instrument seller.

1318 (3) Any person whose substantial interests are affected by  
 1319 a proceeding brought by the office pursuant to this chapter ~~the~~  
 1320 ~~code~~ may, pursuant to s. 560.113, petition any court of  
 1321 competent jurisdiction to enjoin the person or activity that is  
 1322 the subject of the proceeding from violating any of the  
 1323 provisions of this section. For the purpose of this subsection,  
 1324 any money services business licensed under this chapter  
 1325 ~~transmitter registered pursuant to the code~~, any person residing  
 1326 in this state, and any person whose principal place of business  
 1327 is in this state are presumed to be substantially affected. In  
 1328 addition, the interests of a trade organization or association  
 1329 are deemed substantially affected if the interests of any of its  
 1330 members are ~~so~~ affected.

1331 (4) The office may issue and serve upon any person who  
 1332 violates any of the provisions of this section a complaint  
 1333 seeking a cease and desist order or impose an administrative  
 1334 fine as provided in s. 560.114 ~~in accordance with the procedures~~  
 1335 ~~and in the manner prescribed by s. 560.112. The office may also~~  
 1336 ~~impose an administrative fine pursuant to s. 560.117(3) against~~  
 1337 ~~any person who violates any of the provisions of this section.~~

1338 (5) A person who violates this section, if the violation  
 1339 involves:

1340 (a) Currency or payment instruments exceeding \$300 but  
 1341 less than \$20,000 in any 12-month period, commits a felony of  
 1342 the third degree, punishable as provided in s. 775.082, s.  
 1343 775.083, or s. 775.084.

1344 (b) Currency or payment instruments totaling or exceeding



1345 \$20,000 but less than \$100,000 in any 12-month period, commits a  
 1346 felony of the second degree, punishable as provided in s.  
 1347 775.082, s. 775.083, or s. 775.084.

1348 (c) Currency or payment instruments totaling or exceeding  
 1349 \$100,000 in any 12-month period, commits a felony of the first  
 1350 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1351 775.084.

1352 (6) In addition to the penalties authorized by s. 775.082,  
 1353 s. 775.083, or s. 775.084, a person who has been convicted of,  
 1354 or entered a plea of found guilty of or who has pleaded guilty  
 1355 or nolo contendere, to having violated this section may be  
 1356 sentenced to pay a fine of up to ~~not exceeding~~ \$250,000 or twice  
 1357 the value of the currency or payment instruments, whichever is  
 1358 greater, except that on a second or subsequent violation of this  
 1359 section, the fine may be up to \$500,000 or quintuple the value  
 1360 of the currency or payment instruments, whichever is greater.

1361 (7) A person who violates this section is also liable for  
 1362 a civil penalty of not more than the value of the currency or  
 1363 payment instruments involved or \$25,000, whichever is greater.

1364 (8) In any prosecution brought pursuant to this section,  
 1365 the common law corpus delicti rule does not apply. The  
 1366 defendant's confession or admission is admissible during trial  
 1367 without the state having to prove the corpus delicti if the  
 1368 court finds in a hearing conducted outside the presence of the  
 1369 jury that the defendant's confession or admission is  
 1370 trustworthy. Before the court admits the defendant's confession  
 1371 or admission, the state must prove by a preponderance of the  
 1372 evidence that there is sufficient corroborating evidence that

1373 tends to establish the trustworthiness of the statement by the  
 1374 defendant. Hearsay evidence is admissible during the  
 1375 presentation of evidence at the hearing. In making its  
 1376 determination, the court may consider all relevant corroborating  
 1377 evidence, including the defendant's statements.

1378 Section 21. Section 560.126, Florida Statutes, is amended  
 1379 to read:

1380 560.126 ~~Significant events; notice~~ Required notice by  
 1381 licensee.--

1382 (1) A licensee ~~Unless exempted by the office, every money~~  
 1383 ~~transmitter~~ must provide the office with a written notice sent  
 1384 by registered mail within 30 days after the occurrence or  
 1385 knowledge of, whichever period of time is greater, any of the  
 1386 following events:

1387 (a) The filing of a petition under the United States  
 1388 Bankruptcy Code for bankruptcy or reorganization by the licensee  
 1389 ~~money transmitter~~.

1390 (b) The commencement of an administrative or judicial  
 1391 license any registration suspension or revocation proceeding,  
 1392 ~~either administrative or judicial,~~ or the denial of a license  
 1393 ~~any original registration~~ request or a ~~registration~~ renewal, by  
 1394 any state, the District of Columbia, any United States  
 1395 territory, or any foreign country, in which the licensee ~~money~~  
 1396 ~~transmitter~~ operates, ~~or~~ plans to operate, or is licensed ~~or has~~  
 1397 registered to operate.

1398 (c) A felony indictment relating to a the money services  
 1399 ~~transmission~~ business or deferred presentment provider involving  
 1400 the licensee, its authorized vendor, or an affiliated ~~money~~

1401 ~~transmitter or a money transmitter affiliated party of the money~~  
 1402 ~~transmitter.~~

1403 (d) The felony conviction, guilty plea, or plea of nolo  
 1404 contendere, regardless of adjudication, of the licensee, its  
 1405 authorized vendor, or an affiliated ~~if the court adjudicates the~~  
 1406 ~~nolo contendere pleader guilty, or the adjudication of guilt of~~  
 1407 ~~a money transmitter or money transmitter affiliated party.~~

1408 (e) The interruption of any corporate surety bond required  
 1409 under this chapter ~~by the code.~~

1410 (f) Any suspected criminal act, ~~as defined by the~~  
 1411 ~~commission by rule,~~ perpetrated in this state relating to  
 1412 activities regulated under this chapter by an affiliated party  
 1413 against a money services business ~~transmitter~~ or authorized  
 1414 vendor.

1415 (g) Notification by a law enforcement or prosecutorial  
 1416 agency that the licensee or its authorized vendor is under  
 1417 criminal investigation including, but not limited to, subpoenas  
 1418 to produce records or testimony and warrants issued by a court  
 1419 of competent jurisdiction which authorize the search and seizure  
 1420 of any records relating to a business activity regulated under  
 1421 this chapter.

1422  
 1423 ~~However, a person does not incur liability as a result of making~~  
 1424 ~~a good faith effort to fulfill this disclosure requirement.~~

1425 (2)(a) A licensee must ~~Each registrant under this code~~  
 1426 ~~shall~~ report, on a form adopted ~~prescribed~~ by rule ~~of the~~  
 1427 ~~commission,~~ any change in the information contained in an ~~any~~  
 1428 initial license application form, ~~or~~ any amendment to such

1429 application, or the appointment of an authorized vendor within  
 1430 ~~thereto not later than~~ 30 days after the change is effective.

1431 ~~(3)(b)~~ Each licensee must ~~registrant under the code shall~~  
 1432 report any change ~~changes~~ in the partners, officers, members,  
 1433 joint venturers, directors, controlling shareholders, or  
 1434 responsible persons of the licensee ~~any registrant~~ or changes in  
 1435 the form of business organization by written amendment in such  
 1436 form and at such time as specified ~~the commission specifies~~ by  
 1437 rule.

1438 ~~(a)1.~~ 1. ~~If In~~ any case in which a person or a group of  
 1439 ~~persons~~, directly or indirectly or acting by or through one or  
 1440 more persons, proposes to purchase or acquire a controlling  
 1441 interest in a licensee, such person or group must submit an  
 1442 ~~initial~~ application for licensure ~~registration~~ as a money  
 1443 services business or deferred presentment provider transmitter  
 1444 before such purchase or acquisition at such time and in such  
 1445 form as prescribed ~~the commission prescribes~~ by rule.

1446 ~~2.~~ As used in this subsection, the term "controlling  
 1447 interest" means the same as described in s. 560.127 ~~possession~~  
 1448 ~~of the power to direct or cause the direction of the management~~  
 1449 ~~or policies of a company whether through ownership of~~  
 1450 ~~securities, by contract, or otherwise. Any person who directly~~  
 1451 ~~or indirectly has the right to vote 25 percent or more of the~~  
 1452 ~~voting securities of a company or is entitled to 25 percent or~~  
 1453 ~~more of its profits is presumed to possess a controlling~~  
 1454 ~~interest.~~

1455 ~~(b)3.~~ 3. ~~The~~ Any addition of a partner, officer, member,  
 1456 joint venturer, director, controlling shareholder, or

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1457 responsible person of the applicant who does not have a  
1458 controlling interest and who has not previously complied with  
1459 the applicable provisions of ss. 560.140 and 560.141 is ~~ss.~~  
1460 ~~560.205 and 560.306 shall be subject to such provisions unless~~  
1461 ~~required to file an initial application in accordance with~~  
1462 ~~subparagraph 1.~~ If the office determines that the licensee  
1463 registrant does not continue to meet the licensure registration  
1464 requirements, the office may bring an administrative action in  
1465 accordance with s. 560.114 to enforce the provisions of this  
1466 chapter code.

1467 (c)4. The commission shall adopt rules ~~pursuant to ss.~~  
1468 ~~120.536(1) and 120.54~~ providing for the waiver of the license  
1469 application required by this subsection if the person or group  
1470 of persons proposing to purchase or acquire a controlling  
1471 interest in a licensee registrant has previously complied with  
1472 the applicable provisions of ss. 560.140 and 560.141 under ~~ss.~~  
1473 ~~560.205 and 560.306 with the same legal entity or is currently~~  
1474 licensed registered with the office under this chapter code. For  
1475 purposes of this subsection, upon approval of an application  
1476 filed after April 1, 2008, as a result of a change in  
1477 controlling interest of a money service business, the active  
1478 appointment of all authorized vendors and active licenses of all  
1479 branch offices affiliated with the affected money service  
1480 business shall be transferred to the new license without  
1481 necessitating the filing of new applications and fees on behalf  
1482 of such authorized vendors and branch offices.

1483 Section 22. Section 560.127, Florida Statutes, is amended  
1484 to read:

1485           560.127 Control of a money services business  
 1486 ~~transmitter.--A person has a controlling interest in control~~  
 1487 ~~over a money services business transmitter if the person:~~  
 1488           (1) ~~The individual, partnership, corporation, trust, or~~  
 1489 ~~other organization~~ Possesses the power, directly or indirectly,  
 1490 to direct the management or policies of the money services  
 1491 business ~~a company~~, whether through ownership ~~of securities~~, by  
 1492 contract, or otherwise;~~-. A person is presumed to control a~~  
 1493 ~~company if, with respect to a particular company, that person:~~  
 1494           ~~(a) Is a director, general partner, or officer exercising~~  
 1495 ~~executive responsibility or having similar status or functions;~~  
 1496           (2)(b) Directly or indirectly may vote 25 percent or more  
 1497 of a class of a voting security or sell or direct the sale of 25  
 1498 percent or more of a class of voting securities; or  
 1499           (3)(e) In the case of a partnership, may receive upon  
 1500 dissolution or has contributed 25 percent or more of the  
 1501 capital.  
 1502           ~~(2) The office determines, after notice and opportunity~~  
 1503 ~~for hearing, that the person directly or indirectly exercises a~~  
 1504 ~~controlling influence over the activities of the money~~  
 1505 ~~transmitter.~~

1506           Section 23. Section 560.128, Florida Statutes, is amended  
 1507 to read:

1508           560.128 Customer contacts; license display ~~Consumer~~  
 1509 ~~disclosure.--~~

1510           (1) A money services business and authorized vendor must  
 1511 provide each customer with ~~Every money transmitter and~~  
 1512 ~~authorized vendor shall provide each consumer of a money~~

1513 ~~transmitter transaction~~ a toll-free telephone number for the  
 1514 purpose of contacting the money services business or authorized  
 1515 vendor or, consumer contacts; ~~However,~~ in lieu of a ~~such~~ toll-  
 1516 free telephone number, ~~the money transmitter or authorized~~  
 1517 ~~vendor may provide~~ the address and telephone number of the  
 1518 office may be provided ~~and the Division of Consumer Services of~~  
 1519 ~~the Department of Financial Services.~~

1520 (2) The commission may by rule require a licensee every  
 1521 ~~money transmitter~~ to display its license registration at each  
 1522 location, ~~including the location of each person designated by~~  
 1523 ~~the registrant as an authorized vendor,~~ where the licensee the  
 1524 ~~money transmitter~~ engages in the activities authorized by the  
 1525 license registration.

1526 Section 24. Section 560.129, Florida Statutes, is amended  
 1527 to read:

1528 560.129 Confidentiality.--

1529 (1)~~(a)~~ Except as otherwise provided in this section, all  
 1530 information concerning an investigation or examination conducted  
 1531 by the office pursuant to this chapter, including any customer  
 1532 ~~consumer~~ complaint received by the office or the Department of  
 1533 Financial Services, is confidential and exempt from s. 119.07(1)  
 1534 and s. 24(a), Art. I of the State Constitution until the  
 1535 investigation or examination ceases to be active. For purposes  
 1536 of this section, an investigation or examination is considered  
 1537 "active" so long as the office or any other administrative,  
 1538 regulatory, or law enforcement agency of any jurisdiction is  
 1539 proceeding with reasonable dispatch and has a reasonable good  
 1540 faith belief that action may be initiated by the office or other

1541 administrative, regulatory, or law enforcement agency.

1542 (2)(b) ~~Notwithstanding paragraph (a),~~ All information  
 1543 obtained by the office in the course of its investigation or  
 1544 examination which is a trade secret, as defined in s. 688.002,  
 1545 or which is personal financial information shall remain  
 1546 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 1547 of the State Constitution. If any administrative, civil, or  
 1548 criminal proceeding against a the money services business, its  
 1549 authorized vendor, transmitter or an affiliated a money  
 1550 ~~transmitter-affiliated~~ party is initiated and the office seeks  
 1551 to use matter that a licensee registrant believes to be a trade  
 1552 secret or personal financial information, such records shall be  
 1553 subject to an in camera review by the administrative law judge,  
 1554 if the matter is before the Division of Administrative Hearings,  
 1555 or a judge of any court of this state, any other state, or the  
 1556 United States, as appropriate, for the purpose of determining if  
 1557 the matter is a trade secret or is personal financial  
 1558 information. If it is determined that the matter is a trade  
 1559 secret, the matter shall remain confidential. If it is  
 1560 determined that the matter is personal financial information,  
 1561 the matter shall remain confidential unless the administrative  
 1562 law judge or judge determines that, in the interests of justice,  
 1563 the matter should become public.

1564 (3)(e) If an any administrative, civil, or criminal  
 1565 proceeding against a the money services business, its authorized  
 1566 vendor, transmitter or an affiliated a money transmitter-  
 1567 ~~affiliated~~ party results in an acquittal or the dismissal of all  
 1568 of the allegations ~~against the money transmitter or a money~~



1569 ~~transmitter-affiliated party~~, upon the request of any party, the  
 1570 administrative law judge or the judge may order all or a portion  
 1571 of the record of the proceeding to be sealed, and it shall  
 1572 thereafter be confidential and exempt from s. 119.07(1) and s.  
 1573 24(a), Art. I of the State Constitution.

1574 (4)~~(d)~~ Except as necessary for the office or any other  
 1575 administrative, regulatory, or law enforcement agency of any  
 1576 jurisdiction to enforce the provisions of this chapter or the  
 1577 law of any other state or the United States, a consumer  
 1578 complaint and other information concerning an investigation or  
 1579 examination shall remain confidential and exempt from s.  
 1580 119.07(1) and s. 24(a), Art. I of the State Constitution after  
 1581 the investigation or examination ceases to be active to the  
 1582 extent that disclosure would:

1583 (a)~~1-~~ Jeopardize the integrity of another active  
 1584 investigation;

1585 (b)~~2-~~ Reveal personal financial information;

1586 (c)~~3-~~ Reveal the identity of a confidential source; or

1587 (d)~~4-~~ Reveal investigative techniques or procedures.

1588 (5)~~(2)~~ This section does not prevent or restrict:

1589 (a) Furnishing records or information to any appropriate  
 1590 regulatory, prosecutorial, ~~agency~~ or law enforcement agency if  
 1591 such agency adheres to the confidentiality provisions of this  
 1592 chapter ~~the code~~;

1593 (b) Furnishing records or information to an appropriate  
 1594 regulator or independent third party ~~or a certified public~~  
 1595 ~~accountant~~ who has been approved by the office to conduct an  
 1596 examination under s. 560.1091 ~~s. 560.118(1)(b)~~, if the

1597 independent third party ~~or certified public accountant~~ adheres  
 1598 to the confidentiality provisions of this chapter ~~the code~~; or

1599 (c) Reporting any suspicious ~~suspected criminal~~ activity,  
 1600 with supporting documents and information, to appropriate  
 1601 regulatory, law enforcement, or prosecutorial agencies.

1602 ~~(6)(3)~~ All quarterly reports submitted ~~by a money~~  
 1603 ~~transmitter~~ to the office under s. 560.118(2) ~~s. 560.118(2)(b)~~  
 1604 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
 1605 I of the State Constitution.

1606 ~~(4)~~ ~~Examination reports, investigatory records,~~  
 1607 ~~applications, and related information compiled by the office, or~~  
 1608 ~~photographic copies thereof, shall be retained by the office for~~  
 1609 ~~a period of at least 3 years following the date that the~~  
 1610 ~~examination or investigation ceases to be active. Application~~  
 1611 ~~records, and related information compiled by the office, or~~  
 1612 ~~photographic copies thereof, shall be retained by the office for~~  
 1613 ~~a period of at least 2 years following the date that the~~  
 1614 ~~registration ceases to be active.~~

1615 ~~(7)(5)~~ Any person who willfully discloses information made  
 1616 confidential by this section commits a felony of the third  
 1617 degree, punishable as provided in s. 775.082 or s. 775.083.

1618 Section 25. Section 560.140, Florida Statutes, is created  
 1619 to read:

1620 560.140 Licensing standards.--To qualify for licensure as  
 1621 a money services business under this chapter, an applicant must:

1622 (1) Demonstrate to the office the character and general  
 1623 fitness necessary to command the confidence of the public and  
 1624 warrant the belief that the money services business or deferred

- 1625 presentment provider shall be operated lawfully and fairly.  
 1626 (2) Be legally authorized to do business in this state.  
 1627 (3) Be registered as a money services business with the  
 1628 Financial Crimes Enforcement Network as required by 31 C.F.R. s.  
 1629 103.41, if applicable.  
 1630 (4) Have an anti-money laundering program in place which  
 1631 meets the requirements of 31 C.F.R. s. 103.125.  
 1632 (5) Provide the office with all the information required  
 1633 under this chapter and related rules.

1634 Section 26. Section 560.141, Florida Statutes, is created  
 1635 to read:

1636 560.141 License application.--

- 1637 (1) To apply for a license as a money services business  
 1638 under this chapter the applicant must:  
 1639 (a) Submit an application to the office on forms  
 1640 prescribed by rule which includes the following information:  
 1641 1. The legal name and address of the applicant, including  
 1642 any fictitious or trade names used by the applicant in the  
 1643 conduct of its business.  
 1644 2. The date of the applicant's formation and the state in  
 1645 which the applicant was formed, if applicable.  
 1646 3. The name, social security number, alien identification  
 1647 or taxpayer identification number, business and residence  
 1648 addresses, and employment history for the past 5 years for each  
 1649 officer, director, responsible person, the compliance officer,  
 1650 each controlling shareholder, any other person who has a  
 1651 controlling interest in the money services business as provided  
 1652 in s. 560.127.

1653           4. A description of the organizational structure of the  
1654 applicant, including the identity of any parent or subsidiary of  
1655 the applicant, and the disclosure of whether any parent or  
1656 subsidiary is publicly traded.

1657           5. The applicant's history of operations in other states  
1658 if applicable and a description of the money services business  
1659 or deferred presentment provider activities proposed to be  
1660 conducted by the applicant in this state.

1661           6. If the applicant or its parent is a publicly traded  
1662 company, copies of all filings made by the applicant with the  
1663 United States Securities and Exchange Commission, or with a  
1664 similar regulator in a country other than the United States,  
1665 within the preceding year.

1666           7. The location at which the applicant proposes to  
1667 establish its principal place of business and any other  
1668 location, including branch offices and authorized vendors  
1669 operating in this state. For each branch office identified and  
1670 each authorized vendor appointed, the applicant shall include  
1671 the nonrefundable fee required by s. 560.143.

1672           8. The name and address of the clearing financial  
1673 institution or financial institutions through which the  
1674 applicant's payment instruments are drawn or through which the  
1675 payment instruments are payable.

1676           9. The history of the applicant's material litigation,  
1677 criminal convictions, pleas of nolo contendere, and cases of  
1678 adjudication withheld.

1679           10. The history of material litigation, arrests, criminal  
1680 convictions, pleas of nolo contendere, and cases of adjudication

1681 withheld for each executive officer, director, controlling  
 1682 shareholder, and responsible person.

1683 11. The name of the registered agent in this state for  
 1684 service of process unless the applicant is a sole proprietor.

1685 12. Any other information specified in this chapter or by  
 1686 rule.

1687 (b) In addition to the application form, submit:

1688 1. A nonrefundable application fee as provided in s.  
 1689 560.143.

1690 2. A fingerprint card for each of the persons listed in  
 1691 subparagraph (a)3. unless the applicant is a publicly traded  
 1692 corporation, or is exempted from this chapter under s.  
 1693 560.104(1). The fingerprints must be taken by an authorized law  
 1694 enforcement agency. The office shall submit the fingerprints to  
 1695 the Department of Law Enforcement for state processing and the  
 1696 Department of Law Enforcement shall forward the fingerprints to  
 1697 the Federal Bureau of Investigations for federal processing. The  
 1698 cost of the fingerprint processing may be borne by the office,  
 1699 the employer, or the person subject to the criminal records  
 1700 background check. The office shall screen the background results  
 1701 to determine if the applicant meets licensure requirements. As  
 1702 used in this section, the term "publicly traded" means a stock  
 1703 is currently traded on a national securities exchange registered  
 1704 with the federal Securities and Exchange Commission or traded on  
 1705 an exchange in a country other than the United States regulated  
 1706 by a regulator equivalent to the Securities and Exchange  
 1707 Commission and the disclosure and reporting requirements of such  
 1708 regulator are substantially similar to those of the commission.

1709 3. A copy of the applicant's written anti-money laundering  
 1710 program required under 31 C.F.R. s. 103.125.

1711 4. Within the time allotted by rule, any information  
 1712 needed to resolve any deficiencies found in the application.

1713 (2) If the office determines that the applicant meets the  
 1714 qualifications and requirements of this chapter, the office  
 1715 shall issue a license to the applicant. A license may not be  
 1716 issued for more than 2 years.

1717 (a) A license issued under part II of this chapter shall  
 1718 expire on April 30 of the second year following the date of  
 1719 issuance of the license unless during such period the license is  
 1720 surrendered, suspended, or revoked.

1721 (b) A license issued under part III of this chapter shall  
 1722 expire on December 31 of the second year following the date of  
 1723 issuance of the license unless during such period the license is  
 1724 surrendered, suspended, or revoked.

1725 Section 27. Section 560.142, Florida Statutes, is created  
 1726 to read:

1727 560.142 License renewal.--

1728 (1) A license may be renewed for a subsequent 2-year  
 1729 period by furnishing such application as required by rule,  
 1730 together with the payment of a nonrefundable renewal fee as  
 1731 provided under s. 560.143, on or before the license expiration  
 1732 date, or for the remainder of any such period without proration  
 1733 following the date of license expiration.

1734 (2) In addition to the renewal fee, each part II licensee  
 1735 must pay a 2-year nonrefundable renewal fee as provided in s.  
 1736 560.143 for each authorized vendor or location operating within

1737 this state.

1738 (3) A licensee who has on file with the office a  
 1739 declaration of intent to engage in deferred presentment  
 1740 transactions may renew a declaration upon license renewal by  
 1741 submitting a nonrefundable deferred presentment provider renewal  
 1742 fee as provided in s. 560.143.

1743 (4) If a license or declaration of intent to engage in  
 1744 deferred presentment transactions expires, the license or  
 1745 declaration of intent may be reinstated only if a renewal  
 1746 application or declaration of intent, all required renewal fees,  
 1747 and any applicable late fees are received by the office within  
 1748 60 days after expiration. If not submitted within 60 days, the  
 1749 license or declaration on intent expires and a new license  
 1750 application or declaration of intent must be filed with the  
 1751 office pursuant to this chapter.

1752 (5) The commission may adopt rules to administer this  
 1753 section.

1754 Section 28. Section 560.143, Florida Statutes, is created  
 1755 to read:

1756 560.143 Fees.--

1757 (1) LICENSE APPLICATION FEES.--The applicable non-  
 1758 refundable fees must accompany an application for licensure:

- 1759 (a) Under part II \$375.
- 1760 (b) Part III \$188.
- 1761 (c) Per branch office \$38.
- 1762 (d) For each appointment of an authorized vendor \$38.
- 1763 (e) Declaration as a deferred presentment provider \$1,000.
- 1764 (f) Fingerprint fees as prescribed by rule.

1765           (2) LICENSE RENEWAL FEES.--The applicable non-refundable  
 1766 license renewal fees must accompany a renewal of licensure:  
 1767           (a) Part II \$750.  
 1768           (b) Part III \$375.  
 1769           (c) Per branch office \$38.  
 1770           (d) For each appointment of an authorized vendors \$38.  
 1771           (e) Declaration as a deferred presentment provider \$1,000.  
 1772           (f) Renewal fees for branch offices and authorized vendors  
 1773 are limited to \$20,000 biennially.

1774           (3) LATE LICENSE RENEWAL FEES.--  
 1775           (a) Part II \$500.  
 1776           (b) Part III \$250.  
 1777           (c) Declaration as a deferred presentment provider \$500.

1778           Section 29. Section 560.203, Florida Statutes, is amended  
 1779 to read:

1780           560.203 Exemptions from licensure.--Authorized vendors of  
 1781 a licensee registrant acting within the scope of authority  
 1782 conferred by the licensee are registrant shall be exempt from  
 1783 licensure but are having to register pursuant to the code but  
 1784 shall otherwise be subject to the its provisions of this  
 1785 chapter.

1786           Section 30. Section 560.204, Florida Statutes, is amended  
 1787 to read:

1788           560.204 License required ~~Requirement of registration.--~~  
 1789           (1) Unless exempted, a ~~No~~ person may not ~~shall~~ engage in  
 1790 for consideration, or nor in any manner advertise that they  
 1791 engage, in, the selling or issuing of payment instruments or in  
 1792 the activity of a money funds transmitter, for compensation,



1793 without first obtaining a license registration under the  
 1794 ~~provisions of~~ this part. For purposes of this section,  
 1795 "compensation" includes profit or loss on the exchange of  
 1796 currency.

1797 (2) A licensee under this part ~~person registered pursuant~~  
 1798 ~~to this part is permitted to engage in the activities authorized~~  
 1799 ~~by this part. A person registered pursuant to this part may also~~  
 1800 engage in the activities authorized under part III of this  
 1801 chapter without the imposition of any additional licensing fees  
 1802 ~~and is exempt from the registration fee required by s. 560.307.~~

1803 Section 31. Section 560.205, Florida Statutes, is amended  
 1804 to read:

1805 560.205 Additional license application requirements  
 1806 ~~Qualifications of applicant for registration; contents.--~~ In  
 1807 addition to the license application requirements under part I of  
 1808 this chapter, an applicant seeking a license under this part  
 1809 must also submit to the office:

- 1810 (1) A sample authorized vendor contract, if applicable.
- 1811 (2) A sample form of payment instrument, if applicable.
- 1812 (3) Documents demonstrating that the net worth and bonding  
 1813 requirements specified in s. 560.209 have been fulfilled.
- 1814 (4) A copy of the applicant's financial audit report for  
 1815 the most recent fiscal year. If the applicant is a wholly owned  
 1816 subsidiary of another corporation, the financial audit report on  
 1817 the parent corporation's financial statements shall satisfy this  
 1818 requirement.

1819 ~~(1) To qualify for registration under this part, an~~  
 1820 ~~applicant must demonstrate to the office such character and~~

1821 ~~general fitness as to command the confidence of the public and~~  
1822 ~~warrant the belief that the registered business will be operated~~  
1823 ~~lawfully and fairly. The office may investigate each applicant~~  
1824 ~~to ascertain whether the qualifications and requirements~~  
1825 ~~prescribed by this part have been met. The office's~~  
1826 ~~investigation may include a criminal background investigation of~~  
1827 ~~all controlling shareholders, principals, officers, directors,~~  
1828 ~~members, and responsible persons of a funds transmitter and a~~  
1829 ~~payment instrument seller and all persons designated by a funds~~  
1830 ~~transmitter or payment instrument seller as an authorized~~  
1831 ~~vendor. Each controlling shareholder, principal, officer,~~  
1832 ~~director, member, and responsible person of a funds transmitter~~  
1833 ~~or payment instrument seller, unless the applicant is a publicly~~  
1834 ~~traded corporation as defined by the commission by rule, a~~  
1835 ~~subsidiary thereof, or a subsidiary of a bank or bank holding~~  
1836 ~~company organized and regulated under the laws of any state or~~  
1837 ~~the United States, shall file a complete set of fingerprints. A~~  
1838 ~~fingerprint card submitted to the office must be taken by an~~  
1839 ~~authorized law enforcement agency. The office shall submit the~~  
1840 ~~fingerprints to the Department of Law Enforcement for state~~  
1841 ~~processing, and the Department of Law Enforcement shall forward~~  
1842 ~~the fingerprints to the Federal Bureau of Investigation for~~  
1843 ~~state and federal processing. The cost of the fingerprint~~  
1844 ~~processing may be borne by the office, the employer, or the~~  
1845 ~~person subject to the background check. The Department of Law~~  
1846 ~~Enforcement shall submit an invoice to the office for the~~  
1847 ~~fingerprints received each month. The office shall screen the~~  
1848 ~~background results to determine if the applicant meets licensure~~

1849 ~~requirements. The commission may waive by rule the requirement~~  
1850 ~~that applicants file a set of fingerprints or the requirement~~  
1851 ~~that such fingerprints be processed by the Department of Law~~  
1852 ~~Enforcement or the Federal Bureau of Investigation.~~

1853 ~~(2) Each application for registration must be submitted~~  
1854 ~~under oath to the office on such forms as the commission~~  
1855 ~~prescribes by rule and must be accompanied by a nonrefundable~~  
1856 ~~application fee. Such fee may not exceed \$500 for each payment~~  
1857 ~~instrument seller or funds transmitter and \$50 for each~~  
1858 ~~authorized vendor or location operating within this state. The~~  
1859 ~~application must contain such information as the commission~~  
1860 ~~requires by rule, including, but not limited to:~~

1861 ~~(a) The name and address of the applicant, including any~~  
1862 ~~fictitious or trade names used by the applicant in the conduct~~  
1863 ~~of its business.~~

1864 ~~(b) The history of the applicant's material litigation,~~  
1865 ~~criminal convictions, pleas of nolo contendere, and cases of~~  
1866 ~~adjudication withheld.~~

1867 ~~(c) A description of the activities conducted by the~~  
1868 ~~applicant, the applicant's history of operations, and the~~  
1869 ~~business activities in which the applicant seeks to engage in~~  
1870 ~~this state.~~

1871 ~~(d) A sample authorized vendor contract, if applicable.~~

1872 ~~(e) A sample form of payment instrument, if applicable.~~

1873 ~~(f) The name and address of the clearing financial~~  
1874 ~~institution or financial institutions through which the~~  
1875 ~~applicant's payment instruments will be drawn or through which~~  
1876 ~~such payment instruments will be payable.~~

1877 ~~(g) Documents revealing that the net worth and bonding~~  
 1878 ~~requirements specified in s. 560.209 have been or will be~~  
 1879 ~~fulfilled.~~

1880 ~~(3) Each application for registration by an applicant that~~  
 1881 ~~is a corporation shall contain such information as the~~  
 1882 ~~commission requires by rule, including, but not limited to:~~

1883 ~~(a) The date of the applicant's incorporation and state of~~  
 1884 ~~incorporation.~~

1885 ~~(b) A certificate of good standing from the state or~~  
 1886 ~~country in which the applicant was incorporated.~~

1887 ~~(c) A description of the corporate structure of the~~  
 1888 ~~applicant, including the identity of any parent or subsidiary of~~  
 1889 ~~the applicant, and the disclosure of whether any parent or~~  
 1890 ~~subsidiary is publicly traded on any stock exchange.~~

1891 ~~(d) The name, social security number, business and~~  
 1892 ~~residence addresses, and employment history for the past 5 years~~  
 1893 ~~for each executive officer, each director, each controlling~~  
 1894 ~~shareholder, and the responsible person who will be in charge of~~  
 1895 ~~all the applicant's business activities in this state.~~

1896 ~~(e) The history of material litigation and criminal~~  
 1897 ~~convictions, pleas of nolo contendere, and cases of adjudication~~  
 1898 ~~withheld for each officer, each director, each controlling~~  
 1899 ~~shareholder, and the responsible person who will be in charge of~~  
 1900 ~~the applicant's registered activities.~~

1901 ~~(f) Copies of the applicant's audited financial statements~~  
 1902 ~~for the current year and, if available, for the immediately~~  
 1903 ~~preceding 2-year period. In cases where the applicant is a~~  
 1904 ~~wholly owned subsidiary of another corporation, the parent's~~

1905 ~~consolidated audited financial statements may be submitted to~~  
1906 ~~satisfy this requirement. An applicant who is not required to~~  
1907 ~~file audited financial statements may satisfy this requirement~~  
1908 ~~by filing unaudited financial statements verified under penalty~~  
1909 ~~of perjury, as provided by the commission by rule.~~

1910 ~~(g) An applicant who is not required to file audited~~  
1911 ~~financial statements may file copies of the applicant's~~  
1912 ~~unconsolidated, unaudited financial statements for the current~~  
1913 ~~year and, if available, for the immediately preceding 2 year~~  
1914 ~~period.~~

1915 ~~(h) If the applicant is a publicly traded company, copies~~  
1916 ~~of all filings made by the applicant with the United States~~  
1917 ~~Securities and Exchange Commission, or with a similar regulator~~  
1918 ~~in a country other than the United States, within the year~~  
1919 ~~preceding the date of filing of the application.~~

1920 ~~(4) Each application for registration submitted to the~~  
1921 ~~office by an applicant that is not a corporation shall contain~~  
1922 ~~such information as the commission requires by rule, including,~~  
1923 ~~but not limited to:~~

1924 ~~(a) Evidence that the applicant is registered to do~~  
1925 ~~business in this state.~~

1926 ~~(b) The name, business and residence addresses, personal~~  
1927 ~~financial statement and employment history for the past 5 years~~  
1928 ~~for each individual having a controlling ownership interest in~~  
1929 ~~the applicant, and each responsible person who will be in charge~~  
1930 ~~of the applicant's registered activities.~~

1931 ~~(c) The history of material litigation and criminal~~  
1932 ~~convictions, pleas of nolo contendere, and cases of adjudication~~

1933 ~~withheld for each individual having a controlling ownership~~  
 1934 ~~interest in the applicant and each responsible person who will~~  
 1935 ~~be in charge of the applicant's registered activities.~~

1936 ~~(d) Copies of the applicant's audited financial statements~~  
 1937 ~~for the current year, and, if available, for the preceding 2~~  
 1938 ~~years. An applicant who is not required to file audited~~  
 1939 ~~financial statements may satisfy this requirement by filing~~  
 1940 ~~unaudited financial statements verified under penalty of~~  
 1941 ~~perjury, as provided by the commission by rule.~~

1942 ~~(5) Each applicant shall designate and maintain an agent~~  
 1943 ~~in this state for service of process.~~

1944 Section 32. Section 560.208, Florida Statutes, is amended  
 1945 to read:

1946 560.208 Conduct of business.--In addition to the  
 1947 requirements specified in s. 560.140, a licensee under this  
 1948 part:

1949 (1) ~~A registrant~~ May conduct its business at one or more  
 1950 locations within this state through branches or by means of  
 1951 authorized vendors, as designated by the licensee ~~registrant~~,  
 1952 including the conduct of business through electronic transfer,  
 1953 such as by the telephone or the Internet.

1954 (2) Notwithstanding and without violating s. 501.0117, a  
 1955 ~~registrant~~ may charge a different price for a money transmitter  
 1956 ~~funds transmission~~ service based on the mode of transmission  
 1957 used in the transaction as, ~~so~~ long as the price charged for a  
 1958 service paid for with a credit card is not more ~~greater~~ than the  
 1959 price charged when the ~~that~~ service is paid for with currency or  
 1960 other similar means accepted within the same mode of

1961 transmission.

1962 (3) Is responsible for the acts of its authorized vendors  
 1963 in accordance with the terms of its written contract with the  
 1964 vendor.

1965 (4) Shall place assets that are the property of a customer  
 1966 in a segregated account in a federally insured financial  
 1967 institution and shall maintain separate accounts for operating  
 1968 capital and the clearing of customer funds.

1969 (5) Shall, in the normal course of business, ensure that  
 1970 money transmitted is available to the designated recipient  
 1971 within 10 business days after receipt.

1972 (6) Shall immediately upon receipt of currency or payment  
 1973 instrument provide a confirmation or sequence number to the  
 1974 customer verbally, by paper, or electronically.

1975 ~~(2) Within 60 days after the date a registrant either~~  
 1976 ~~opens a location within this state or authorizes an authorized~~  
 1977 ~~vendor to operate on the registrant's behalf within this state,~~  
 1978 ~~the registrant shall notify the office on a form prescribed by~~  
 1979 ~~the commission by rule. The notification shall be accompanied by~~  
 1980 ~~a nonrefundable \$50 fee for each authorized vendor or location.~~  
 1981 ~~Each notification shall also be accompanied by a financial~~  
 1982 ~~statement demonstrating compliance with s. 560.209(1), unless~~  
 1983 ~~compliance has been demonstrated by a financial statement filed~~  
 1984 ~~with the registrant's quarterly report in compliance with s.~~  
 1985 ~~560.118(2). The financial statement must be dated within 90 days~~  
 1986 ~~of the date of designation of the authorized vendor or location.~~  
 1987 ~~This subsection shall not apply to any authorized vendor or~~  
 1988 ~~location that has been designated by the registrant before~~

1989 ~~October 1, 2001.~~

1990 ~~(3) Within 60 days after the date a registrant closes a~~  
 1991 ~~location within this state or withdraws authorization for an~~  
 1992 ~~authorized vendor to operate on the registrant's behalf within~~  
 1993 ~~this state, the registrant shall notify the office on a form~~  
 1994 ~~prescribed by the commission by rule.~~

1995 Section 33. Section 560.2085, Florida Statutes, is created  
 1996 to read:

1997 560.2085 Authorized vendors.--A licensee under this part  
 1998 shall:

1999 (1) Within 60 days after an authorized vendor commences  
 2000 business, file with the office such information as prescribed by  
 2001 rule together with the nonrefundable appointment fee as provided  
 2002 by s. 560.143. This requirement applies to vendors who are also  
 2003 terminated within the 60-day period.

2004 (2) Enter into a written contract, signed by the licensee  
 2005 and the authorized vendor, which:

2006 (a) Sets forth the nature and scope of the relationship  
 2007 between the licensee and the authorized vendor, including the  
 2008 respective rights and responsibilities of the parties; and

2009 (b) Includes contract provisions that require the  
 2010 authorized vendor to:

2011 1. Report to the licensee, immediately upon discovery, the  
 2012 theft or loss of currency received for a transmission or payment  
 2013 instrument;

2014 2. Display a notice to the public, in such form as  
 2015 prescribed by rule, that the vendor is the authorized vendor of  
 2016 the licensee;



2017           3. Remit all amounts owed to the licensee for all  
 2018 transmissions accepted and all payment instruments sold in  
 2019 accordance with the contract between the licensee and the  
 2020 authorized vendor;

2021           4. Hold in trust all currency or payment instruments  
 2022 received for transmissions or for the purchase of payment  
 2023 instruments from the time of receipt by the licensee or  
 2024 authorized vendor until the time the transmission obligation is  
 2025 completed;

2026           5. Not commingle the money received for transmissions  
 2027 accepted or payment instruments sold on behalf of the licensee  
 2028 with the money or property of the authorized vendor, except for  
 2029 making change in the ordinary course of the vendor's business,  
 2030 and ensure that the money is accounted for at the end of the  
 2031 business day;

2032           6. Consent to examination or investigation by the office;

2033           7. Adhere to the applicable state and federal laws and  
 2034 rules pertaining to a money services business; and

2035           8. Provide such other information or disclosure as may be  
 2036 required by rule.

2037           (3) Develop and implement written policies and procedures  
 2038 to monitor compliance with applicable state and federal law by  
 2039 its authorized vendors.

2040           Section 34. Section 560.209, Florida Statutes, is amended  
 2041 to read:

2042           560.209 Net worth; corporate surety bond; collateral  
 2043 deposit in lieu of bond.--

2044           (1) A licensee must ~~Any person engaging in a registered~~

2045 ~~activity shall~~ have a net worth of at least \$100,000 ~~computed~~  
 2046 ~~according to generally accepted accounting principles. A~~  
 2047 ~~licensee operating in~~ Applicants proposing to conduct registered  
 2048 ~~activities at more than one location must shall~~ have an  
 2049 additional net worth of \$10,000 ~~\$50,000~~ per location in this  
 2050 state, ~~up as applicable,~~ to a maximum of \$2 million ~~\$500,000~~.  
 2051 The required net worth must be maintained at all times.

2052 (2) A licensee must obtain an annual financial audit  
 2053 report, which must be submitted to the office within 120 days  
 2054 after the end of the licensee's fiscal year end, as disclosed to  
 2055 the office. If the applicant is a wholly owned subsidiary of  
 2056 another corporation, the financial audit report on the parent  
 2057 corporation's financial statements shall satisfy this  
 2058 requirement.

2059 (3) ~~(2)~~ Before the office may issue a license under this  
 2060 part registration, the applicant must provide to the office a  
 2061 corporate surety bond, issued by a bonding company or insurance  
 2062 company authorized to do business in this state.

2063 (a) The corporate surety bond shall be in an such amount  
 2064 as specified ~~may be determined by commission rule, but may shall~~  
 2065 not be less than \$50,000 or exceed \$2 million ~~\$250,000~~. The rule  
 2066 shall provide allowances for the financial condition, number of  
 2067 locations, and anticipated volume of the licensee. However, the  
 2068 ~~commission and office may consider extraordinary circumstances,~~  
 2069 ~~such as the registrant's financial condition, the number of~~  
 2070 ~~locations, and the existing or anticipated volume of outstanding~~  
 2071 ~~payment instruments or funds transmitted, and require an~~  
 2072 ~~additional amount above \$250,000, up to \$500,000.~~

2073           (b) The corporate surety bond must ~~shall~~ be in a form  
 2074 satisfactory to the office and shall run to the state for the  
 2075 benefit of any claimants in this state against the applicant or  
 2076 its authorized vendors to secure the faithful performance of the  
 2077 obligations of the applicant and its ~~authorized~~ vendors with  
 2078 respect to the receipt, handling, transmission, and payment of  
 2079 funds. The aggregate liability of the corporate surety bond may  
 2080 not ~~in no event shall~~ exceed the principal sum of the bond. ~~Such~~  
 2081 Claimants against the applicant or its authorized vendors may  
 2082 ~~themselves~~ bring suit directly on the corporate surety bond, or  
 2083 the Department of Legal Affairs may bring suit ~~thereon~~ on behalf  
 2084 of the ~~such~~ claimants, ~~in either one action or in successive~~  
 2085 ~~actions.~~

2086           (c) The ~~A~~ corporate surety bond ~~filed with the office for~~  
 2087 ~~purposes of compliance with this section~~ may not be canceled by  
 2088 ~~either~~ the licensee registrant or the corporate surety except  
 2089 upon written notice to the office by registered ~~or certified~~  
 2090 mail ~~with return receipt requested~~. A cancellation may ~~shall~~ not  
 2091 take effect until ~~less than~~ 30 days after receipt by the office  
 2092 of the ~~such~~ written notice.

2093           (d) The corporate surety must, within 10 days after it  
 2094 pays any claim ~~to any claimant~~, give written notice to the  
 2095 office by registered ~~or certified~~ mail of such payment with  
 2096 details sufficient to identify the claimant and the claim or  
 2097 judgment ~~so~~ paid.

2098           (e) If ~~Whenever~~ the principal sum of the ~~such~~ bond is  
 2099 reduced by one or more recoveries or payments, the licensee  
 2100 ~~registrant~~ must furnish a new or additional bond so that the

2101 total or aggregate principal sum of the ~~such~~ bond equals the sum  
 2102 required pursuant to paragraph (a) ~~by the commission~~.

2103 Alternatively, a licensee registrant may furnish an endorsement  
 2104 executed by the corporate surety reinstating the bond to the  
 2105 required principal sum ~~thereof~~.

2106 (4)-(3) In lieu of a such corporate surety bond, or of any  
 2107 portion of the principal sum ~~thereof~~ required by this section,  
 2108 the applicant may deposit collateral cash, securities, or  
 2109 alternative security devices as provided by rule ~~approved by the~~  
 2110 ~~commission~~, with a any federally insured financial institution.

2111 (a) Acceptable collateral deposit items ~~in lieu of a bond~~  
 2112 include cash and interest-bearing stocks and bonds, notes,  
 2113 debentures, or other obligations of the United States or any  
 2114 agency or instrumentality thereof, or guaranteed by the United  
 2115 States, or of this state.

2116 (b) The collateral deposit must be in an aggregate amount,  
 2117 based upon principal amount or market value, whichever is lower,  
 2118 of at least ~~not less than~~ the amount of the required corporate  
 2119 surety bond or portion thereof.

2120 (c) Collateral deposits must ~~made under this subsection~~  
 2121 ~~shall~~ be pledged to the office and held by the insured financial  
 2122 institution to secure the same obligations as ~~would~~ the  
 2123 corporate surety bond, but the depositor is entitled to receive  
 2124 any ~~all~~ interest and dividends thereon and may, with the  
 2125 approval of the office, substitute other securities or deposits  
 2126 for those deposited. The principal amount of the deposit shall  
 2127 be released only on written authorization of the office or on  
 2128 the order of a court of competent jurisdiction.

2129            (5)~~(4)~~ A licensee ~~registrant~~ must at all times ~~have and~~  
 2130 maintain the bond or collateral deposit in the required amount  
 2131 ~~prescribed by the commission~~. If the office ~~at any time~~  
 2132 reasonably determines that the bond or elements of the  
 2133 collateral deposit are insecure, deficient in amount, or  
 2134 exhausted in whole or in part, the office may, by written order,  
 2135 require the filing of a new or supplemental bond or the deposit  
 2136 of new or additional collateral deposit items.

2137            (6)~~(5)~~ The bond and collateral deposit shall remain in  
 2138 place for 5 years after the licensee ~~registrant~~ ceases licensed  
 2139 ~~registered~~ operations in this state. The office may allow ~~permit~~  
 2140 the bond or collateral deposit to be reduced or eliminated prior  
 2141 to that time to the extent that the amount of the licensee's  
 2142 ~~registrant's~~ outstanding payment instruments or money funds  
 2143 transmitted in this state are reduced. The office may also allow  
 2144 a licensee ~~permit a registrant~~ to substitute a letter of credit  
 2145 or ~~such~~ other form of acceptable security for the bond or  
 2146 collateral deposit at the time the licensee ~~registrant~~ ceases  
 2147 licensed ~~money transmission~~ operations in this state.

2148            ~~(6) The office may waive or reduce a registrant's net~~  
 2149 ~~worth or bond or collateral deposit requirement. Such waiver or~~  
 2150 ~~modification must be requested by the applicant or registrant,~~  
 2151 ~~and may be granted upon a showing by the applicant or registrant~~  
 2152 ~~to the satisfaction of the office that:~~

2153            ~~(a) The existing net worth, bond, or collateral deposit~~  
 2154 ~~requirement is sufficiently in excess of the registrant's~~  
 2155 ~~highest potential level of outstanding payment instruments or~~  
 2156 ~~money transmissions in this state;~~

2157 ~~(b) The direct and indirect cost of meeting the net worth,~~  
 2158 ~~bond, or collateral deposit requirement will restrict the~~  
 2159 ~~ability of the money transmitter to effectively serve the needs~~  
 2160 ~~of its customers and the public; or~~

2161 ~~(c) The direct and indirect cost of meeting the net worth,~~  
 2162 ~~bond, or collateral requirement will not only have a negative~~  
 2163 ~~impact on the money transmitter but will severely hinder the~~  
 2164 ~~ability of the money transmitter to participate in and promote~~  
 2165 ~~the economic progress and welfare of this state or the United~~  
 2166 ~~States.~~

2167 Section 35. Section 560.210, Florida Statutes, is amended  
 2168 to read:

2169 560.210 Permissible investments.--

2170 (1) A licensee must ~~registrant shall~~ at all times possess  
 2171 permissible investments with an aggregate market value,  
 2172 calculated in accordance with ~~United States~~ generally accepted  
 2173 accounting principles, of at least ~~not less than~~ the aggregate  
 2174 face amount of all outstanding money funds ~~transmissions~~ and  
 2175 payment instruments issued or sold by the licensee ~~registrant~~ or  
 2176 an authorized vendor in the United States. As used in this  
 2177 section,

2178 ~~(2) Acceptable permissible investments include:~~

2179 (a) Cash.

2180 (b) Certificates of deposit or other deposit liabilities  
 2181 of a domestic or foreign financial institution, ~~either domestic~~  
 2182 ~~or foreign.~~

2183 (c) Bankers' acceptances eligible for purchase by member  
 2184 banks of the Federal Reserve System.

2185 (d) An investment bearing a rating of one of the three  
 2186 highest grades as defined by a nationally recognized rating  
 2187 service of such securities.

2188 (e) Investment securities that are obligations of the  
 2189 United States, its agencies or instrumentalities, or obligations  
 2190 that are guaranteed fully as to principal and interest by the  
 2191 United States, or any obligations of any state or municipality,  
 2192 or any political subdivision thereof.

2193 (f) Shares in a money market mutual fund.

2194 (g) A demand borrowing agreement or agreements made to a  
 2195 corporation or a subsidiary of a corporation whose capital stock  
 2196 is listed on a national exchange.

2197 (h) Receivables that are due to a licensee ~~registrant~~ from  
 2198 the licensee's ~~registrant's~~ authorized vendors except those that  
 2199 are more than 90 ~~30~~ days past due or are doubtful of collection.

2200 (i) Any other investment approved by rule ~~the commission~~.

2201 (2) ~~(3)~~ Notwithstanding any other provision of this part,  
 2202 the office, with respect to any particular licensee ~~registrant~~  
 2203 or all licensees ~~registrants~~, may limit the extent to which any  
 2204 class of permissible investments may be considered a permissible  
 2205 investment, except for cash and certificates of deposit.

2206 (3) ~~(4)~~ The office may waive the permissible investments  
 2207 requirement if the dollar value of a licensee's ~~registrant's~~  
 2208 outstanding payment instruments and money ~~funds~~ transmitted do  
 2209 not exceed the bond or collateral deposit posted by the licensee  
 2210 ~~registrant~~ under s. 560.209.

2211 Section 36. Section 560.211, Florida Statutes, is amended  
 2212 to read:

2213           560.211 Required records.--

2214           (1) In addition to the record retention requirements under

2215 s. 560.110, each licensee under this part ~~Each registrant~~ must

2216 make, keep, and preserve the following books, accounts, records,

2217 and documents ~~other records~~ for 5 ~~a period of 3~~ years:

2218           (a) A daily record ~~or records~~ of payment instruments sold

2219 and money funds transmitted.

2220           (b) A general ledger containing all asset, liability,

2221 capital, income, and expense accounts, which ~~general ledger~~

2222 shall be posted at least monthly.

2223           (c) Daily settlement records ~~sheets~~ received from

2224 authorized vendors.

2225           (d) Monthly financial institution statements and

2226 reconciliation records.

2227           (e) Records of outstanding payment instruments and money

2228 ~~funds~~ transmitted.

2229           (f) Records of each payment instrument paid and money

2230 ~~funds~~ transmission delivered ~~within the 3 year period.~~

2231           (g) A list of the names and addresses of all of the

2232 licensee's registrant's authorized vendors, ~~as well as copies of~~

2233 ~~each authorized vendor contract.~~

2234           (h) Records that document the establishment, monitoring,

2235 and termination of relationships with authorized vendors and

2236 foreign affiliates.

2237           (i) Any additional records, as prescribed by rule,

2238 designed to detect and prevent money laundering.

2239           ~~(2) The records required to be maintained by the code may~~

2240 ~~be maintained by the registrant at any location if the~~



2241 ~~registrant notifies the office in writing of the location of the~~  
2242 ~~records in its application or otherwise by amendment as~~  
2243 ~~prescribed by commission rule. The registrant shall make such~~  
2244 ~~records available to the office for examination and~~  
2245 ~~investigation in this state, as permitted by the code, within 7~~  
2246 ~~days after receipt of a written request.~~

2247 ~~(3) Registrants and authorized vendors need not preserve~~  
2248 ~~or retain any of the records required by this section or copies~~  
2249 ~~thereof for a period longer than 3 years unless a longer period~~  
2250 ~~is expressly required by the laws of this state or federal law.~~  
2251 ~~A registrant or authorized vendor may destroy any of its records~~  
2252 ~~or copies thereof after the expiration of the retention period~~  
2253 ~~required by this section.~~

2254 ~~(4) The original of any record of a registrant or~~  
2255 ~~authorized vendor includes the data or other information~~  
2256 ~~comprising a record stored or transmitted in or by means of any~~  
2257 ~~electronic, computerized, mechanized, or other information~~  
2258 ~~storage or retrieval or transmission system or device which can~~  
2259 ~~upon request generate, regenerate, or transmit the precise data~~  
2260 ~~or other information comprising the record; and an original also~~  
2261 ~~includes the visible data or other information so generated,~~  
2262 ~~regenerated, or transmitted if it is legible or can be made~~  
2263 ~~legible by enlargement or other process.~~

2264 ~~(2)~~(5) Any person who willfully fails to comply with this  
2265 section commits a felony of the third degree, punishable as  
2266 provided in s. 775.082, s. 775.083, or s. 775.084.

2267 Section 37. Section 560.212, Florida Statutes, is amended  
2268 to read:

2269           560.212 Financial liability.--~~A licensee~~ Each registrant  
 2270 under this part is liable for the payment of all money funds  
 2271 transmitted and payment instruments that it sells, in whatever  
 2272 form and whether directly or through an authorized vendor, as  
 2273 the maker, drawer, or principal thereof, regardless of whether  
 2274 such item is negotiable or nonnegotiable.

2275           Section 38. Section 560.213, Florida Statutes, is amended  
 2276 to read:

2277           560.213 Payment instrument information.--Each payment  
 2278 instrument sold or issued by a licensee registrant, directly or  
 2279 through an authorized vendor, must ~~shall~~ bear the name of the  
 2280 licensee, and any other information as may be required by rule,  
 2281 ~~registrant~~ clearly imprinted thereon.

2282           Section 39. Section 560.303, Florida Statutes, is amended  
 2283 to read:

2284           560.303 License required ~~Requirement of registration~~--

2285           (1) ~~A~~ No person may not ~~shall~~ engage in, or in any manner  
 2286 advertise engagement in, the business of cashing payment  
 2287 instruments or ~~the~~ exchanging ~~of~~ foreign currency without being  
 2288 licensed first registering under ~~the provisions of~~ this part.

2289           (2) A person licensed under ~~registered pursuant to~~ this  
 2290 part may not engage in ~~the activities authorized by this part.~~ ~~A~~  
 2291 ~~person registered under this part is prohibited from engaging~~  
 2292 directly in the activities that require a license under ~~are~~  
 2293 ~~authorized under a registration issued pursuant to part II of~~  
 2294 this chapter, but may be ~~such person is not prohibited from~~  
 2295 ~~engaging in an authorized vendor for relationship with a person~~  
 2296 licensed registered under part II.

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2297 (3) A person exempt from licensure under registration  
 2298 ~~pursuant to~~ this part engaging in the business of cashing  
 2299 payment instruments or the exchanging of foreign currency may  
 2300 ~~shall~~ not charge fees in excess of those provided in s. 560.309.

2301 Section 40. Section 560.304, Florida Statutes, is amended  
 2302 to read:

2303 560.304 Exemption from licensure ~~Exceptions to~~  
 2304 ~~registration.~~ --The requirement for licensure under provisions of  
 2305 this part does ~~do~~ not apply to:

2306 (1) a person cashing payment instruments that have an  
 2307 aggregate face value of less than \$2,000 per person per day and  
 2308 that are ~~Authorized vendors of any person registered pursuant to~~  
 2309 ~~the provisions of the code, acting within the scope of authority~~  
 2310 ~~conferred by the registrant.~~

2311 (2) ~~Persons engaged in the cashing of payment instruments~~  
 2312 ~~or the exchanging of foreign currency which is incidental to the~~  
 2313 retail sale of goods or services whose compensation for cashing  
 2314 payment instruments ~~or exchanging foreign currency~~ at each site  
 2315 does not exceed 5 percent of the total gross income from the  
 2316 retail sale of goods or services by such person during the last  
 2317 60 days ~~its most recently completed fiscal year.~~

2318 Section 41. Section 560.309, Florida Statutes, is amended  
 2319 to read:

2320 560.309 Conduct of business ~~Rules.~~ --

2321 (1) A licensee may transact business under this part only  
 2322 under the legal name under which the person is licensed. The use  
 2323 of a fictitious name is allowed if the fictitious name has been  
 2324 registered with the Department of State and disclosed to the

2325 office as part of an initial license application, or subsequent  
 2326 amendment to the application, prior to its use. Before a  
 2327 registrant shall deposit, with any financial institution, a  
 2328 payment instrument that is cashed by a registrant, each such  
 2329 item must be endorsed with the actual name under which such  
 2330 registrant is doing business.

2331 (2) At the time a licensee accepts a payment instrument  
 2332 that is cashed by the licensee, the payment instrument must be  
 2333 endorsed using the legal name under which the licensee is  
 2334 licensed. Registrants must comply with all the laws of this  
 2335 state and any federal laws relating to money laundering,  
 2336 including, as applicable, the provisions of s. 560.123.

2337 (3) A licensee under this part must deposit payment  
 2338 instruments into a commercial account at a federally insured  
 2339 financial institution or sell payment instruments within 5  
 2340 business days after the acceptance of the payment instrument.

2341 (4) A licensee may not accept or cash multiple payment  
 2342 instruments from a person who is not the original payee, unless  
 2343 the person is licensed to cash payment instruments pursuant to  
 2344 this part and all payment instruments accepted are endorsed with  
 2345 the legal name of the person.

2346 (5) A licensee must report all suspicious activity to the  
 2347 office in accordance with the criteria set forth in 31 C.F.R. s.  
 2348 103.20. In lieu of filing such reports, the commission may  
 2349 prescribe by rule that the licensee may file such reports with  
 2350 an appropriate regulator.

2351 (6) Each location of a licensee where checks are cashed  
 2352 must be equipped with a security camera system that is capable

2353 of recording and retrieving an image in order to assist in  
 2354 identifying and apprehending an offender. The licensee does not  
 2355 have to install a security camera system if the licensee has  
 2356 installed a bulletproof or bullet-resistant partition or  
 2357 enclosure in the area where checks are cashed.

2358 ~~(7)(3)~~ The commission may by rule require a ~~every~~ check  
 2359 casher to display its license registration and post a notice  
 2360 listing ~~containing~~ its charges for cashing payment instruments.

2361 ~~(8)(4)~~ Exclusive of the direct costs of verification which  
 2362 shall be established by ~~commission~~ rule, a ~~no~~ check casher may  
 2363 not shall:

2364 (a) Charge fees, except as otherwise provided by this  
 2365 part, in excess of 5 percent of the face amount of the payment  
 2366 instrument, ~~or 6 percent without the provision of~~  
 2367 ~~identification~~, or \$5, whichever is greater;

2368 (b) Charge fees in excess of 3 percent of the face amount  
 2369 of the payment instrument, ~~or 4 percent without the provision of~~  
 2370 ~~identification~~, or \$5, whichever is greater, if such payment  
 2371 instrument is the payment of any kind of state public assistance  
 2372 or federal social security benefit payable to the bearer of the  
 2373 ~~such~~ payment instrument; or

2374 (c) Charge fees for personal checks or money orders in  
 2375 excess of 10 percent of the face amount of those payment  
 2376 instruments, or \$5, whichever is greater.

2377 ~~(d) As used in this subsection, "identification" means,~~  
 2378 ~~and is limited to, an unexpired and otherwise valid driver~~  
 2379 ~~license, a state identification card issued by any state of the~~  
 2380 ~~United States or its territories or the District of Columbia,~~

2381 ~~and showing a photograph and signature, a United States~~  
 2382 ~~Government Resident Alien Identification Card, a United States~~  
 2383 ~~passport, or a United States Military identification card.~~

2384 (9) A licensee cashing payment instruments may not assess  
 2385 the cost of collections, other than fees for insufficient funds  
 2386 as provided by law, without a judgment from a court of competent  
 2387 jurisdiction.

2388 (10) If a check is returned to a licensee from a payor  
 2389 financial institution due to lack of funds, a closed account, or  
 2390 a stop-payment order, the licensee may seek collection pursuant  
 2391 to s. 68.065. In seeking collection, the licensee must comply  
 2392 with the prohibitions against harassment or abuse, false or  
 2393 misleading representations, and unfair practices in the Fair  
 2394 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and  
 2395 1692f. A violation of this subsection is a deceptive and unfair  
 2396 trade practice and constitutes a violation of the Deceptive and  
 2397 Unfair Trade Practices Act under part II of chapter 501. In  
 2398 addition, a licensee must comply with the applicable provisions  
 2399 of the Consumer Collection Practices Act under part VI of  
 2400 chapter 559, including s. 559.77.

2401 Section 42. Section 560.310, Florida Statutes, is amended  
 2402 to read:

2403 560.310 Records of check cashers and foreign currency  
 2404 exchangers.--

2405 (1) In addition to the record retention requirements  
 2406 specified in s. 560.110, a licensee engaged in check cashing  
 2407 must maintain the following:

2408 (a) Customer files, as prescribed by rule, on all

2409 customers who cash corporate or third-party payment instruments  
 2410 exceeding \$1,000.

2411 (b) For any payment instrument accepted having a face  
 2412 value of \$1,000 or more:

2413 1. A copy of the personal identification that bears a  
 2414 photograph of the customer used as identification and presented  
 2415 by the customer. Acceptable personal identification is limited  
 2416 to a valid driver's license; a state identification card issued  
 2417 by any state of the United States or its territories or the  
 2418 District of Columbia, and showing a photograph and signature; a  
 2419 United States Government Resident Alien Identification Card; a  
 2420 passport; or a United States Military identification card.

2421 2. A thumbprint of the customer taken by the licensee.

2422 (c) A payment instrument log that must be maintained  
 2423 electronically as prescribed by rule. For purposes of this  
 2424 paragraph, multiple payment instruments accepted from any one  
 2425 person on any given day which total \$1,000 or more must be  
 2426 aggregated and reported on the log. ~~Each registrant must~~  
 2427 ~~maintain all books, accounts, records, and documents necessary~~  
 2428 ~~to determine the registrant's compliance with the provisions of~~  
 2429 ~~the code. Such books, accounts, records, and documents shall be~~  
 2430 ~~retained for a period of at least 3 years.~~

2431 (2) A licensee under this part may engage the services of  
 2432 a third party that is not a depository institution for the  
 2433 maintenance and storage of records required by this section if  
 2434 all the requirements of this section are met. ~~The records~~  
 2435 ~~required to be maintained by the code may be maintained by the~~  
 2436 ~~registrant at any location if the registrant notifies the~~

2437 ~~office, in writing, of the location of the records in its~~  
2438 ~~application or otherwise by amendment as prescribed by~~  
2439 ~~commission rule. The registrant shall make such records~~  
2440 ~~available to the office for examination and investigation in~~  
2441 ~~this state, as permitted by the code, within 7 days after~~  
2442 ~~receipt of a written request.~~

2443 ~~(3) Registrants and authorized vendors need not preserve~~  
2444 ~~or retain any of the records required by this section or copies~~  
2445 ~~thereof for a period longer than 3 years unless a longer period~~  
2446 ~~is expressly required by the laws of this state or any federal~~  
2447 ~~law. A registrant or authorized vendor may destroy any of its~~  
2448 ~~records or copies thereof after the expiration of the retention~~  
2449 ~~period required by this section.~~

2450 ~~(4) The original of any record of a registrant or~~  
2451 ~~authorized vendor includes the data or other information~~  
2452 ~~comprising a record stored or transmitted in or by means of any~~  
2453 ~~electronic, computerized, mechanized, or other information~~  
2454 ~~storage or retrieval or transmission system or device which can~~  
2455 ~~upon request generate, regenerate, or transmit the precise data~~  
2456 ~~or other information comprising the record; and an original also~~  
2457 ~~includes the visible data or other information so generated,~~  
2458 ~~regenerated, or transmitted if it is legible or can be made~~  
2459 ~~legible by enlargement or other process.~~

2460 ~~(5) Any person who willfully violates this section or~~  
2461 ~~fails to comply with any lawful written demand or order of the~~  
2462 ~~office made pursuant to this section commits a felony of the~~  
2463 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~  
2464 ~~or s. 775.084.~~



2465 Section 43. Section 560.402, Florida Statutes, is amended  
 2466 to read:

2467 560.402 Definitions.--~~In addition to the definitions~~  
 2468 ~~provided in ss. 560.103, 560.202, and 560.302 and unless~~  
 2469 ~~otherwise clearly indicated by the context,~~ For the purposes of  
 2470 this part, the term:

2471 (1) "Affiliate" means a person who, directly or  
 2472 indirectly, through one or more intermediaries controls, ~~or~~ is  
 2473 controlled by, or is under common control with, a deferred  
 2474 presentment provider.

2475 ~~(2) "Business day" means the hours during a particular day~~  
 2476 ~~during which a deferred presentment provider customarily~~  
 2477 ~~conducts business, not to exceed 15 consecutive hours during~~  
 2478 ~~that day.~~

2479 ~~(3) "Days" means calendar days.~~

2480 ~~(2)-(4)~~ (2) "Deferment period" means the number of days a  
 2481 deferred presentment provider agrees to defer depositing, ~~or~~  
 2482 presenting, or redeeming a payment instrument.

2483 ~~(5) "Deferred presentment provider" means a person who~~  
 2484 ~~engages in a deferred presentment transaction and is registered~~  
 2485 ~~under part II or part III of the code and has filed a~~  
 2486 ~~declaration of intent with the office.~~

2487 ~~(3)-(6)~~ (3) "Deferred presentment transaction" means providing  
 2488 currency or a payment instrument in exchange for a drawer's  
 2489 ~~person's~~ check and agreeing to hold the ~~that person's~~ check for  
 2490 a deferment period ~~of time prior to presentment, deposit, or~~  
 2491 redemption.

2492 ~~(4)-(7)~~ (4) "Drawer" means a customer ~~any person~~ who writes a

2493 personal check and upon whose account the check is drawn.

2494 (5) "Extension of a deferred presentment agreement" means  
 2495 continuing a deferred presentment transaction past the deferment  
 2496 period by having the drawer pay additional fees and the deferred  
 2497 presentment provider continuing to hold the check for another  
 2498 deferment period.

2499 (6)~~(8)~~ "Rollover" means the termination or extension of a  
 2500 ~~an existing~~ deferred presentment agreement by the payment of an  
 2501 ~~any~~ additional fee and the continued holding of the check, or  
 2502 the substitution of a new check ~~drawn~~ by the drawer pursuant to  
 2503 a new deferred presentment agreement.

2504 ~~(9) "Fee" means the fee authorized for the deferral of the~~  
 2505 ~~presentation of a check pursuant to this part.~~

2506 (7)~~(10)~~ "Termination of a ~~an existing~~ deferred presentment  
 2507 agreement" means that the check that is the basis for the ~~an~~  
 2508 agreement is redeemed by the drawer by payment in full in cash,  
 2509 or is deposited and the deferred presentment provider has  
 2510 evidence that such check has cleared. ~~A~~ Verification of  
 2511 sufficient funds in the drawer's account by the deferred  
 2512 presentment provider is ~~shall not be~~ sufficient evidence to deem  
 2513 that the ~~existing~~ deferred deposit transaction is ~~to be~~  
 2514 terminated.

2515 ~~(11) "Extension of an existing deferred presentment~~  
 2516 ~~agreement" means that a deferred presentment transaction is~~  
 2517 ~~continued by the drawer paying any additional fees and the~~  
 2518 ~~deferred presentment provider continues to hold the check for~~  
 2519 ~~another period of time prior to deposit, presentment, or~~  
 2520 ~~redemption.~~

2521 Section 44. Section 560.403, Florida Statutes, is amended  
 2522 to read:

2523 560.403 ~~Requirements of registration,~~ Declaration of  
 2524 intent.--

2525 ~~(1) Except for financial institutions as defined in s.~~  
 2526 ~~655.005 No person, Unless otherwise exempt from this chapter, a~~  
 2527 ~~person may not shall~~ engage in a deferred presentment  
 2528 transaction unless the person is licensed as a money services  
 2529 business registered under the provisions of part II or part III  
 2530 of this chapter and has on file with the office a declaration of  
 2531 intent to engage in deferred presentment transactions,  
 2532 regardless of whether such person is exempted from licensure  
 2533 under any other provision of this chapter. The declaration of  
 2534 intent must shall be under oath and on such form as prescribed  
 2535 ~~the commission prescribes~~ by rule. The declaration of intent  
 2536 must shall be filed ~~together~~ with a nonrefundable filing fee as  
 2537 provided in s. 560.143 of \$1,000. ~~Any person who is registered~~  
 2538 ~~under part II or part III on the effective date of this act and~~  
 2539 ~~intends to engage in deferred presentment transactions shall~~  
 2540 ~~have 60 days after the effective date of this act to file a~~  
 2541 ~~declaration of intent.~~ A declaration of intent expires after 24  
 2542 months and must be renewed.

2543 ~~(2) A registrant under this part shall renew his or her~~  
 2544 ~~intent to engage in the business of deferred presentment~~  
 2545 ~~transactions or to act as a deferred presentment provider upon~~  
 2546 ~~renewing his or her registration under part II or part III and~~  
 2547 ~~shall do so by indicating his or her intent by submitting a~~  
 2548 ~~nonrefundable deferred presentment provider renewal fee of~~

2549 ~~\$1,000, in addition to any fees required for renewal of~~  
 2550 ~~registration under part II or part III.~~

2551 ~~(3) A registrant under this part who fails to timely renew~~  
 2552 ~~his or her intent to engage in the business of deferred~~  
 2553 ~~presentment transactions or to act as a deferred presentment~~  
 2554 ~~provider shall immediately cease to engage in the business of~~  
 2555 ~~deferred presentment transactions or to act as a deferred~~  
 2556 ~~presentment provider.~~

2557 ~~(4) The notice of intent of a registrant under this part~~  
 2558 ~~who fails to timely renew his or her intent to engage in the~~  
 2559 ~~business of deferred presentment transactions or to act as a~~  
 2560 ~~deferred presentment provider on or before the expiration date~~  
 2561 ~~of the registration period automatically expires. A renewal fee~~  
 2562 ~~and a nonrefundable late fee of \$500 must be filed within 60~~  
 2563 ~~calendar days after the expiration of an existing registration~~  
 2564 ~~in order for the declaration of intent to be reinstated. The~~  
 2565 ~~office shall grant a reinstatement of registration if an~~  
 2566 ~~application is filed during the 60 day period, and the~~  
 2567 ~~reinstatement is effective upon receipt of the required fees and~~  
 2568 ~~any information that the commission requires by rule. If the~~  
 2569 ~~registrant has not filed a reinstatement of a renewal~~  
 2570 ~~declaration of intent within 60 calendar days after the~~  
 2571 ~~expiration date of an existing registration, the notice of~~  
 2572 ~~intent expires and a new declaration of intent must be filed~~  
 2573 ~~with the office.~~

2574 ~~(5) No person, other than a financial institution as~~  
 2575 ~~defined in s. 655.005, shall be exempt from registration and~~  
 2576 ~~declaration if such person engages in deferred presentment~~

2577 ~~transactions, regardless of whether such person is currently~~  
 2578 ~~exempt from registration under any provision of this code.~~

2579 Section 45. Section 560.404, Florida Statutes, is amended  
 2580 to read:

2581 560.404 Requirements for deferred presentment  
 2582 transactions.--

2583 (1) Each ~~Every~~ deferred presentment transaction must ~~shall~~  
 2584 be documented in a written agreement signed by ~~both~~ the deferred  
 2585 presentment provider and the drawer.

2586 (2) The deferred presentment transaction agreement must  
 2587 ~~shall~~ be executed on the day the deferred presentment provider  
 2588 furnishes currency or a payment instrument to the drawer.

2589 (3) Each written agreement must ~~shall contain the~~  
 2590 ~~following information~~, in addition to any information required  
 2591 ~~the commission requires by rule~~, contain the following  
 2592 information:

2593 (a) The name or trade name, address, and telephone number  
 2594 of the deferred presentment provider and the name and title of  
 2595 the person who signs the agreement on behalf of the ~~deferred~~  
 2596 ~~presentment~~ provider.

2597 (b) The date the deferred presentment transaction is ~~was~~  
 2598 made.

2599 (c) The amount of the drawer's check.

2600 (d) The length of the deferment ~~deferral~~ period.

2601 (e) The last day of the deferment period.

2602 (f) The address and telephone number of the office ~~and the~~  
 2603 ~~Division of Consumer Services of the Department of Financial~~  
 2604 ~~Services~~.

- 2605 (g) A clear description of the drawer's payment  
 2606 obligations under the deferred presentment transaction.
- 2607 (h) The transaction number assigned by the office's  
 2608 database.
- 2609 (4) The ~~Every~~ deferred presentment provider must ~~shall~~  
 2610 furnish ~~to the drawer~~ a copy of the deferred presentment  
 2611 transaction agreement to the drawer.
- 2612 (5) The face amount of a check taken for deferred  
 2613 presentment may not exceed \$500 exclusive of the fees allowed  
 2614 under ~~by~~ this part.
- 2615 (6) A ~~No~~ deferred presentment provider or its affiliate  
 2616 may not ~~shall~~ charge fees that exceed ~~in excess of~~ 10 percent of  
 2617 the currency or payment instrument provided. However, a  
 2618 verification fee may be charged as provided in s. 560.309(7) ~~in~~  
 2619 ~~accordance with s. 560.309(4) and the rules adopted pursuant to~~  
 2620 ~~the code~~. The 10-percent fee may not be applied to the  
 2621 verification fee. A deferred presentment provider may charge  
 2622 only those fees specifically authorized in this section.
- 2623 (7) The fees authorized by this section may not be  
 2624 collected before the drawer's check is presented or redeemed.
- 2625 (8) A ~~No~~ deferred presentment agreement may not ~~shall~~ be  
 2626 for a term longer than ~~in excess of~~ 31 days or less than 7 days.
- 2627 (9) A ~~No~~ deferred presentment provider may not ~~shall~~  
 2628 require a drawer ~~person~~ to provide any additional security for  
 2629 the deferred presentment transaction or any extension or require  
 2630 the drawer ~~a person~~ to provide any additional guaranty from  
 2631 another person.
- 2632 (10) A deferred presentment provider may ~~shall~~ not include

2633 any of the following provisions in a deferred provider ~~any~~  
 2634 ~~written~~ agreement:

2635 (a) A hold harmless clause .~~†~~

2636 (b) A confession of judgment clause .~~†~~

2637 (c) Any assignment of or order for payment of wages or  
 2638 other compensation for services .~~†~~

2639 (d) A provision in which the drawer agrees not to assert  
 2640 any claim or defense arising out of the agreement .~~† or~~

2641 (e) A waiver of any provision of this part.

2642 (11) A ~~Each~~ deferred presentment provider shall  
 2643 immediately provide the drawer with the full amount of any check  
 2644 to be held, less only the fees allowed ~~permitted~~ under this  
 2645 section.

2646 (12) The deferred presentment agreement and the drawer's  
 2647 check must ~~shall~~ bear the same date, and the number of days of  
 2648 the deferment period shall be calculated from that ~~this~~ date.  
 2649 The ~~No~~ deferred presentment provider and the drawer ~~or person~~  
 2650 may not alter or delete the date on any written agreement or  
 2651 check held by the deferred presentment provider.

2652 (13) For each deferred presentment transaction, the  
 2653 deferred presentment provider must comply with the disclosure  
 2654 requirements of 12 C.F.R., part 226, relating to the federal  
 2655 Truth-in-Lending Act, and Regulation Z of the Board of Governors  
 2656 of the Federal Reserve Board. A copy of the disclosure must be  
 2657 provided to the drawer at the time the deferred presentment  
 2658 transaction is initiated.

2659 (14) A ~~No~~ deferred presentment provider or its affiliate  
 2660 may not accept or hold an undated check or a check dated on a

2661 date other than the date on which the deferred presentment  
 2662 provider agreed to hold the check and signed the deferred  
 2663 presentment transaction agreement.

2664 (15) A ~~Every~~ deferred presentment provider must ~~shall~~ hold  
 2665 the drawer's check for the agreed number of days, unless the  
 2666 drawer chooses to redeem the check before the ~~agreed~~ presentment  
 2667 date.

2668 (16) Proceeds in a deferred presentment transaction may be  
 2669 made to the drawer in the form of the deferred presentment  
 2670 provider's payment instrument if the deferred presentment  
 2671 provider is registered under part II; however, an ~~no~~ additional  
 2672 fee may not be charged by a deferred presentment provider or its  
 2673 affiliate for issuing or cashing the deferred presentment  
 2674 provider's payment instrument.

2675 (17) A ~~No~~ deferred presentment provider may not require  
 2676 the drawer to accept its payment instrument in lieu of currency.

2677 (18) A ~~No~~ deferred presentment provider or its affiliate  
 2678 may not engage in the rollover of a ~~any~~ deferred presentment  
 2679 agreement. A deferred presentment provider may ~~shall~~ not redeem,  
 2680 extend, or otherwise consolidate a deferred presentment  
 2681 agreement with the proceeds of another deferred presentment  
 2682 transaction made by the same or an affiliate ~~affiliated deferred~~  
 2683 ~~presentment provider~~.

2684 (19) A deferred presentment provider may not enter into a  
 2685 deferred presentment transaction with a drawer ~~person~~ who has an  
 2686 outstanding deferred presentment transaction with that provider  
 2687 or with any other deferred presentment provider, or with a  
 2688 person whose previous deferred presentment transaction with that



2689 provider or with any other provider has been terminated for less  
 2690 than 24 hours. The deferred presentment provider must verify  
 2691 such information as follows:

2692 (a) The deferred presentment provider shall maintain a  
 2693 common database and shall verify whether the ~~that~~ deferred  
 2694 ~~presentment~~ provider or an affiliate has an outstanding deferred  
 2695 presentment transaction with a particular person or has  
 2696 terminated a transaction with that person within the previous 24  
 2697 hours.

2698 (b) The deferred presentment provider shall access the  
 2699 office's database established pursuant to subsection (23) and  
 2700 shall verify whether any other deferred presentment provider has  
 2701 an outstanding deferred presentment transaction with a  
 2702 particular person or has terminated a transaction with that  
 2703 person within the previous 24 hours. If a provider has not  
 2704 established ~~Prior to the time that the office has implemented~~  
 2705 ~~such~~ a database, the deferred presentment provider may rely upon  
 2706 the written verification of the drawer as provided in subsection  
 2707 (20).

2708 (20) A deferred presentment provider shall provide the  
 2709 following notice in a prominent place on each deferred  
 2710 presentment agreement in at least 14-point type in substantially  
 2711 the following form and must obtain the signature of the drawer  
 2712 where indicated:

2713  
 2714 NOTICE

2715  
 2716 1. STATE LAW PROHIBITS YOU FROM HAVING MORE THAN ONE DEFERRED

2717 PRESENTMENT AGREEMENT AT ANY ONE TIME. STATE LAW ALSO PROHIBITS  
 2718 YOU FROM ENTERING INTO A DEFERRED PRESENTMENT AGREEMENT WITHIN  
 2719 24 HOURS AFTER ~~OF~~ TERMINATING ANY PREVIOUS DEFERRED PRESENTMENT  
 2720 AGREEMENT. FAILURE TO OBEY THIS LAW COULD CREATE SEVERE  
 2721 FINANCIAL HARDSHIP FOR YOU AND YOUR FAMILY.

2722  
 2723 YOU MUST SIGN THE FOLLOWING STATEMENT:

2724  
 2725 I DO NOT HAVE AN OUTSTANDING DEFERRED PRESENTMENT AGREEMENT WITH  
 2726 ANY DEFERRED PRESENTMENT PROVIDER AT THIS TIME. I HAVE NOT  
 2727 TERMINATED A DEFERRED PRESENTMENT AGREEMENT WITHIN THE PAST 24  
 2728 HOURS.

2729  
 2730 (Signature of Drawer)

2731  
 2732 2. YOU CANNOT BE PROSECUTED IN CRIMINAL COURT FOR A CHECK  
 2733 WRITTEN UNDER THIS AGREEMENT, BUT ALL LEGALLY AVAILABLE CIVIL  
 2734 MEANS TO ENFORCE THE DEBT MAY BE PURSUED AGAINST YOU.

2735  
 2736 3. STATE LAW PROHIBITS A DEFERRED PRESENTMENT PROVIDER (THIS  
 2737 BUSINESS) FROM ALLOWING YOU TO "ROLL OVER" YOUR DEFERRED  
 2738 PRESENTMENT TRANSACTION. THIS MEANS THAT YOU CANNOT BE ASKED OR  
 2739 REQUIRED TO PAY AN ADDITIONAL FEE IN ORDER TO FURTHER DELAY THE  
 2740 DEPOSIT OR PRESENTMENT OF YOUR CHECK FOR PAYMENT. IF YOU INFORM  
 2741 THE PROVIDER IN PERSON THAT YOU CANNOT COVER THE CHECK OR PAY IN  
 2742 FULL THE AMOUNT OWING AT THE END OF THE TERM OF THIS AGREEMENT,  
 2743 YOU WILL RECEIVE A GRACE PERIOD EXTENDING THE TERM OF THE  
 2744 AGREEMENT FOR AN ADDITIONAL 60 DAYS AFTER THE ORIGINAL

2745 TERMINATION DATE, WITHOUT ANY ADDITIONAL CHARGE. THE DEFERRED  
 2746 PRESENTMENT PROVIDER SHALL REQUIRE THAT YOU, AS A CONDITION OF  
 2747 OBTAINING THE GRACE PERIOD, COMPLETE CONSUMER CREDIT COUNSELING  
 2748 PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED  
 2749 TO YOU BY THIS PROVIDER. YOU MAY ALSO AGREE TO COMPLY WITH AND  
 2750 ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY. IF YOU DO  
 2751 NOT COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT  
 2752 AGENCY, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR PAYMENT AND  
 2753 PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE THE DEBT AT  
 2754 THE END OF THE 60-DAY GRACE PERIOD.

2755 (21) The deferred presentment provider may not deposit or  
 2756 present the drawer's check if the drawer informs the provider in  
 2757 person that the drawer cannot redeem or pay in full in cash the  
 2758 amount due and owing the deferred presentment provider. No  
 2759 additional fees or penalties may be imposed on the drawer by  
 2760 virtue of any misrepresentation made by the drawer as to the  
 2761 sufficiency of funds in the drawer's account. ~~In no event shall~~  
 2762 ~~any~~ Additional fees may not be added to the amounts due and  
 2763 owing to the deferred presentment provider.

2764 (22) ~~(a)~~ If, by the end of the deferment period, the drawer  
 2765 informs the deferred presentment provider in person that the  
 2766 drawer cannot redeem or pay in full in cash the amount due and  
 2767 owing the deferred presentment provider, the deferred  
 2768 presentment provider shall provide a grace period extending the  
 2769 term of the agreement for an additional 60 days after the  
 2770 original termination date, without any additional charge.

2771 (a) The provider shall require that as a condition of  
 2772 providing a ~~this~~ grace period, that ~~within the first 7 days of~~

2773 ~~the grace period~~ the drawer make an appointment with a consumer  
 2774 credit counseling agency within 7 days after the end of the  
 2775 deferment period and complete the counseling by the end of the  
 2776 grace period. The drawer may agree to, comply with, and adhere  
 2777 to a repayment plan approved by the counseling agency. If the  
 2778 drawer agrees to comply with and adhere to a repayment plan  
 2779 approved by the counseling agency, the provider must ~~is~~ also  
 2780 ~~required to~~ comply with and adhere to that repayment plan. The  
 2781 deferred presentment provider may not deposit or present the  
 2782 drawer's check for payment before the end of the 60-day grace  
 2783 period unless the drawer fails to comply with such conditions or  
 2784 the drawer fails to notify the provider of such compliance.  
 2785 Before each deferred presentment transaction, the provider may  
 2786 verbally advise the drawer of the availability of the grace  
 2787 period consistent with ~~the provisions of~~ the written notice in  
 2788 subsection (20), and may ~~shall~~ not discourage the drawer from  
 2789 using the grace period.

2790 (b) At the commencement of the grace period, the deferred  
 2791 presentment provider shall provide the drawer:

2792 1. Verbal notice of the availability of the grace period  
 2793 consistent with the written notice in subsection (20).

2794 2. A list of approved consumer credit counseling agencies  
 2795 prepared by the office. The office list shall include nonprofit  
 2796 consumer credit counseling agencies affiliated with the National  
 2797 Foundation for Credit Counseling which provide credit counseling  
 2798 services to state ~~Florida~~ residents in person, by telephone, or  
 2799 through the Internet. The office list must include phone numbers  
 2800 for the agencies, the counties served by the agencies, and

2801 indicate the agencies that provide telephone counseling and  
 2802 those that provide Internet counseling. The office shall update  
 2803 the list at least once each year.

2804 3. The following notice in at least 14-point type in  
 2805 substantially the following form:

2806  
 2807 AS A CONDITION OF OBTAINING A GRACE PERIOD EXTENDING THE TERM OF  
 2808 YOUR DEFERRED PRESENTMENT AGREEMENT FOR AN ADDITIONAL 60 DAYS,  
 2809 UNTIL [DATE], WITHOUT ANY ADDITIONAL FEES, YOU MUST COMPLETE  
 2810 CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE  
 2811 LIST THAT WILL BE PROVIDED TO YOU BY THIS PROVIDER. YOU MAY ALSO  
 2812 AGREE TO COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY  
 2813 THE AGENCY. THE COUNSELING MAY BE IN PERSON, BY TELEPHONE, OR  
 2814 THROUGH THE INTERNET. YOU MUST NOTIFY US WITHIN 7 ~~SEVEN (7)~~  
 2815 DAYS, BY [DATE], THAT YOU HAVE MADE AN APPOINTMENT WITH SUCH A  
 2816 CONSUMER CREDIT COUNSELING AGENCY. YOU MUST ALSO NOTIFY US  
 2817 WITHIN 60 ~~SIXTY (60)~~ DAYS, BY [DATE], THAT YOU HAVE COMPLETED  
 2818 THE CONSUMER CREDIT COUNSELING. WE MAY VERIFY THIS INFORMATION  
 2819 WITH THE AGENCY. IF YOU FAIL TO PROVIDE ~~EITHER~~ THE 7-DAY OR 60-  
 2820 DAY NOTICE, OR IF YOU HAVE NOT MADE THE APPOINTMENT OR COMPLETED  
 2821 THE COUNSELING WITHIN THE TIME REQUIRED, WE MAY DEPOSIT OR  
 2822 PRESENT YOUR CHECK FOR PAYMENT AND PURSUE ALL LEGALLY AVAILABLE  
 2823 CIVIL MEANS TO ENFORCE THE DEBT.

2824 (c) If a drawer completes an approved payment plan, the  
 2825 deferred presentment provider shall pay one-half of the drawer's  
 2826 fee for the deferred presentment agreement to the consumer  
 2827 credit counseling agency.

2828 (23) The office shall implement a common database with

2829 real-time access through an Internet connection for deferred  
2830 presentment providers, as provided in this subsection. The  
2831 database must be accessible to the office and the deferred  
2832 presentment providers in order to verify whether any deferred  
2833 presentment transactions are outstanding for a particular  
2834 person. Deferred presentment providers shall submit such data  
2835 before entering into each deferred presentment transaction in  
2836 such format as required ~~the commission shall require~~ by rule,  
2837 including the drawer's name, social security number or  
2838 employment authorization alien number, address, driver's license  
2839 number, amount of the transaction, date of transaction, the date  
2840 that the transaction is closed, and such additional information  
2841 as is required by rule ~~the commission~~. The commission may by  
2842 rule impose a fee of up to ~~not to exceed~~ \$1 per transaction for  
2843 data that must ~~required to~~ be submitted by a deferred  
2844 presentment provider. A deferred presentment provider may rely  
2845 on the information contained in the database as accurate and is  
2846 not subject to any administrative penalty or civil liability due  
2847 to as a result of relying on inaccurate information contained in  
2848 the database. A deferred presentment provider must notify the  
2849 office, in a manner as prescribed by rule, within 15 business  
2850 days after ceasing operations or no longer holding a license  
2851 under part II or part III of this chapter. Such notification  
2852 must include a reconciliation of all open transactions. If the  
2853 provider fails to provide notice, the office shall take action  
2854 to administratively release all open and pending transactions in  
2855 the database after the office becomes aware of the closure. This  
2856 section does not affect the rights of the provider to enforce

2857 the contractual provisions of the deferred presentment  
 2858 agreements through any civil action allowed by law. The  
 2859 commission may adopt rules to administer ~~and enforce the~~  
 2860 ~~provisions of this subsection~~ section and to ensure ~~assure~~ that  
 2861 the database is used by deferred presentment providers in  
 2862 accordance with this section.

2863 (24) A deferred presentment provider may not accept more  
 2864 than one check or authorization to initiate more than one  
 2865 automated clearinghouse transaction to collect on a deferred  
 2866 presentment transaction for a single deferred presentment  
 2867 transaction.

2868 Section 46. Section 560.405, Florida Statutes, is amended  
 2869 to read:

2870 560.405 Deposit; redemption.--

2871 (1) The deferred presentment provider or its affiliate may  
 2872 ~~shall~~ not present the drawer's check before the end of the  
 2873 deferral period ~~prior to the agreed upon date of presentment,~~  
 2874 as reflected in the deferred presentment transaction agreement.

2875 (2) Before a deferred presentment provider presents the  
 2876 drawer's check, the check must ~~shall~~ be endorsed with the ~~actual~~  
 2877 name under which the deferred presentment provider is doing  
 2878 business.

2879 (3) Notwithstanding ~~the provisions of~~ subsection (1), in  
 2880 lieu of presentment, a deferred presentment provider may allow  
 2881 the check to be redeemed at any time upon payment ~~to the~~  
 2882 ~~deferred presentment provider in the amount~~ of the face amount  
 2883 of the drawer's check. However, payment may not be made in the  
 2884 form of a personal check. Upon redemption, the deferred

2885 presentment provider shall return the drawer's check ~~that was~~  
 2886 ~~being held~~ and provide a signed, dated receipt showing that the  
 2887 drawer's check has been redeemed.

2888 (4) A ~~No~~ drawer may not ~~can~~ be required to redeem his or  
 2889 her check before ~~prior to~~ the agreed-upon date; however, the  
 2890 drawer may choose to redeem the check before the agreed-upon  
 2891 presentment date.

2892 Section 47. Section 560.406, Florida Statutes, is amended  
 2893 to read:

2894 560.406 Worthless checks.--

2895 (1) If a check is returned to a deferred presentment  
 2896 provider from a payor financial institution due to lack of  
 2897 funds, a closed account, or a stop-payment order, the deferred  
 2898 presentment provider may seek collection pursuant to s. 68.065,  
 2899 except a deferred presentment provider may ~~shall not be entitled~~  
 2900 ~~to~~ collect treble damages ~~pursuant s. 68.065~~. The notice sent by  
 2901 the a deferred deposit provider may ~~pursuant to s. 68.065 shall~~  
 2902 not include any references to treble damages and must clearly  
 2903 state that the deferred presentment provider is not entitled to  
 2904 recover such damages. Except as otherwise provided in this part,  
 2905 an individual who issues a personal check to a deferred  
 2906 presentment provider under a deferred presentment agreement is  
 2907 not subject to criminal penalty.

2908 (2) If a check is returned to a deferred presentment  
 2909 provider from a payor financial institution due to insufficient  
 2910 funds, a closed account, or a stop-payment order, the deferred  
 2911 presentment provider may pursue all legally available civil  
 2912 remedies to collect the check, including, but not limited to,



2913 the imposition of all charges imposed on the deferred  
 2914 presentment provider by the ~~any~~ financial institution. In its  
 2915 collection practices, a deferred presentment provider must ~~shall~~  
 2916 comply with the prohibitions against harassment or abuse, false  
 2917 or misleading representations, and unfair practices that ~~which~~  
 2918 are contained in ~~ss. 806, 807, and 808~~ of the Fair Debt  
 2919 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, 1692f. A  
 2920 violation of this act is a deceptive and unfair trade practice  
 2921 and constitutes a violation of the Deceptive and Unfair Trade  
 2922 Practices Act under, part II of chapter 501. In addition, a  
 2923 deferred presentment provider must ~~shall~~ comply with the  
 2924 applicable provisions of ~~part VI of chapter 559~~, the Consumer  
 2925 Collection Practices Act under part VI of chapter 559,  
 2926 including, ~~but not limited to, the provisions of s. 559.77.~~

2927 (3) A deferred presentment provider may not assess the  
 2928 cost of collection, other than charges for insufficient funds as  
 2929 allowed by law, without a judgment from a court of competent  
 2930 jurisdiction.

2931 Section 48. Subsection (7) of section 499.005, Florida  
 2932 Statutes, is amended to read:

2933 499.005 Prohibited acts.--It is unlawful for a person to  
 2934 perform or cause the performance of any of the following acts in  
 2935 this state:

2936 (7) The purchase or sale of prescription drugs for  
 2937 wholesale distribution in exchange for currency, as defined in  
 2938 s. 560.103 ~~s. 560.103(6)~~.

2939 Section 49. Paragraph (i) of subsection (2) of section  
 2940 499.0691, Florida Statutes, is amended to read:

2941 499.0691 Criminal punishment for violations related to  
 2942 drugs; dissemination of false advertisement.--

2943 (2) Any person who violates any of the following  
 2944 provisions commits a felony of the third degree, punishable as  
 2945 provided in s. 775.082, s. 775.083, or s. 775.084, or as  
 2946 otherwise provided in ss. 499.001-499.081.

2947 (i) The purchase or sale of prescription drugs for  
 2948 wholesale distribution in exchange for currency, as defined in  
 2949 s. 560.103 ~~s. 560.103(6)~~.

2950 Section 50. Paragraph (b) of subsection (2) of section  
 2951 501.95, Florida Statutes, is amended to read:

2952 501.95 Gift certificates and credit memos.--

2953 (2)

2954 (b) Paragraph (a) does not apply to a gift certificate or  
 2955 credit memo sold or issued by a financial institution, as  
 2956 defined in s. 655.005, or by a money services business  
 2957 ~~transmitter~~, as defined in s. 560.103, if the gift certificate  
 2958 or credit memo is redeemable by multiple unaffiliated merchants.

2959 Section 51. Paragraph (n) of subsection (2) of section  
 2960 538.03, Florida Statutes, is amended to read:

2961 538.03 Definitions; applicability.--

2962 (2) This chapter does not apply to:

2963 (n) A business that contracts with other persons or  
 2964 entities to offer its secondhand goods for sale, purchase,  
 2965 consignment, or trade via an Internet website, and that  
 2966 maintains a shop, store, or other business premises for this  
 2967 purpose, if all of the following apply:

2968 1. The secondhand goods must be available on the website

2969 | for viewing by the public at no charge;

2970 |         2. The records of the sale, purchase, consignment, or

2971 | trade must be maintained for at least 2 years;

2972 |         3. The records of the sale, purchase, consignment, or

2973 | trade, and the description of the secondhand goods as listed on

2974 | the website, must contain the serial number of each item, if

2975 | any;

2976 |         4. The secondhand goods listed on the website must be

2977 | searchable based upon the state or zip code;

2978 |         5. The business must provide the appropriate law

2979 | enforcement agency with the name or names under which it

2980 | conducts business on the website;

2981 |         6. The business must allow the appropriate law enforcement

2982 | agency to inspect its business premises at any time during

2983 | normal business hours;

2984 |         7. Any payment by the business resulting from such a sale,

2985 | purchase, consignment, or trade must be made to the person or

2986 | entity with whom the business contracted to offer the goods and

2987 | must be made by check or via a money services business

2988 | ~~transmitter~~ licensed under part II of chapter 560; and

2989 |         8.a. At least 48 hours after the estimated time of

2990 | contracting to offer the secondhand goods, the business must

2991 | verify that any item having a serial number is not stolen

2992 | property by entering the serial number of the item into the

2993 | Department of Law Enforcement's stolen article database located

2994 | at the Florida Crime Information Center's public access system

2995 | website. The business shall record the date and time of such

2996 | verification on the contract covering the goods. If such

2997 verification reveals that an item is stolen property, the  
 2998 business shall immediately remove the item from any website on  
 2999 which it is being offered and notify the appropriate law  
 3000 enforcement agency; or

3001 b. The business must provide the appropriate law  
 3002 enforcement agency with an electronic copy of the name, address,  
 3003 phone number, driver's license number, and issuing state of the  
 3004 person with whom the business contracted to offer the goods, as  
 3005 well as an accurate description of the goods, including make,  
 3006 model, serial number, and any other unique identifying marks,  
 3007 numbers, names, or letters that may be on an item, in a format  
 3008 agreed upon by the business and the appropriate law enforcement  
 3009 agency. This information must be provided to the appropriate law  
 3010 enforcement agency within 24 hours after entering into the  
 3011 contract unless other arrangements are made between the business  
 3012 and the law enforcement agency.

3013 Section 52. Subsection (10) of section 896.101, Florida  
 3014 Statutes, is amended to read:

3015 896.101 Florida Money Laundering Act; definitions;  
 3016 penalties; injunctions; seizure warrants; immunity.--

3017 (10) Any financial institution, licensed money services  
 3018 business transmitter, or other person served with and complying  
 3019 with the terms of a warrant, temporary injunction, or other  
 3020 court order, including any subpoena issued under ~~the authority~~  
 3021 ~~granted by~~ s. 16.56 or s. 27.04, obtained in furtherance of an  
 3022 investigation of any crime in this section, including any crime  
 3023 listed as specified unlawful activity under this section or any  
 3024 felony violation of chapter 560, has immunity from criminal

3025 liability and is ~~shall~~ not be liable to any person for any  
 3026 lawful action taken in complying with the warrant, temporary  
 3027 injunction, or other court order, including any subpoena issued  
 3028 under ~~the authority granted by~~ s. 16.56 or s. 27.04. If any  
 3029 subpoena issued under ~~the authority granted by~~ s. 16.56 or s.  
 3030 27.04 contains a nondisclosure provision, any financial  
 3031 institution, licensed money services business ~~transmitter~~,  
 3032 employee or officer of a financial institution or licensed money  
 3033 services business ~~transmitter~~, or any other person may not  
 3034 notify, directly or indirectly, any customer of that financial  
 3035 institution or ~~licensed~~ money services business ~~transmitter~~  
 3036 whose records are being sought by the subpoena, or any other  
 3037 person named in the subpoena, about the existence or the  
 3038 contents of that subpoena or about information that has been  
 3039 furnished to the state attorney or statewide prosecutor who  
 3040 issued the subpoena or other law enforcement officer named in  
 3041 the subpoena in response to the subpoena.

3042 Section 53. Subsection (5) of section 896.104, Florida  
 3043 Statutes, is amended to read:

3044 896.104 Structuring transactions to evade reporting or  
 3045 registration requirements prohibited.--

3046 (5) INFERENCE.--Proof that a person engaged for monetary  
 3047 consideration in the business of a money funds ~~transmitter~~, as  
 3048 defined in s. 560.103, ~~s. 560.103(10)~~ and who is transporting  
 3049 more than \$10,000 in currency, or the foreign equivalent,  
 3050 without being licensed ~~registered~~ as a money transmitter or  
 3051 designated as an authorized vendor under ~~the provisions of~~  
 3052 chapter 560, gives rise to an inference that the transportation

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3053 was done with knowledge of the licensure ~~registration~~  
 3054 requirements of chapter 560 and the reporting requirements of  
 3055 this chapter.

3056 Section 54. Paragraph (g) of subsection (3) of section  
 3057 921.0022, Florida Statutes, is amended to read:

3058 921.0022 Criminal Punishment Code; offense severity  
 3059 ranking chart.--

3060 (3) OFFENSE SEVERITY RANKING CHART

3061 (g) LEVEL 7

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

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3065	327.35 (3) (c) 2.	3rd	<p>or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.</p>
3066	402.319 (2)	2nd	<p>Vessel BUI resulting in serious bodily injury.</p>
3067	409.920 (2)	3rd	<p>Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.</p>
3068	456.065 (2)	3rd	<p>Medicaid provider fraud.</p>
			<p>Practicing a health</p>

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3069	456.065 (2)	2nd	care profession without a license.
3070	458.327 (1)	3rd	Practicing a health care profession without a license which results in serious bodily injury.
3071	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
3072	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
3073	461.012 (1)	3rd	Practicing podiatric medicine without a license.
3074	462.17	3rd	Practicing



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3075			naturopathy without a license.
	463.015 (1)	3rd	Practicing optometry without a license.
3076			
	464.016 (1)	3rd	Practicing nursing without a license.
3077			
	465.015 (2)	3rd	Practicing pharmacy without a license.
3078			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
3079			
	467.201	3rd	Practicing midwifery without a license.
3080			
	468.366	3rd	Delivering respiratory care services without a license.
3081			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a

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3082	483.901 (9)	3rd	license.
3083	484.013 (1) (c)	3rd	Practicing medical physics without a license.
3084	484.053	3rd	Preparing or dispensing optical devices without a prescription.
3085	494.0018 (2)	1st	Dispensing hearing aids without a license.  Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
3086	560.123 (8) (b) 1.	3rd	Failure to report currency or payment

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3087	560.125 (5) (a)	3rd	instruments exceeding \$300 but less than \$20,000 by <u>a money services business</u> <del>transmitter</del> .
3088	655.50 (10) (b) 1.	3rd	Money <u>services</u> <del>transmitter</del> business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
3089	775.21 (10) (a)	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
3089	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or

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3090	775.21(10)(b)	3rd	identification card; other registration violations.
3091	775.21(10)(g)	3rd	Sexual predator working where children regularly congregate.
3092	782.051(3)	2nd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
3093	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 being by the act, procurement, or

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3094	782.071	2nd	culpable negligence of another (manslaughter).
3095	782.072	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
3096	784.045 (1) (a) 1.	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
3097	784.045 (1) (a) 2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
			Aggravated battery;

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3098	784.045 (1) (b)	2nd	using deadly weapon. Aggravated battery; perpetrator aware victim pregnant.
3099	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
3100	784.048 (7)	3rd	Aggravated stalking; violation of court order.
3101	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
3102	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
3103	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
3104			

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3105	784.081 (1)	1st	Aggravated battery on specified official or employee.
3106	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
3107	784.083 (1)	1st	Aggravated battery on code inspector.
3108	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
3109	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
3110	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.

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3111	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
3112	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
3113	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
3113	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial



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3114	796.03	2nd	authority to a victim younger than 18 years of age.
3115	800.04 (5) (c) 1.	2nd	Procuring any person under 16 years for prostitution.
3116	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
3117	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
3118	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
			Burglary of occupied dwelling; unarmed;

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3119	810.02 (3) (b)	2nd	no assault or battery.
3120	810.02 (3) (d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
3121	810.02 (3) (e)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
3122	812.014 (2) (a) 1.	1st	Burglary of authorized emergency vehicle.  Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
3123			

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3124	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
3125	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3126	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
3127	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen

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3128	812.131 (2) (a)	2nd	property. Robbery by sudden snatching.
3129	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
3130	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
3131	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
3132	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
3133	817.2341 (2) (b) & (3)	1st	Making false entries

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3134	(b)  825.102 (3) (b)	2nd	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.
3135	825.103 (2) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
3136	827.03 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
	827.03 (3) (b)	2nd	Neglect of a child

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3137	827.04 (3)	3rd	causing great bodily harm, disability, or disfigurement.
3138	837.05 (2)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
3139	838.015	2nd	Giving false information about alleged capital felony to a law enforcement officer.
3140	838.016	2nd	Bribery.
3141	838.021 (3) (a)	2nd	Unlawful compensation or reward for official behavior.
3142	838.22	2nd	Unlawful harm to a public servant.
3143			Bid tampering.

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3144	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
3145	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
3146	872.06	2nd	Abuse of a dead human body.
3146	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational

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3147	893.13 (1) (e) 1.	1st	<p>facility or community center.</p>
3148	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>
3149	893.135 (1) (a) 1.	1st	<p>Deliver to minor cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).</p> <p>Trafficking in cannabis, more than 25 lbs., less than</p>



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3150	893.135 (1) (b) 1.a.	1st	2,000 lbs.
3151	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
3152	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
3153	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
3154	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
3155	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

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3156	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
3157	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
3158	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
3159	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but

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3160	896.104 (4) (a) 1.	3rd	less than \$20,000.  Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
3161	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
3162	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
3163			

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3164	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
3165	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3166	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
3167	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a

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3168	944.607(12)	3rd	<p>digitized                      photograph.</p> <p>Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.</p>
3169	944.607(13)	3rd	<p>Sexual offender; failure to report and reregister; failure to respond to address verification.</p>
3170	985.4815(10)	3rd	<p>Sexual offender; failure to submit to the taking of a digitized photograph.</p>
3171	985.4815(12)	3rd	<p>Failure to report or providing false information about a sexual offender;</p>

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3172

harbor or conceal a  
sexual offender.

985.4815(13)

3rd

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

3173

3174

Section 55. Sections 560.101, 560.102, 560.106, 560.1073,

3175

560.108, 560.112. 560.117, 560.200, 560.202, 560.206, 560.207,

3176

560.301, 560.302, 560.305, 560.306, 560.307, 560.308, 560.401,

3177

and 560.407, Florida Statutes, are repealed.

3178

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