

By Senator Bennett

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1                                   A bill to be entitled  
2           An act relating to motor vehicle title loans;  
3           providing a directive to the Division of Statutory  
4           Revision; repealing s. 537.001, F.S., relating to a  
5           short title; amending s. 537.002, F.S.; preempting the  
6           regulation of motor vehicle title loans to the state;  
7           amending s. 537.003, F.S.; revising definitions;  
8           providing that title loans are secured by a  
9           nonpurchase money security interest in a motor  
10          vehicle; amending s. 537.004, F.S.; prohibiting a  
11          title loan lender from also providing deferred  
12          presentment transactions; amending ss. 537.005,  
13          537.006, and 537.007, F.S.; conforming provisions to  
14          changes made by the act; amending s. 537.008, F.S.;  
15          revising the information that must be in a title loan  
16          agreement; specifying the maturity timeframe for a  
17          title loan; requiring that a statement relating to the  
18          cost of the loan be included in the title loan  
19          agreement; revising provisions relating to the title  
20          loan lender's actions upon executing an agreement;  
21          creating s. 537.0085, F.S.; allowing a borrower to  
22          rescind a loan under certain circumstances; amending  
23          s. 537.009, F.S.; revising provisions relating to  
24          recordkeeping; conforming provisions to changes made  
25          by the act; amending s. 537.011, F.S.; revising  
26          provisions relating to title loan charges; prohibiting  
27          a title loan from being extended; amending s. 537.012,  
28          F.S.; revising provisions relating to the repossession  
29          of a motor vehicle for loan default; requiring prior

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30 notice to the borrower; prohibiting a title loan  
31 lender from seeking a money judgment against a  
32 borrower except in certain circumstances; amending s.  
33 537.013, F.S.; revising prohibited acts; requiring a  
34 lender to return a certificate of title 3 days after  
35 regaining possession of it; prohibiting a lender from  
36 loaning a principal amount that exceeds 50 percent of  
37 the fair market value of the motor vehicle; repealing  
38 s. 537.014, F.S., relating to the right to reclaim the  
39 loan property; amending ss. 537.015, 537.016, and  
40 537.017, F.S.; conforming provisions to changes made  
41 by the act; repealing s. 537.018, F.S., relating to  
42 authorization for county and municipal ordinances;  
43 amending s. 494.00797, F.S.; conforming provisions to  
44 changes made by the act; transferring activities  
45 relating to title loans from the Department of  
46 Financial Services to the Department of Agriculture  
47 and Consumer Services by a type two transfer;  
48 providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. The Division of Statutory Revision is requested  
53 to rename chapter 537, Florida Statutes, as "MOTOR VEHICLE TITLE  
54 LOANS."

55 Section 2. Section 537.001, Florida Statutes, is repealed.

56 Section 3. Section 537.002, Florida Statutes, is amended to  
57 read:

58 537.002 Preemption; legislative intent.—The regulation of

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59 the business of offering motor vehicle title loans is preempted  
 60 to the state. It is the intent of the Legislature ~~in the~~  
 61 ~~creation of this chapter~~ that all title loans to consumers in  
 62 this state, secured by a nonpurchase money security interest in  
 63 a motor vehicle, be regulated under this chapter, which shall ~~by~~  
 64 ~~the provisions of this act.~~ The provisions of this act supersede  
 65 any other provisions of state law affecting such title loans to  
 66 the extent of any conflict.

67 Section 4. Section 537.003, Florida Statutes, is amended to  
 68 read:

69 537.003 Definitions.—As used in this chapter ~~act,~~ the term  
 70 ~~unless the context otherwise requires:~~

71 ~~(1) "Commercially reasonable" has the same meaning as used~~  
 72 ~~in part V of chapter 679. In addition, Nonpublic sales or~~  
 73 ~~disposal of personal property between a title loan lender and~~  
 74 ~~any business affiliates of a title loan lender or a member of a~~  
 75 ~~title loan lender's family are presumed not to be made in a~~  
 76 ~~commercially reasonable manner.~~

77 ~~(2) "Commission" means the Financial Services Commission.~~

78 ~~(1)-(3)~~ (1) "Consumer" means an individual borrowing money for  
 79 personal, family, or household purposes.

80 (2) "Department" means the Department of Agriculture and  
 81 Consumer Services.

82 (3) "Division" means the Division of Consumer Services of  
 83 the department.

84 ~~(4) "Office" means the Office of Financial Regulation of~~  
 85 ~~the commission.~~

86 ~~(4)-(5)~~ (4) "Executive officer" means the president, chief  
 87 executive officer, chief financial officer, chief operating

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88 officer, executive vice president, senior vice president,  
89 secretary, and treasurer.

90 (5)~~(6)~~ "Identification" means a government-issued  
91 photographic identification.

92 (6)~~(7)~~ "Interest" means the cost of obtaining a title loan  
93 and includes any profit or advantage of any kind whatsoever  
94 which ~~that~~ a title loan lender may charge, contract for,  
95 collect, receive, or ~~in any way~~ obtain as a result of a title  
96 loan.

97 (7)~~(8)~~ "License" means a permit issued under this chapter  
98 ~~act~~ to make or service title loans ~~in accordance with this act~~  
99 at a single title loan office.

100 (8)~~(9)~~ "Licensee" means a person ~~who is~~ licensed as a title  
101 loan lender under this chapter.

102 ~~(10) "Loan property" means any motor vehicle certificate of~~  
103 ~~title that is deposited with a title loan lender as a security~~  
104 ~~for a title loan in the course of the title loan lender's~~  
105 ~~business.~~

106 (9)~~(11)~~ "Motor vehicle" means an automobile, motorcycle,  
107 mobile home, truck, trailer, semitrailer, truck tractor and  
108 semitrailer combination, or any other vehicle operated on the  
109 public highways and streets of this state, used to transport  
110 persons or property, and propelled by power other than muscular  
111 power, but excluding a vehicle that ~~which~~ runs only upon a track  
112 and a mobile home that is the primary residence of the owner.

113 (10)~~(12)~~ "Title loan" or "loan" means a loan of money to a  
114 consumer secured by a non-purchase-money security interest in  
115 ~~bailment of a certificate of title to a motor vehicle.~~ The term  
116 does not include a, ~~except such~~ loan made by a person licensed

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117 under chapter 516, chapter 520, chapter 655, chapter 657,  
118 chapter 658, chapter 660, chapter 663, chapter 665, or chapter  
119 667 or a person who complies with s. 687.03.

120 (11)~~(13)~~ "Title loan agreement" or "agreement" means a  
121 written agreement in which a title loan lender agrees to make a  
122 title loan to a borrower.

123 (12)~~(14)~~ "Title loan lender" or "lender" means a ~~any~~ person  
124 who engages in the business of making or servicing title loans.

125 (13)~~(15)~~ "Title loan office" means the location at which,  
126 or premises from which, a title loan lender regularly conducts  
127 business under this chapter or any other location that is held  
128 out to the public as a location at which a lender makes or  
129 services title loans.

130 ~~(16) "Titled personal property" means a motor vehicle that~~  
131 ~~has as evidence of ownership a state-issued certificate of title~~  
132 ~~except for a mobile home that is the primary residence of the~~  
133 ~~borrower.~~

134 (14)~~(17)~~ "Ultimate equitable owner" means a person who,  
135 directly or indirectly, owns or controls an ownership interest  
136 in a corporation, a foreign corporation, an alien business  
137 organization, or any other form of business organization,  
138 regardless of whether such person owns or controls such  
139 ownership interest through one or more persons or one or more  
140 proxies, powers of attorney, nominees, corporations,  
141 associations, partnerships, trusts, joint stock companies, or  
142 other entities or devices, or any combination thereof.

143 Section 5. Section 537.004, Florida Statutes, is amended to  
144 read:

145 537.004 License required; license fees.—

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146 (1) A person may not act as a title loan lender or own or  
147 operate a title loan office unless such person has an active  
148 ~~title loan lender~~ license issued by the division office ~~under~~  
149 ~~this act.~~

150 (a) A person may not act as a title loan lender from any  
151 office where deferred presentment transactions, as defined in s.  
152 560.402, are offered or made, or within 1,000 feet of another  
153 office where title loans or deferred presentment transactions  
154 are offered or made if that office is operated by a common  
155 ultimate equitable owner.

156 (b) A title loan lender may not own or operate more than  
157 one title loan office unless the lender obtains a separate ~~title~~  
158 ~~loan lender~~ license for each title loan office.

159 (2) A person applying for licensure as a title loan lender  
160 shall file with the division office an application as provided  
161 under s. 537.005(1) and (2), the bond required by s. 537.005(3),  
162 a nonrefundable application fee of \$1,200, a nonrefundable  
163 investigation fee of \$200, and a complete set of fingerprints  
164 taken by an authorized law enforcement officer. The division  
165 ~~office~~ shall submit such fingerprints to the Department of Law  
166 Enforcement for state processing, and the Department of Law  
167 Enforcement shall forward the fingerprints to the Federal Bureau  
168 of Investigation for national processing.

169 (3) If the division office determines that an applicant  
170 satisfies the requirements of this chapter ~~an application should~~  
171 ~~be approved,~~ the division office shall issue a license for up to  
172 ~~a period not to exceed~~ 2 years.

173 (4) A license shall be renewed biennially by filing a  
174 renewal form and a nonrefundable renewal fee of \$1,200. A

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175 license that is not renewed by the end of the biennial period  
176 ~~shall~~ automatically reverts ~~revert~~ to inactive status. An  
177 inactive license may be reactivated within 6 months after  
178 becoming inactive by filing a reactivation form, payment of the  
179 nonrefundable \$1,200 renewal fee, and payment of a nonrefundable  
180 reactivation fee of \$600. A license that is not reactivated  
181 within 6 months after becoming inactive may not be reactivated  
182 and the applicant must apply for a new license ~~shall~~  
183 ~~automatically expire~~. The department ~~commission~~ shall adopt  
184 ~~establish~~ by rule the procedures for application, renewal, and  
185 reactivation of a license and the application, ~~shall adopt a~~  
186 renewal, ~~form~~ and a reactivation forms ~~form~~.

187 (5) Each license must be conspicuously displayed at the  
188 title loan office. If ~~When~~ a licensee wishes to move a title  
189 loan office to another location, the licensee shall provide  
190 prior written notice to the division ~~office~~.

191 (6) A license ~~issued pursuant to this act~~ is not  
192 transferable or assignable.

193 (7) Each licensee shall designate and maintain a registered  
194 agent in this state for service of process.

195 (8) If ~~Whenever~~ a person or a group of persons, directly or  
196 indirectly or acting by or through one or more persons, proposes  
197 to purchase or acquire a 50 percent or more interest in a  
198 licensee, such person or group shall submit an initial license  
199 application ~~before for licensure under this act prior to~~ such  
200 purchase or acquisition.

201 (9) The department ~~commission~~ may adopt rules to allow for  
202 electronic filing of applications, fees, and forms required by  
203 this chapter ~~act~~.

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204 (10) All moneys collected by the division ~~office~~ under this  
205 chapter act shall be deposited into the division's General  
206 Inspection Regulatory Trust Fund ~~of the office~~.

207 Section 6. Section 537.005, Florida Statutes, is amended to  
208 read:

209 537.005 License application ~~for license~~.

210 (1) A verified license application ~~for licensure~~ under this  
211 ~~act~~, in the form prescribed by department ~~commission~~ rule, must  
212 ~~shall~~:

213 (a) Contain the name and the residence and business address  
214 of the applicant. If the applicant is other than a natural  
215 person, the application must ~~shall~~ contain the name and the  
216 residence and business address of each ultimate equitable owner  
217 of 10 percent or more of such entity and each director, general  
218 partner, and executive officer of such entity.

219 (b) State whether any individual identified in paragraph  
220 (a) has, within the last 10 years, pleaded nolo contendere to,  
221 or has been convicted or found guilty of, a felony, regardless  
222 of whether adjudication was withheld.

223 (c) Identify the county and municipality with the street  
224 and number or location where the business is to be conducted.

225 (d) Contain additional information as the department  
226 ~~commission~~ determines by rule to be necessary to ensure  
227 compliance with this chapter act.

228 (2) Notwithstanding subsection (1), the application need  
229 not state the full name and address of each officer, director,  
230 and shareholder if the applicant is owned directly or  
231 beneficially by a person who as an issuer has a class of  
232 securities registered pursuant to s. 12 of the Securities



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233 Exchange Act of 1934 or, pursuant to s. 13 or s. 15(d) of such  
234 act, is an issuer of securities which is required to file  
235 reports with the Securities and Exchange Commission, if the  
236 person files with the division ~~office~~ any information,  
237 documents, and reports required ~~by such act~~ to be filed with the  
238 Securities and Exchange Commission.

239 (3) An applicant for licensure shall file a bond with the  
240 division ~~office~~ ~~a bond~~, in the amount of \$100,000 for each  
241 license, with a surety company qualified to do business in this  
242 state. However, ~~in no event shall~~ the aggregate amount of the  
243 bond required for a single title loan lender may not exceed \$1  
244 million. In lieu of the bond, the applicant may establish and  
245 file a certificate of deposit or an irrevocable letter of credit  
246 in a financial institution, as defined in s. 655.005, in the  
247 amount of the bond. The division ~~original bond, certificate of~~  
248 ~~deposit, or letter of credit shall be filed with the office, and~~  
249 ~~the office~~ shall be the beneficiary to that document. ~~The bond,~~  
250 ~~certificate of deposit, or letter of credit shall be in favor of~~  
251 ~~the office~~ for the use and benefit of any consumer who is  
252 injured pursuant to a title loan transaction by the fraud,  
253 misrepresentation, breach of contract, financial failure, or  
254 violation of any provision of this chapter ~~act~~ by the title loan  
255 lender. Such liability may be enforced ~~either by proceeding in~~  
256 an administrative action or by ~~filing a~~ judicial suit ~~at law in~~  
257 ~~a court of competent jurisdiction~~. However, in such court suit,  
258 the bond, certificate of deposit, or letter of credit posted  
259 with the division ~~is~~ ~~office~~ ~~shall~~ not be amenable or subject to  
260 any judgment or other legal process issuing out of or from such  
261 court in connection with such lawsuit, but is ~~such bond,~~

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262 ~~certificate of deposit, or letter of credit shall be~~ amenable to  
263 and enforceable only by and through administrative proceedings  
264 before the division office. It is the intent of the Legislature  
265 that such bond, certificate of deposit, or letter of credit  
266 ~~shall~~ be applicable and liable only for the payment of claims  
267 duly adjudicated by order of the division office. The bond,  
268 certificate of deposit, or letter of credit is ~~shall be~~ payable  
269 on a pro rata basis as determined by the division office, but  
270 the aggregate amount may not exceed the amount of the bond,  
271 certificate of deposit, or letter of credit.

272 ~~(4) The office shall approve an application and issue a~~  
273 ~~license if the office determines that the applicant satisfies~~  
274 ~~the requirements of this act.~~

275 Section 7. Section 537.006, Florida Statutes, is amended to  
276 read:

277 537.006 Denial, suspension, or revocation of license.—

278 (1) The following acts are violations of this chapter act  
279 and constitute grounds for ~~the~~ disciplinary actions specified in  
280 subsection (2):

281 (a) Failure to comply with any provision of this chapter  
282 ~~act~~, any rule or order adopted pursuant to this chapter act, or  
283 any written agreement entered into with the division office.

284 (b) Fraud, misrepresentation, deceit, or gross negligence  
285 in any title loan transaction, regardless of reliance by or  
286 damage to the borrower.

287 (c) Fraudulent misrepresentation, circumvention, or  
288 concealment of any matter required to be stated or furnished to  
289 a borrower pursuant to this chapter act, regardless of reliance  
290 by or damage to the borrower.

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291 (d) Imposition of illegal or unauthorized ~~excessive~~ charges  
292 in any title loan transaction.

293 (e) False, deceptive, or misleading advertising by a title  
294 loan lender.

295 (f) Failure to maintain, preserve, and keep available for  
296 examination all books, accounts, or other documents required by  
297 this chapter ~~act~~, ~~by~~ any rule or order adopted pursuant to this  
298 chapter ~~act~~, or ~~by~~ any agreement entered into with the division  
299 ~~office~~.

300 (g) Aiding, abetting, or conspiring by a title loan lender  
301 with a person to circumvent or violate any of the requirements  
302 of this chapter ~~act~~.

303 (h) Refusal to provide information upon division request ~~of~~  
304 ~~the office~~, ~~to~~ permit inspection of books and records in an  
305 investigation or examination by the division ~~office~~, or ~~to~~  
306 comply with a subpoena issued by the division ~~office~~.

307 (i) Pleading nolo contendere to or having been convicted or  
308 found guilty, regardless of whether adjudication was withheld,  
309 of a crime involving fraud, dishonest dealing, or any act of  
310 moral turpitude or acting as an ultimate equitable owner of 10  
311 percent or more of a licensee who has pled nolo contendere to or  
312 has been convicted or found guilty, regardless of whether  
313 adjudication was withheld, of a crime involving fraud, dishonest  
314 dealing, or any act of moral turpitude.

315 (j) Making or having made material misstatement of fact in  
316 an initial or renewal license application ~~for a license~~.

317 (k) Having been the subject of any decision, finding,  
318 injunction, suspension, prohibition, revocation, denial,  
319 judgment, or administrative order by any court of competent

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320 jurisdiction or administrative law judge, or by any state or  
321 federal agency, involving a violation of any federal or state  
322 law relating to title loans or any rule ~~or regulation~~ adopted  
323 under such law, or ~~has~~ been the subject of any injunction or  
324 adverse administrative order by a state or federal agency  
325 regulating banking, insurance, finance or small loan companies,  
326 real estate, mortgage brokers, or other related or similar  
327 industries for acts involving fraud, dishonest dealing, or any  
328 act of moral turpitude.

329 (l) Failing to continuously maintain the bond, certificate  
330 of deposit, or letter of credit required by s. 537.005(3).

331 (m) Failing to timely pay any fee, charge, or fine imposed  
332 or assessed pursuant to this chapter ~~act~~ or rules adopted under  
333 this chapter ~~act~~.

334 (n) Having a license or registration, or the equivalent, to  
335 practice any profession or occupation denied, suspended,  
336 revoked, or otherwise acted against by a licensing authority in  
337 any jurisdiction for fraud, dishonest dealing, or any act of  
338 moral turpitude.

339 (o) Having demonstrated unworthiness, as defined by  
340 department ~~commission~~ rule, to transact the business of a title  
341 loan lender.

342 (2) Upon a finding by the division ~~office~~ that any person  
343 has committed any of the acts set forth in subsection (1), the  
344 division ~~office~~ may enter an order taking one or more of the  
345 following actions:

346 (a) Denying an application for licensure under this chapter  
347 ~~act~~.

348 (b) Revoking or suspending a license previously granted

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349 pursuant to this chapter act.

350 (c) Placing a licensee or an applicant for a license on  
351 probation for a period of time and subject to such conditions as  
352 the division office specifies.

353 (d) Issuing a reprimand.

354 (e) Imposing an administrative fine of up to ~~not to exceed~~  
355 \$5,000 for each separate act or violation.

356 (3) If a person seeking licensure is not ~~anything other~~  
357 ~~than~~ a natural person, the eligibility requirements of this  
358 section apply to each direct or ultimate equitable owner of 10  
359 percent or more of the outstanding equity interest of such  
360 entity and to each director, general partner, and executive  
361 officer.

362 (4) It is sufficient cause for the division office ~~to take~~  
363 any of the actions specified in subsection (2), as to any entity  
364 other than a natural person, if the division office finds  
365 grounds for such action as to any member of such entity, ~~as to~~  
366 any executive officer or director of the entity, or ~~as to~~ any  
367 person with power to direct the management or policies of the  
368 entity.

369 (5) Each licensee is subject to the provisions of  
370 subsection (2) for the acts of employees and agents of the  
371 licensee if the licensee knew or should have known about such  
372 acts.

373 (6) Licensure under this chapter act may be denied, ~~or any~~  
374 ~~license issued under this act may be~~ suspended, or restricted if  
375 an applicant or licensee is charged, in a pending enforcement  
376 action or pending criminal prosecution, with any conduct that  
377 would authorize denial or revocation under this section.

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378 Section 8. Section 537.007, Florida Statutes, is amended to  
379 read:

380 537.007 Remedies for title loans made without licensure.—  
381 Any title loan made without benefit of a license is void, and in  
382 ~~which case~~ the person making the title loan forfeits the right  
383 to collect any moneys, including principal and interest charged  
384 on the title loan, from the borrower in connection with the  
385 title loan such agreement. The person making the void title loan  
386 must shall return to the borrower the certificate of title  
387 serving as collateral for the loan with the lender's lien  
388 released loan property, the titled personal property pledged or  
389 the fair market value of such titled personal property, and all  
390 principal and interest paid by the borrower. The borrower is  
391 entitled to ~~receive~~ reasonable attorney's fees and costs in any  
392 action brought by the borrower to recover the certificate of  
393 title and any from the person making the title loan the loan  
394 property, the titled personal property, or the principal and  
395 interest paid by the borrower from the person making the void  
396 title loan.

397 Section 9. Section 537.008, Florida Statutes, is amended to  
398 read:

399 537.008 Title loan agreement.—

400 (1) At the time a title loan lender makes a title loan, the  
401 lender and the borrower shall execute a title loan agreement,  
402 which must shall be legibly typed or written in indelible ink  
403 and completed as to all essential provisions before ~~prior to~~  
404 execution ~~by the borrower and lender~~. The title loan agreement  
405 must shall include the following information:

406 (a) The make, model, and year of the motor vehicle that

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407 will serve as collateral for the loan ~~titled personal property~~  
408 ~~to which the loan property relates.~~

409 (b) The vehicle identification number, or other comparable  
410 identification number, along with the license plate number, if  
411 applicable, of the motor vehicle that will serve as collateral  
412 for the loan ~~titled personal property to which the loan property~~  
413 ~~relates.~~

414 ~~(c) The name, residential address, date of birth, physical~~  
415 ~~description, and social security number of the borrower.~~

416 (c) ~~(d)~~ The date the title loan agreement is executed by the  
417 ~~title loan lender and the borrower.~~

418 (d) ~~(e)~~ The identification number and the type of  
419 identification, including the issuing agency, accepted from the  
420 borrower.

421 (e) The maturity date of the title loan agreement, which  
422 must be at least 120 days but no later than 1 year after the  
423 date the title loan agreement is executed.

424 (f) The amount financed, finance charge, total number of  
425 payments, and annual percentage rate, computed and disclosed in  
426 accordance with the federal Truth in Lending Act and applicable  
427 regulations.

428 ~~(f) The amount of money advanced, designated as the "amount~~  
429 ~~financed."~~

430 ~~(g) The maturity date of the title loan agreement, which~~  
431 ~~shall be 30 days after the date the title loan agreement is~~  
432 ~~executed by the title loan lender and the borrower.~~

433 ~~(h) The total title loan interest payable on the maturity~~  
434 ~~date, designated as the "finance charge."~~

435 ~~(i) The amount financed plus finance charge, which must be~~

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436 ~~paid to reclaim the loan property on the maturity date,~~  
 437 ~~designated as the "total amount of all payments."~~

438 ~~(j) The interest rate, computed in accordance with the~~  
 439 ~~regulations adopted by the Federal Reserve Board pursuant to the~~  
 440 ~~federal Truth in Lending Act, designated as the "annual~~  
 441 ~~percentage rate."~~

442 (2) The following information must ~~shall also~~ be printed on  
 443 all title loan agreements:

444 (a) The name and physical address of the title loan office.

445 (b) The name and address of the department ~~of Financial~~  
 446 ~~Services~~ as well as a telephone number to which consumers may  
 447 address complaints.

448 (c) The following statement immediately above the  
 449 borrower's signature in at least ~~not less than~~ 12-point type  
 450 ~~that:~~

451  
 452 THIS IS A MOTOR VEHICLE TITLE LOAN AGREEMENT. IT  
 453 ALLOWS YOU TO RECEIVE LOAN PROCEEDS TO MEET YOUR  
 454 IMMEDIATE CASH NEEDS AND IS NOT INTENDED TO MEET YOUR  
 455 LONG-TERM FINANCIAL NEEDS.

456  
 457 THE INTEREST RATE ON THIS LOAN IS HIGH. YOU SHOULD  
 458 CONSIDER WHETHER THERE ARE OTHER LOWER-COST LOANS  
 459 AVAILABLE TO YOU.

460  
 461 IF YOU DECIDE TO ACCEPT THIS LOAN, YOU SHOULD REQUEST  
 462 THE MINIMUM AMOUNT REQUIRED TO MEET YOUR IMMEDIATE  
 463 CASH NEEDS AND REPAY THE LOAN AS QUICKLY AS POSSIBLE  
 464 TO REDUCE THE AMOUNT OF INTEREST YOU ARE CHARGED.



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465  
466 YOU WILL BE REQUIRED TO PAY THE PRINCIPAL AND INTEREST  
467 ON THE LOAN IN SUBSTANTIALLY EQUAL MONTHLY  
468 INSTALLMENTS. YOU SHOULD TRY EACH MONTH TO PAY EVEN  
469 MORE TOWARD YOUR PRINCIPAL BALANCE. DOING SO WILL SAVE  
470 YOU MONEY BY REDUCING THE AMOUNT OF INTEREST OWED.

471  
472 YOU MAY RESCIND THIS LOAN WITHOUT COST OR FURTHER  
473 OBLIGATION IF YOU RETURN THE LOAN PROCEEDS, IN CASH OR  
474 THE ORIGINAL LOAN CHECK, BEFORE THE CLOSE OF BUSINESS  
475 ON THE NEXT BUSINESS DAY IMMEDIATELY FOLLOWING THE  
476 EXECUTION OF THIS AGREEMENT.

477  
478 YOU ARE PLEDGING YOUR MOTOR VEHICLE AS COLLATERAL FOR  
479 THIS LOAN. IF YOU FAIL TO REPAY THE LOAN PURSUANT TO  
480 THIS AGREEMENT, WE MAY REPOSSESS YOUR MOTOR VEHICLE.

481  
482 UNLESS YOU CONCEAL OR INTENTIONALLY DAMAGE THE MOTOR  
483 VEHICLE, OR OTHERWISE IMPAIR OUR SECURITY INTEREST BY  
484 PLEDGING THE MOTOR VEHICLE TO A THIRD PARTY OR  
485 PLEDGING A MOTOR VEHICLE TO US WHICH IS ALREADY  
486 SUBJECT TO AN UNDISCLOSED LIEN, YOUR LIABILITY FOR  
487 DEFAULTING UNDER THIS LOAN IS LIMITED TO THE LOSS OF  
488 THE MOTOR VEHICLE.

489  
490 IF YOUR MOTOR VEHICLE IS SOLD DUE TO YOUR DEFAULT ON  
491 THIS LOAN, YOU ARE ENTITLED TO ANY SURPLUS OBTAINED AT  
492 SUCH SALE LESS WHAT IS OWED PURSUANT TO THIS AGREEMENT  
493 AND ANY REASONABLE COSTS OF RECOVERY, STORAGE, AND

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494           SALE.

495  
496           ~~1. If the borrower fails to repay the full amount of the~~  
497 ~~title loan on or before the end of the maturity date or any~~  
498 ~~extension of the maturity date and fails to make a payment on~~  
499 ~~the title loan within 30 days after the end of the maturity date~~  
500 ~~or any extension of the maturity date, whichever is later, the~~  
501 ~~title loan lender may take possession of the borrower's motor~~  
502 ~~vehicle and sell the vehicle in the manner provided by law. If~~  
503 ~~the vehicle is sold, the borrower is entitled to any proceeds of~~  
504 ~~the sale in excess of the amount owed on the title loan and the~~  
505 ~~reasonable expenses of repossession and sale.~~

506           ~~2. If the title loan agreement is lost, destroyed, or~~  
507 ~~stolen, the borrower should immediately so advise the issuing~~  
508 ~~title loan lender in writing.~~

509           (d) The statement that "The borrower represents and  
510 warrants that the motor vehicle serving as collateral for the  
511 title loan ~~titled personal property to which the loan property~~  
512 ~~relates~~ is not stolen and has no liens or encumbrances against  
513 it, the borrower has the right to enter into this transaction,  
514 and the borrower will not apply for a duplicate certificate of  
515 title while the title loan agreement is in effect."

516           (e) A blank line for the signature of the borrower and the  
517 title loan lender or the lender's agent. All owners of the motor  
518 vehicle ~~titled personal property~~ must sign the title loan  
519 agreement.

520           (3) At the time of the transaction, the title loan lender  
521 shall deliver to the borrower an exact copy of the executed  
522 title loan agreement.

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523 (4) Upon execution of a title loan agreement, the title  
524 loan lender shall ~~may~~ take possession of the certificate of  
525 title to the motor vehicle serving as collateral for the loan,  
526 and within 7 business days record its lien on such title as  
527 provided by law. The title loan lender shall ~~loan property and~~  
528 ~~retain possession of~~ the certificate of title ~~such property~~  
529 ~~until the title loan is fully repaid~~ ~~such property is redeemed.~~  
530 ~~The borrower shall have the exclusive right to redeem the loan~~  
531 ~~property by repaying all amounts legally due under the~~  
532 ~~agreement.~~ When the title loan ~~property~~ is fully repaid  
533 ~~redeemed,~~ the lender shall immediately release its lien on the  
534 certificate of title and return the certificate of title to the  
535 borrower ~~loan property and commence action to release any~~  
536 ~~security interest in the titled personal property. During the~~  
537 ~~term of the agreement or any extension of the agreement, a title~~  
538 ~~loan lender may retain physical possession of the loan property~~  
539 ~~only.~~ A title loan lender may ~~shall~~ not require a borrower to  
540 provide any additional collateral ~~security~~ or guaranty as a  
541 condition to entering into a title loan transaction. A title  
542 loan lender may not make a title loan if the certificate of  
543 title to the motor vehicle that will serve as collateral for the  
544 loan is security for another loan or is otherwise encumbered by  
545 a lien.

546 Section 10. Section 537.0085, Florida Statutes, is created  
547 to read:

548 537.0085 Rescission.—A licensee shall allow a borrower  
549 under a title loan agreement to rescind the title loan without  
550 cost or further obligation if the borrower returns the loan  
551 proceeds in cash or the original loan check before the close of

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552 business on the business day immediately following the execution  
553 of the title loan agreement.

554 Section 11. Section 537.009, Florida Statutes, is amended  
555 to read:

556 537.009 Recordkeeping; reporting; safekeeping ~~of property.~~

557 (1) Every title loan lender shall maintain, at the lender's  
558 title loan office, such books, accounts, and records of the  
559 business conducted under the license issued for such place of  
560 business as will enable the division ~~office~~ to determine the  
561 licensee's compliance with this chapter ~~act~~.

562 (2) The division ~~office~~ may authorize the maintenance of  
563 books, accounts, and records at a location other than the  
564 lender's title loan office. The division ~~office~~ may require  
565 books, accounts, and records to be produced and available at a  
566 reasonable and convenient location in this state within a  
567 reasonable period of time after such a request.

568 (3) The title loan lender shall maintain the original copy  
569 of each completed title loan agreement on the title loan office  
570 premises, and may ~~shall~~ not obliterate, discard, or destroy any  
571 ~~such~~ original copy, for a ~~period of~~ at least 2 years after  
572 making the final entry on a ~~any~~ loan recorded in the ~~such~~ office  
573 ~~or after an examination by the Office of Financial Regulation,~~  
574 ~~whichever is later.~~

575 (4) Certificates of title that are held by ~~Loan property~~  
576 ~~which is delivered to~~ a title loan lender must ~~shall~~ be securely  
577 stored and maintained at the title loan office unless the  
578 certificate of title ~~loan property~~ has been forwarded to the  
579 appropriate state agency for the purpose of having a lien  
580 recorded or deleted.

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581           (5) The department ~~commission~~ may prescribe by rule the  
582 books, accounts, documents, and records, and the minimum  
583 information to be shown in the books, accounts, documents, and  
584 records, of licensees necessary for ~~so that such records will~~  
585 ~~enable~~ the division ~~office~~ to determine compliance with ~~the~~  
586 ~~provisions of this chapter act.~~ ~~In addition,~~ The department  
587 ~~commission~~ may prescribe by rule requirements for the  
588 destruction of books, accounts, records, and documents retained  
589 by the licensee after completion of the time period specified in  
590 subsection (3).

591           Section 12. Section 537.011, Florida Statutes, is amended  
592 to read:

593           (Substantial rewording of section. See  
594 s. 537.011, F.S., for present text.)  
595 537.011 Title loan charges.-

596           (1) A licensee may charge and collect interest on a title  
597 loan at rates up to the following amounts:

598           (a) Twenty-two percent per month on the portion of the  
599 principal that does not exceed \$700;

600           (b) Eighteen percent per month on the portion of the  
601 principal that exceeds \$700 but does not exceed \$1,400; and

602           (c) Fifteen percent per month on the portion of the  
603 principal that exceeds \$1,400.

604           (2) The interest shall be charged only upon the outstanding  
605 principal balance. Interest may not be charged on an add-on  
606 basis and may not be compounded or paid, deducted, or received  
607 in advance. On title loans in excess of \$700, a licensee may  
608 accrue interest using a single blended interest rate if the  
609 maximum charge allowed under subsection (1) is not exceeded.

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610 (3) Notwithstanding subsection (1) or the title loan  
611 agreement, interest may not accrue on the principal balance of a  
612 title loan from and after:

613 (a) The date that the motor vehicle securing the title loan  
614 is repossessed by the licensee making the loan, unless the  
615 licensee allows the borrower to redeem the vehicle with a loan  
616 balance still owing, in which case interest accrual may restart  
617 upon the borrower regaining possession of the motor vehicle; or

618 (b) Sixty days after the borrower has failed to make a  
619 monthly payment on a title loan as required by the loan  
620 agreement, unless the borrower has not surrendered the motor  
621 vehicle and the borrower is concealing the motor vehicle. If the  
622 borrower cures the default after the 60th day but before the  
623 lender repossesses the motor vehicle, interest accrual may  
624 restart upon such cure and any missing days of interest may be  
625 added back to the account.

626 (4) Every title loan is a term loan providing for repayment  
627 of the principal and interest in substantially equal monthly  
628 installments of principal and interest. However, a loan  
629 agreement may provide for an odd first payment period, and an  
630 odd first payment greater than other monthly payments because of  
631 such odd first payment period.

632 (5) A title loan agreement may not be extended, renewed, or  
633 refinanced.

634 (6) A licensee may impose a late charge for failure to make  
635 timely payment of any amount due under the loan agreement if  
636 such late charge does not exceed the amount permitted by s.  
637 516.031(3).

638 (7) The licensee must credit payments on the date received.

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639       (8) Other than the loan principal, and interest and fees  
640 permitted under this section, a licensee may not directly or  
641 indirectly charge, contract for, collect, receive, recover, or  
642 require a borrower to pay any further or other fee, charge, or  
643 amount except for the licensee's:

644       (a) Actual cost of perfecting its security interest in the  
645 motor vehicle securing the borrower's obligations under the  
646 title loan agreement; and

647       (b) Reasonable and actual costs of repossession, storage,  
648 and sale of the motor vehicle if the borrower defaults under the  
649 terms of the title loan agreement.

650       (9) If any excess interest or fee is charged and such  
651 charge resulted from a bona fide error by the title loan lender,  
652 or an agent of the title loan lender, the lender shall refund  
653 the excess interest or fee to the borrower within 30 days after  
654 discovery by the lender or borrower of the error or within 30  
655 days after notice of the error from the borrower, whichever  
656 occurs first.

657       (10) If any excess interest or fee is charged by the title  
658 loan lender, or an agent of the title loan lender, in an effort  
659 to intentionally circumvent the maximum title loan interest and  
660 fees allowed by this chapter, the title loan agreement is void  
661 and the lender shall refund to the borrower any interest paid on  
662 the title loan and return to the borrower the certificate of  
663 title with the lender's lien released. In such event, the title  
664 loan lender forfeits the lender's right to collect any principal  
665 owed by the borrower on the title loan.

666       (11) The division may require a title loan lender, or an  
667 agent of the title loan lender, to comply with subsections (9)

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668 and (10).

669 Section 13. Section 537.012, Florida Statutes, is amended  
670 to read:

671 (Substantial rewording of section. See  
672 s. 537.012, F.S., for present text.)

673 537.012 Repossession.—Except as provided in subsection (5),  
674 a licensee taking a security interest in a motor vehicle  
675 pursuant to this chapter upon default by the borrower is limited  
676 to seeking repossession of, preparing for sale, and selling the  
677 motor vehicle securing the title loan in accordance with Article  
678 9 of the Uniform Commercial Code.

679 (1) The licensee may not collect or charge the costs of  
680 repossessing and selling the motor vehicle as described in s.  
681 537.011(8)(b) unless the licensee, at least 10 days before  
682 repossessing the motor vehicle, has sent to the borrower, by  
683 first-class mail, written notice advising the borrower that his  
684 or her title loan is in default and stating that the motor  
685 vehicle securing the borrower's title loan may be repossessed  
686 unless the principal and interest owed under the loan agreement  
687 are paid, and the borrower does not pay such principal and  
688 interest before the date that the motor vehicle is repossessed  
689 by or at the direction of the licensee. A licensee may not  
690 repossess the motor vehicle before the date specified in the  
691 notice. Except as provided in subsection (5), a licensee may not  
692 seek or obtain a personal money judgment against a borrower for  
693 any amount owed under a loan agreement or any deficiency  
694 resulting after the sale of a motor vehicle. The notice  
695 requirements of this subsection do not apply if the borrower  
696 voluntarily surrenders the motor vehicle.



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697       (2) At least 15 days before the sale of a motor vehicle, a  
698 licensee shall notify the borrower of the date and time after  
699 which the motor vehicle is subject to sale and provide the  
700 borrower with a written accounting of the principal amount due,  
701 interest accrued through the date that the licensee took  
702 possession of the motor vehicle, and any reasonable expenses  
703 incurred to date by the licensee in taking possession of,  
704 preparing for sale, storing, and selling the motor vehicle. At  
705 any time before such sale, the borrower may redeem the motor  
706 vehicle by tendering cash, a certified check, or money order for  
707 the amount owed to the licensee.

708       (3) Within 60 days after the licensee's receipt of proceeds  
709 from the sale of a motor vehicle, the borrower is entitled to  
710 receive that portion of the proceeds which are in excess of the  
711 principal amount due to the licensee, interest accrued through  
712 the date the licensee took possession, and the reasonable  
713 expenses incurred by the licensee in taking possession of,  
714 storing, preparing for sale, and selling the motor vehicle.

715       (4) Except in the case of fraud or a voluntary surrender of  
716 the motor vehicle, a licensee may not take possession of a motor  
717 vehicle until a borrower is in default under the loan agreement.

718       (5) Notwithstanding any other provision of law, upon  
719 default by a borrower, a licensee may seek a personal money  
720 judgment against the borrower for any amounts owed under a loan  
721 agreement if the borrower impairs the licensee's security  
722 interest by intentionally damaging or destroying the motor  
723 vehicle, intentionally concealing the motor vehicle, giving the  
724 licensee a lien in a motor vehicle that is already encumbered by  
725 an undisclosed prior lien, or subsequently giving a security

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726 interest in, or selling, a motor vehicle that secures a title  
727 loan to a third party, without the licensee's written consent.

728 Section 14. Section 537.013, Florida Statutes, is amended  
729 to read:

730 537.013 Prohibited acts.—

731 ~~(1)~~ A title loan lender, or any agent or employee of a  
732 title loan lender, may ~~shall~~ not:

733 (1) ~~(a)~~ Falsify or fail to make an entry of any material  
734 matter in a title loan agreement ~~or any extension of such~~  
735 ~~agreement.~~

736 (2) ~~(b)~~ Refuse to allow the division ~~office~~ to inspect  
737 completed title loan agreements and supporting documentation,  
738 ~~extensions of such agreements, or loan property~~ during the  
739 ordinary operating hours of the title loan lender's business or  
740 other times acceptable to both parties.

741 (3) ~~(c)~~ Enter into a title loan agreement with a person  
742 under ~~the age of 18 years~~ of age.

743 (4) ~~(d)~~ Make any agreement requiring or allowing for the  
744 personal liability of a borrower beyond that allowed under s.  
745 537.012 or the waiver of any provision ~~of the provisions~~ of this  
746 chapter act.

747 (5) ~~(e)~~ Knowingly enter into a title loan agreement with any  
748 person who is under the influence of drugs or alcohol if ~~when~~  
749 such condition is visible or apparent, or with any person using  
750 a name other than the ~~such~~ person's own name or the registered  
751 name of the person's business.

752 (6) ~~(f)~~ Fail to exercise reasonable care, as defined by  
753 department ~~commission~~ rule, in the safekeeping of certificates  
754 of title loan property or of motor vehicles ~~titled personal~~

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755 ~~property~~ repossessed pursuant to this chapter act.

756 (7)-(g) Fail to return the borrower's certificate of title  
757 and the borrower's motor vehicle if it has been repossessed ~~loan~~  
758 ~~property or repossessed titled personal property to a borrower,~~  
759 with any and all of the title loan lender's liens on the  
760 property properly released, upon payment of the full amount due  
761 the title loan lender, unless the property has been seized or  
762 impounded by an authorized law enforcement agency, taken into  
763 custody by a court, or otherwise disposed of by court order. If  
764 the borrower fully repays the loan and the certificate of title  
765 is not in the title loan lender's possession because the lender  
766 sent the title to have the lender's lien recorded and the title  
767 has not yet been returned, the lender must release its lien and  
768 return the title to the borrower within 3 days after regaining  
769 possession of the certificate.

770 (8)-(h) Sell or otherwise charge for any type of insurance  
771 in connection with a title loan agreement.

772 (9)-(i) Intentionally charge or receive any finance charge,  
773 interest, or fees ~~that~~ which are not authorized pursuant to this  
774 chapter, or fail to timely refund any finance charge, interest,  
775 or fee not authorized pursuant to this chapter but received due  
776 to a bona fide error act.

777 (10)-(j) Act as a title loan lender without an active  
778 license issued under this chapter act.

779 (11)-(k) Refuse to accept partial payments toward satisfying  
780 any obligation owed under a title loan agreement or extension of  
781 such agreement.

782 (12)-(l) Charge a prepayment penalty.

783 (13)-(m) Engage in the business of selling new or used motor

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784 vehicles, or parts for motor vehicles.

785 ~~(14)(n)~~ Act as a title loan lender ~~under this act~~ within a  
 786 place of business in which the licensee solicits or engages in  
 787 business outside the scope of this chapter act if the division  
 788 ~~office~~ determines that the licensee's operation of and conduct  
 789 pertaining to such other business results in an evasion of this  
 790 chapter act. Upon making such a determination, the division  
 791 ~~office~~ shall order the licensee to cease and desist from such  
 792 evasion. ~~A; provided, no licensee may not shall~~ engage in the  
 793 pawnbroker business or the deferred presentment business, or  
 794 allow others to engage in such businesses from the licensee's  
 795 title loan office.

796 (15) Cause any borrower to be obligated on a title loan in  
 797 a principal amount that exceeds 50 percent of the fair market  
 798 value of the motor vehicle in which the licensee is taking a  
 799 security interest, which value shall be determined by reference  
 800 to the market value for the motor vehicle specified in a  
 801 recognized pricing guide if the motor vehicle is included in a  
 802 recognized pricing guide.

803 ~~(2) Title loan companies may not advertise using the words~~  
 804 ~~"interest free loans" or "no finance charges."~~

805 Section 15. Section 537.014, Florida Statutes, is repealed.

806 Section 16. Section 537.015, Florida Statutes, is amended  
 807 to read:

808 537.015 Criminal penalties.—

809 (1) Any person who acts as a title loan lender without  
 810 first securing the license prescribed by this chapter act  
 811 commits a felony of the third degree, punishable as provided in  
 812 s. 775.082, s. 775.083, or s. 775.084.

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813 (2) In addition to any other applicable penalty, any person  
814 who willfully violates any provision of this chapter ~~act~~ or who  
815 willfully makes a false entry in any record specifically  
816 required by this chapter ~~act~~ commits a misdemeanor of the first  
817 degree, punishable as provided in s. 775.082 or s. 775.083.

818 Section 17. Section 537.016, Florida Statutes, is amended  
819 to read:

820 537.016 Subpoenas; enforcement actions; rules.—

821 (1) The division ~~office~~ may issue and serve subpoenas to  
822 compel the attendance of witnesses and the production of  
823 documents, papers, books, records, and other evidence ~~before the~~  
824 ~~office~~ in any matter pertaining to this chapter ~~act~~. The  
825 division ~~office~~ may administer oaths and affirmations to any  
826 person whose testimony is required. If any person refuses to  
827 testify; produce books, records, and documents; or otherwise  
828 refuses to obey a subpoena issued under this section, the  
829 division ~~office~~ may enforce the subpoena in the same manner as  
830 subpoenas issued under the Administrative Procedure Act are  
831 enforced. Witnesses are entitled to the same fees and mileage as  
832 they are entitled to by law for attending as witnesses in the  
833 circuit court, unless such examination or investigation is held  
834 at the place of business or residence of the witness.

835 (2) In addition to any other powers conferred upon the  
836 division ~~office~~ to enforce or administer this chapter ~~act~~, the  
837 division ~~office~~ may:

838 (a) Bring a civil ~~an~~ action ~~in any court of competent~~  
839 ~~jurisdiction~~ to enforce or administer this chapter ~~act~~, any rule  
840 or order adopted under this chapter ~~act~~, or any written  
841 agreement entered into with the division ~~office~~. In such action,

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842 the division ~~office~~ may seek any relief at law or equity,  
843 including a temporary or permanent injunction, appointment of a  
844 receiver or administrator, or an order of restitution.

845 (b) Issue and serve upon a person an order requiring such  
846 person to cease and desist and take corrective action if  
847 ~~whenever~~ the division ~~office~~ finds that such person is  
848 violating, has violated, or is about to violate any provision of  
849 this chapter ~~act~~, any rule or order adopted under this chapter  
850 ~~act~~, or any written agreement entered into with the division  
851 ~~office~~.

852 (c) If ~~Whenever~~ the division ~~office~~ finds that conduct  
853 described in paragraph (b) presents an immediate danger to the  
854 public health, safety, or welfare requiring an immediate final  
855 order, ~~the office may~~ issue an emergency cease and desist order  
856 reciting with particularity the facts underlying such findings.  
857 The ~~emergency cease and desist~~ order is effective immediately  
858 upon service of a copy of the order on the respondent named in  
859 the order and remains ~~shall remain~~ effective for 90 days. If the  
860 division ~~office~~ begins nonemergency proceedings under paragraph  
861 (b), the ~~emergency cease and desist~~ order remains effective  
862 until the conclusion of the proceedings under ss. 120.569 and  
863 120.57.

864 (3) The department ~~commission~~ may adopt rules to administer  
865 this chapter ~~act~~.

866 Section 18. Section 537.017, Florida Statutes, is amended  
867 to read:

868 537.017 Investigations and complaints.—

869 (1) The division ~~office~~ may make any investigation and  
870 examination of any licensee or other person the division ~~office~~

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871 deems necessary to determine compliance with this chapter ~~act~~.  
872 For such purposes, the division ~~office~~ may examine the books,  
873 accounts, records, and other documents or matters of any  
874 licensee or other person. The office may compel the production  
875 of all relevant books, records, and other documents and  
876 materials relative to an examination or investigation.  
877 Examinations may ~~shall~~ not be made more ~~often~~ than once during  
878 any 12-month period unless the division ~~office~~ has reason to  
879 believe the licensee is not complying with the provisions of  
880 this chapter ~~act~~.

881 (2) The division ~~office~~ shall conduct all examinations at a  
882 convenient location in this state unless the division ~~office~~  
883 determines that it is more effective or cost-efficient to  
884 perform an examination at the licensee's out-of-state location.  
885 For an examination performed at the licensee's out-of-state  
886 location, the licensee shall pay the travel expense and per diem  
887 subsistence at the rate provided by law for up to thirty 8-hour  
888 days per year for each division ~~office~~ examiner who participates  
889 in such an examination. However, if the examination involves or  
890 reveals possible fraudulent conduct by the licensee, the  
891 licensee shall pay the travel expenses and per diem subsistence  
892 provided by law, without limitation, for each participating  
893 examiner.

894 (3) Any person having reason to believe that any provision  
895 of this chapter ~~act~~ has been violated may file with the  
896 department ~~of Financial Services~~ or the division ~~office~~ a  
897 written complaint setting forth the details of the ~~such~~ alleged  
898 violation, and the division ~~office~~ may investigate such  
899 complaint.

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900 Section 19. Section 537.018, Florida Statutes, is repealed.

901 Section 20. Section 494.00797, Florida Statutes, is amended  
 902 to read:

903 494.00797 General rule.—All counties and municipalities of  
 904 this state are prohibited from enacting and enforcing  
 905 ordinances, resolutions, and rules regulating financial or  
 906 lending activities, including ordinances, resolutions, and rules  
 907 disqualifying persons from doing business with a ~~city,~~ county,  
 908 or municipality based upon lending interest rates or imposing  
 909 reporting requirements or any other obligations upon persons  
 910 regarding financial services or lending practices of persons or  
 911 entities, and any subsidiaries or affiliates thereof, who:

912 (1) Are subject to the jurisdiction of the office and the  
 913 Department of Agriculture and Consumer Services, as applicable,  
 914 including ~~for~~ activities subject to this chapter, ~~except~~  
 915 ~~entities licensed under s. 537.004;~~

916 (2) Are subject to the jurisdiction of the Office of Thrift  
 917 Supervision, the Office of the Comptroller of the Currency, the  
 918 National Credit Union Administration, the Federal Deposit  
 919 Insurance Corporation, the Federal Trade Commission, or the  
 920 United States Department of Housing and Urban Development;

921 (3) Originate, purchase, sell, assign, secure, or service  
 922 property interests or obligations created by financial  
 923 transactions or loans made, executed, or originated by persons  
 924 referred to in subsection (1) or subsection (2) to assist or  
 925 facilitate such transactions;

926 (4) Are chartered by the United States Congress to engage  
 927 in secondary market mortgage transactions; or

928 (5) Are created by the Florida Housing Finance Corporation.



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930 Proof of noncompliance with this part ~~act~~ can be used by a ~~city,~~  
931 ~~county,~~ or municipality ~~of this state~~ to disqualify a vendor or  
932 contractor from doing business with a ~~city,~~ ~~county,~~ or  
933 municipality ~~of this state~~.

934 Section 21. All powers, duties, functions, records,  
935 offices, personnel, property, pending issues and existing  
936 contracts, administrative authority, administrative rules, and  
937 unexpended balances of appropriations, allocations, and other  
938 funds relating to the regulation of title loans under chapter  
939 537, Florida Statutes, in the Department of Financial Services  
940 are transferred by a type two transfer, as defined in s.  
941 20.06(2), Florida Statutes, to the Department of Agriculture and  
942 Consumer Services.

943 Section 22. This act shall take effect July 1, 2011.