

By Senator Bean

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1 A bill to be entitled
2 An act relating to money services businesses; amending
3 s. 560.103, F.S.; providing a definition; amending s.
4 560.309, F.S.; authorizing the Financial Services
5 Commission to use a portion of the fees that licensees
6 may charge for the direct costs of verification of
7 payment instruments cashed for certain purposes;
8 amending s. 560.310, F.S.; requiring licensees engaged
9 in check cashing to submit certain transaction
10 information to the Office of Financial Regulation
11 related to the payment instruments cashed; requiring
12 the office to maintain the transaction information in
13 a centralized database; providing liability protection
14 for licensees relying on database information;
15 providing rulemaking authority; providing an effective
16 date.

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

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20 Section 1. Present subsections (12) through (35) of section
21 560.103, Florida Statutes, are renumbered as subsections (13)
22 through (36), respectively, and a new subsection (12) is added
23 to that section, to read:

24 560.103 Definitions.—As used in this chapter, the term:
25 (12) "Database" means the common database implemented
26 pursuant to s. 560.404(23).

27 Section 2. Subsection (8) of section 560.309, Florida
28 Statutes, is amended, present subsections (9) and (10) of that
29 section are renumbered as subsections (10) and (11),

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30 respectively, and a new subsection (9) is added to that section,
31 to read:

32 560.309 Conduct of business.—

33 (8) Exclusive of the direct costs of verification and
34 database submission, which shall be established by rule not to
35 exceed \$5, a check casher may not:

36 (a) Charge fees, except as otherwise provided by this part,
37 in excess of 5 percent of the face amount of the payment
38 instrument, or \$5, whichever is greater;

39 (b) Charge fees in excess of 3 percent of the face amount
40 of the payment instrument, or \$5, whichever is greater, if such
41 payment instrument is the payment of any kind of state public
42 assistance or federal social security benefit payable to the
43 bearer of the payment instrument; or

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

47 (9) The commission may, by rule, use up to \$0.25 of an
48 existing fee authorized under s. 560.404(23) for data that must
49 be submitted by a licensee for purposes of the operation and
50 maintenance of the database.

51 Section 3. Section 560.310, Florida Statutes, is amended to
52 read:

53 560.310 Records of check cashers and foreign currency
54 exchangers.—

55 (1) A licensee engaged in check cashing must maintain for
56 the period specified in s. 560.1105 a copy of each payment
57 instrument cashed.

58 (2) If the payment instrument exceeds \$1,000, the following

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59 additional information must be maintained:

60 (a) Customer files, as prescribed by rule, on all customers
61 who cash corporate payment instruments that exceed \$1,000.

62 (b) A copy of the personal identification that bears a
63 photograph of the customer used as identification and presented
64 by the customer. Acceptable personal identification is limited
65 to a valid driver license; a state identification card issued by
66 any state of the United States or its territories or the
67 District of Columbia, and showing a photograph and signature; a
68 United States Government Resident Alien Identification Card; a
69 passport; or a United States Military identification card.

70 (c) A thumbprint of the customer taken by the licensee when
71 the payment instrument is presented for negotiation or payment.

72 (d) A payment instrument log that must be maintained
73 electronically as prescribed by rule. For purposes of this
74 paragraph, multiple payment instruments accepted from any one
75 person on any given day which total \$1,000 or more must be
76 aggregated and reported on the log.

77 (e) The office shall require licensees to submit the
78 following information to the database, which must be accessible
79 to the office and the licensee in order to submit all
80 transactional check cashing data, before entering into each
81 check cashing transaction for all checks being cashed in such
82 format as required by rule:

83 1. Transaction date.

84 2. Payor name.

85 3. Payee name.

86 4. Customer name, if different from the payee name.

87 5. Amount of the payment instrument.

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88 6. Amount of currency provided.

89 7. Type of payment instrument, which may include personal,
90 payroll, government, corporate, third-party, or another type of
91 instrument.

92 8. Amount of the fee charged for cashing the payment
93 instrument.

94 9. Branch or location where the payment instrument was
95 accepted.

96 10. The type of identification and identification number
97 presented by the payee or customer.

98 11. Payee's workers' compensation insurance policy number,
99 if the payee is a business.

100 (3) A licensee under this part may engage the services of a
101 third party that is not a depository institution for the
102 maintenance and storage of records required by this section if
103 all the requirements of this section are met.

104 (4) The office shall ensure that the database:

105 (a) Provides an interface with the Secretary of State's
106 database for purposes of verifying corporate registration and
107 articles of incorporation pursuant to this section.

108 (b) Provides an interface with the Department of Financial
109 Services' database for purposes of determining proof of coverage
110 for workers' compensation.

111 (c) Maintains an electronic log of the sale or issuance of
112 payment instruments pursuant to this section.

113 (5) A licensee may rely on the information contained in the
114 database as accurate, and such licensee is not subject to any
115 administrative penalty or civil liability due to relying on
116 inaccurate information contained in the database.

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117 (6) This section does not affect the rights of the licensee
118 to enforce the contractual provisions of the money service
119 business agreements through any civil action allowed by law. The
120 office may adopt rules to administer this section, require that
121 additional information be submitted to the database, and ensure
122 that the database is used by the licensee in accordance with
123 this section.

124 Section 4. This act shall take effect July 1, 2013.