

26 | furnisher by a consumer reporting agency; requiring
27 | program licensees to underwrite program loans;
28 | prohibiting program licensees from making program
29 | loans under certain circumstances; requiring program
30 | licensees to seek certain information and
31 | documentation; prohibiting program licensees from
32 | requiring certain waivers from borrowers; providing
33 | applicability; creating s. 516.44, F.S.; requiring all
34 | arrangements between program licensees and access
35 | partners to be specified in written access partner
36 | agreements; providing requirements for such
37 | agreements; specifying access partner services which
38 | may be used by program licensees; specifying
39 | procedures for borrowers' payment receipts or access
40 | partners' disbursement of program loans; providing
41 | recordkeeping requirements; prohibiting certain
42 | activities by access partners; providing disclosure
43 | statement requirements; authorizing a program licensee
44 | to compensate an access partner; providing
45 | requirements relating to compensations paid to access
46 | partners; requiring program licensees to provide the
47 | office with a specified notice after contracting with
48 | and before using the services of access partners;
49 | defining the term "affiliated party"; requiring access
50 | partners to provide program licensees and the office

51 with a certain written notice within a specified time;
52 providing that program licensees are responsible for
53 acts of their access partners and access partners'
54 employees; requiring rulemaking; creating s. 516.45,
55 F.S.; requiring the office to examine program
56 licensees; providing an exception; limiting the scope
57 of certain examinations and investigations;
58 authorizing the office to take certain disciplinary
59 action against program licensees and access partners;
60 requiring rulemaking; creating s. 516.46, F.S.;
61 requiring program licensees to file an annual report
62 with the office beginning on a specified date;
63 requiring the office to post an annual report on its
64 website by a specified date; specifying information to
65 be contained in the reports; requiring rulemaking;
66 providing for future repeal of the program; providing
67 an appropriation; providing an effective date.

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 Section 1. Section 516.405, Florida Statutes, is created
72 to read:

73 516.405 Access to Responsible Credit Pilot Program.-

74 (1) The Access to Responsible Credit Pilot Program is
75 created within the Office of Financial Regulation to allow more

76 Floridians to obtain responsible consumer finance loans in
 77 principal amounts of at least \$300, but not more than \$7,500.

78 (2) The pilot program is intended to assist consumers in
 79 building their credit and to provide additional consumer
 80 protections for these loans that exceed current protections
 81 under general law.

82 Section 2. Section 516.41, Florida Statutes, is created to
 83 read:

84 516.41 Definitions.—As used in ss. 516.405-516.46, the
 85 term:

86 (1) "Access partner" means an entity that, at one or more
 87 physical business locations owned or rented by the entity,
 88 performs one or more of the services authorized in s. 516.44(2)
 89 on behalf of a program licensee. The term does not include a
 90 credit service organization as defined in s. 817.7001 or a loan
 91 broker as defined in s. 687.14.

92 (2) "Consumer reporting agency" has the same meaning as
 93 the term "consumer reporting agency that compiles and maintains
 94 files on consumers on a nationwide basis" in the Fair Credit
 95 Reporting Act, 15 U.S.C. s. 1681a(p).

96 (3) "Credit score" has the same meaning as in the Fair
 97 Credit Reporting Act, 15 U.S.C. s. 1681g(f) (2) (A).

98 (4) "Data furnisher" has the same meaning as the term
 99 "furnisher" in 12 C.F.R. s. 1022.41(c).

100 (5) "Pilot program" or "program" means the Access to

101 Responsible Credit Pilot Program.

102 (6) "Pilot program license" or "program license" means a
103 license issued under ss. 516.405-516.46 authorizing a program
104 licensee to make and collect program loans.

105 (7) "Program branch office license" means a license issued
106 under the program for each location, other than a program
107 licensee's or access partner's principal place of business:

108 (a) The address of which appears on business cards,
109 stationery, or advertising used by the program licensee in
110 connection with business conducted under this chapter;

111 (b) At which the program licensee's name, advertising or
112 promotional materials, or signage suggests that program loans
113 are originated, negotiated, funded, or serviced by the program
114 licensee; or

115 (c) At which program loans are originated, negotiated,
116 funded, or serviced by the program licensee.

117 (8) "Program licensee" means a person who is licensed to
118 make and collect loans under this chapter and who is approved by
119 the office to participate in the program.

120 (9) "Program loan" means a consumer finance loan with a
121 principal amount of at least \$300, but not more than \$7,500,
122 originated pursuant to ss. 516.405-516.46, excluding the amount
123 of the origination fee authorized under s. 516.43(3).

124 (10) "Refinance program loan" means a program loan that
125 extends additional principal to a borrower and replaces and

126 revises an existing program loan contract with the borrower. A
127 refinance program loan does not include an extension, a
128 deferral, or a rewrite of the program loan.

129 Section 3. Section 516.42, Florida Statutes, is created to
130 read:

131 516.42 Requirements for program participation; program
132 application requirements.—

133 (1) A person may not advertise, offer, or make a program
134 loan, or impose any charges or fees pursuant to s. 516.43,
135 unless the person obtains a pilot program license from the
136 office.

137 (2) In order to obtain a pilot program license, a person
138 must:

139 (a)1. Be licensed to make and collect consumer finance
140 loans under s. 516.05; or

141 2. Submit the application for the license required in s.
142 516.05 concurrently with the application for the program
143 license, both of which must be approved by the office.

144 (b) Be accepted as a data furnisher by a consumer
145 reporting agency.

146 (c) Not be the subject of any insolvency proceeding or a
147 pending criminal prosecution.

148 (d) Not be subject to the issuance of a cease and desist
149 order; the issuance of a removal order; the denial, suspension,
150 or revocation of a license; or any other action within the

151 authority of the office, any financial regulatory agency in this
152 state, or any other state or federal regulatory agency that
153 affects the ability of such person to participate in the
154 program.

155 (3) (a) A program applicant must file with the office a
156 digital application, in a form and manner prescribed by
157 commission rule, which contains all of the following information
158 with respect to the applicant:

159 1. The legal business name and any other name under which
160 the applicant operates.

161 2. The applicant's main address.

162 3. The applicant's telephone number and e-mail address.

163 4. The address of each program branch office.

164 5. The name, title, address, telephone number, and e-mail
165 address of the applicant's contact person.

166 6. The license number, if the applicant is licensed under
167 s. 516.05.

168 7. A statement as to whether the applicant intends to use
169 the services of one or more access partners under s. 516.44.

170 8. A statement that the applicant has been accepted as a
171 data furnisher by a consumer reporting agency and will report to
172 a consumer reporting agency the payment performance of each
173 borrower on all program loans.

174 9. The signature and certification of an authorized person
175 of the applicant.

176 (b) A person who desires to participate in the program but
177 who is not licensed to make consumer finance loans pursuant to
178 s. 516.05 must concurrently submit the following digital
179 applications to the office, in a form and manner specified in
180 this chapter:

181 1. An application pursuant to s. 516.03 for licensure to
182 make consumer finance loans.

183 2. An application for admission to the program in
184 accordance with paragraph (a).

185 (4) Except as otherwise provided in ss. 516.405-516.46, a
186 program licensee is subject to all the laws and rules governing
187 consumer finance loans under this chapter. A program license
188 must be renewed biennially.

189 (5) Notwithstanding s. 516.05(3), only one program license
190 is required for a person to make program loans under ss.
191 516.405-516.46, regardless of whether the program licensee
192 offers program loans to prospective borrowers at its own
193 physical business locations, through access partners, or via an
194 electronic access point through which a prospective borrower may
195 directly access the website of the program licensee.

196 (6) Each branch office of a program licensee must be
197 licensed under this section.

198 (7) The office shall issue a program branch office license
199 to a program licensee after the office determines that the
200 program licensee has submitted a completed electronic

201 application for a program branch office license in a form
202 prescribed by commission rule. The program branch office license
203 must be issued in the name of the program licensee that
204 maintains the branch office. An application is considered
205 received for purposes of s. 120.60 upon receipt of a completed
206 application form. The application for a program branch office
207 license must contain the following information:

208 (a) The legal business name and any other name under which
209 the applicant operates.

210 (b) The applicant's main address.

211 (c) The applicant's telephone number and e-mail address.

212 (d) The address of each program branch office.

213 (e) The name, title, address, telephone number, and e-mail
214 address of the applicant's contact person.

215 (f) The applicant's license number, if the applicant is
216 licensed under this chapter.

217 (g) The signature and certification of an authorized
218 person of the applicant.

219 (8) Except as provided in subsection (9), a program branch
220 office license must be renewed biennially at the time of
221 renewing the program license.

222 (9) Notwithstanding subsection (7), the office may deny an
223 initial or renewal application for a program license or program
224 branch office license if the applicant or any person with power
225 to direct the management or policies of the applicant's business

226 is:

227 (a) The subject of any insolvency proceeding;

228 (b) The subject of a pending criminal prosecution in any
 229 jurisdiction until conclusion of such criminal prosecution; or

230 (c) Subject to the issuance of a cease and desist order;
 231 the issuance of a removal order; the denial, suspension, or
 232 revocation of a license; or any other action within the
 233 authority of the office, any financial regulatory agency in this
 234 state, or any other state or federal regulatory agency that
 235 affects the applicant's ability to participate in the program.

236 (10) The commission shall adopt rules to implement this
 237 section.

238 Section 4. Section 516.43, Florida Statutes, is created to
 239 read:

240 516.43 Requirements for program loans.—

241 (1) REQUIREMENTS.—A program licensee shall comply with
 242 each of the following requirements in making program loans:

243 (a) A program loan must be unsecured.

244 (b) A program loan must have a term of:

245 1. At least 120 days, but not more than 60 months, for a
 246 loan with a principal balance upon origination of at least \$300,
 247 but not more than \$3,000.

248 2. At least 12 months, but not more than 60 months, for a
 249 loan with a principal balance upon origination of more than
 250 \$3,000.

251 (c) A borrower may not receive a program loan for a
252 principal balance exceeding \$5,000 unless:

253 1. The borrower has paid in full the outstanding
254 principal, interest, and fees on a program loan;

255 2. The borrower's credit score increased from the time of
256 application for the borrower's first consummated program loan;
257 and

258 3. The borrower was never delinquent for more than 7 days
259 on the program loan.

260 (d) A program loan must not impose a prepayment penalty. A
261 program loan must be repayable by the borrower in substantially
262 equal, periodic installments, except that the final payment may
263 be less than the amount of the prior installments. Installments
264 must be due every 2 weeks, semimonthly, or monthly.

265 (e) A program loan must include a borrower's right to
266 rescind the program loan by notifying the program licensee of
267 the borrower's intent to rescind the program loan and returning
268 the principal advanced by the end of the business day after the
269 day the program loan is consummated.

270 (f) Notwithstanding s. 516.031, the maximum annual
271 interest rate charged on a program loan to the borrower, which
272 must be fixed for the duration of the program loan, is 36
273 percent on that portion of the unpaid principal balance up to
274 and including \$3,000, 30 percent on that portion of the unpaid
275 principal balance exceeding \$3,000 and up to and including

276 \$4,000, and 24 percent on that portion of the unpaid principal
277 balance exceeding \$4,000 and up to and including \$7,500. The
278 original principal amount of the program loan is equal to the
279 amount financed as defined by the federal Truth in Lending Act
280 and Regulation Z of the Board of Governors of the Federal
281 Reserve System. In determining compliance with the maximum
282 annual interest rates in this paragraph, the computations used
283 must be simple interest through the application of a daily
284 periodic rate to the actual unpaid principal balance each day
285 and may not be added-on interest or any other computations.

286 (g) If two or more interest rates are applied to the
287 principal amount of a program loan, the program licensee may
288 charge, contract for, and receive interest at that single annual
289 percentage rate that, if applied according to the actuarial
290 method to each of the scheduled periodic balances of principal,
291 would produce at maturity the same total amount of interest as
292 would result from the application of the two or more rates
293 otherwise permitted, based upon the assumption that all payments
294 are made as agreed.

295 (h) The program licensee shall reduce the interest rates
296 specified in paragraph (f) on each subsequent program loan to
297 the same borrower by a minimum of 1 percent, up to a maximum of
298 6 percent, if all of the following conditions are met:

299 1. The subsequent program loan is originated within 180
300 days after the prior program loan is fully repaid.

301 2. The borrower was never more than 15 days delinquent on
302 the prior program loan.

303 3. The prior program loan was outstanding for at least
304 one-half of its original term before its repayment.

305 (i) The program licensee may not permit any person to
306 become obligated to the program licensee, directly or
307 contingently, or both, under more than one program loan from the
308 program licensee at the same time.

309 (j) The program licensee may not refinance a program loan
310 unless all of the following conditions are met at the time the
311 borrower submits an application to refinance:

312 1. The principal amount payable may not include more than
313 60 days' unpaid interest accrued on the previous program loan
314 pursuant to s. 516.031(5).

315 2. For a program loan with an original term up to and
316 including 25 months, the borrower has repaid at least 60 percent
317 of the outstanding principal remaining on his or her existing
318 program loan.

319 3. For a program loan with an original term of more than
320 25 months, but not more than 60 months, the borrower has made
321 current payments for at least 9 months on his or her existing
322 program loan.

323 4. The borrower is current on payments for his or her
324 existing program loan.

325 5. The program licensee must underwrite the new program

326 loan in accordance with subsection (7).

327 (k) In lieu of the provisions of s. 687.08, the program
328 licensee or, if applicable, its approved access partner shall
329 make available to the borrower by electronic or physical means a
330 plain and complete receipt of payment at the time that a payment
331 is made by the borrower. For audit purposes, the program
332 licensee must maintain an electronic record for each receipt
333 made available to a borrower, which must include a copy of the
334 receipt and the date and time that the receipt was generated.
335 Each receipt made available to the borrower must show all of the
336 following:

337 1. The name of the borrower.

338 2. The name of the access partner, if applicable.

339 3. The total payment amount received.

340 4. The date of payment.

341 5. The program loan balance before and after application
342 of the payment.

343 6. The amount of the payment that was applied to the
344 principal, interest, and fees.

345 7. The type of payment made by the borrower.

346 8. The following statement, prominently displayed in a
347 type size equal to or larger than the type size used to display
348 the other items on the receipt: "If you have any questions about
349 your loan now or in the future, you should direct those
350 questions to ...(name of program licensee)... by ...(at least

351 two different ways in which a borrower may contact the program
352 licensee)...."

353 (2) WRITTEN DISCLOSURES AND STATEMENTS.—

354 (a) Notwithstanding s. 516.15(1), the loan contract and
355 all written disclosures and statements may be provided by a
356 program licensee to a borrower in English or in the language in
357 which the loan is negotiated.

358 (b) The program licensee shall provide to a borrower all
359 the statements required of licensees under s. 516.15.

360 (3) ORIGINATION FEES.—Notwithstanding s. 516.031, a
361 program licensee may:

362 (a) Contract for and receive an origination fee from a
363 borrower on a program loan. The program licensee may either
364 deduct the origination fee from the principal amount of the loan
365 disbursed to the borrower or capitalize the origination fee into
366 the principal balance of the loan. The origination fee is fully
367 earned and nonrefundable immediately upon the making of the
368 program loan and may not exceed the lesser of 6 percent of the
369 principal amount of the program loan made to the borrower,
370 exclusive of the origination fee, or \$90.

371 (b) Not charge a borrower an origination fee more than
372 twice in any 12-month period.

373 (4) INSUFFICIENT FUNDS FEES AND DELINQUENCY CHARGES.—A
374 program licensee may:

375 (a) Notwithstanding s. 516.031, require payment from a

376 borrower of no more than \$20 for fees incurred by the program
377 licensee from a dishonored payment due to insufficient funds of
378 the borrower.

379 (b) Notwithstanding s. 516.031(3)(a)9., contract for and
380 receive a delinquency charge for each payment in default for at
381 least 7 days if the charge is agreed upon, in writing, between
382 the program licensee and the borrower before it is imposed.

383 Delinquency charges may be imposed as follows:

384 1. For payments due monthly, the delinquency charge for a
385 payment in default may not exceed \$15.

386 2. For payments due semimonthly, the delinquency charge
387 for a payment in default may not exceed \$7.50.

388 3. For payments due every 2 weeks, the delinquency charge
389 for a payment in default may not exceed \$7.50 if two payments
390 are due within the same calendar month, and may not exceed \$5 if
391 three payments are due within the same calendar month.

392
393 The program licensee, or any wholly owned subsidiary of the
394 program licensee, may not sell or assign an unpaid debt to a
395 third party for collection purposes unless the debt has been
396 delinquent for at least 30 days.

397 (5) CREDIT EDUCATION.—Before disbursement of program loan
398 proceeds to the borrower, the program licensee must:

399 (a) Direct the borrower to the consumer credit counseling
400 services offered by an independent third party; or

401 (b) Provide a credit education program or seminar to the
402 borrower. The borrower is not required to participate in such
403 education program or seminar. A credit education program or
404 seminar offered pursuant to this paragraph must be provided at
405 no cost to the borrower.

406 (6) CREDIT REPORTING.—

407 (a) The program licensee shall report each borrower's
408 payment performance to at least one consumer reporting agency.

409 (b) The office may not approve an applicant for the
410 program license before the applicant has been accepted as a data
411 furnisher by a consumer reporting agency.

412 (c) The program licensee shall provide each borrower with
413 the name or names of the consumer reporting agency or agencies
414 to which it will report the borrower's payment history.

415 (7) PROGRAM LOAN UNDERWRITING.—

416 (a) The program licensee must underwrite each program loan
417 to determine a borrower's ability and willingness to repay the
418 program loan pursuant to the program loan terms. The program
419 licensee may not make a program loan if it determines that the
420 borrower's total monthly debt service payments at the time of
421 origination, including the program loan for which the borrower
422 is being considered and all outstanding forms of credit that can
423 be independently verified by the program licensee, exceed 50
424 percent of the borrower's gross monthly income for a loan of not
425 more than \$3,000, or exceed 36 percent of the borrower's gross

426 monthly income for a loan of more than \$3,000.

427 (b)1. The program licensee must seek information and
428 documentation pertaining to all of a borrower's outstanding debt
429 obligations during the loan application and underwriting
430 process, including loans that are self-reported by the borrower
431 but not available through independent verification. The program
432 licensee must verify such information using a credit report from
433 at least one consumer reporting agency or through other
434 available electronic debt verification services that provide
435 reliable evidence of a borrower's outstanding debt obligations.

436 2. The program licensee is not required to consider loans
437 made to a borrower by friends or family in determining the
438 borrower's debt-to-income ratio.

439 (c) The program licensee must verify the borrower's income
440 to determine the debt-to-income ratio using information from:

441 1. Electronic means or services that provide reliable
442 evidence of the borrower's actual income; or

443 2. The Internal Revenue Service Form W-2, tax returns,
444 payroll receipts, bank statements, or other third-party
445 documents that provide reasonably reliable evidence of the
446 borrower's actual income.

447 (8) WAIVERS.—

448 (a) A program licensee may not require, as a condition of
449 providing the program loan, that the borrower:

450 1. Waive any right, penalty, remedy, forum, or procedure

451 provided for in any law applicable to the program loan,
452 including the right to file and pursue a civil action or file a
453 complaint with or otherwise communicate with the office, a
454 court, or any other governmental entity.

455 2. Agree to the application of laws other than those of
456 this state.

457 3. Agree to resolve disputes in a jurisdiction outside of
458 this state.

459 (b) A waiver that is required as a condition of doing
460 business with the program licensee is presumed involuntary,
461 unconscionable, against public policy, and unenforceable.

462 (c) A program licensee may not refuse to do business with
463 or discriminate against a borrower or an applicant on the basis
464 of the borrower's or applicant's refusal to waive any right,
465 penalty, remedy, forum, or procedure, including the right to
466 file and pursue a civil action or complaint with, or otherwise
467 communicate with, the office, a court, or any other governmental
468 entity. The exercise of a person's right to refuse to waive any
469 right, penalty, remedy, forum, or procedure, including a
470 rejection of a contract requiring a waiver, does not affect any
471 otherwise legal terms of a contract or an agreement.

472 (d) This subsection does not apply to any agreement to
473 waive any right, penalty, remedy, forum, or procedure, including
474 any agreement to arbitrate a claim or dispute after a claim or
475 dispute has arisen. This subsection does not affect the

476 enforceability or validity of any other provision of the
477 contract.

478 Section 5. Section 516.44, Florida Statutes, is created to
479 read:

480 516.44 Access partners.—

481 (1) ACCESS PARTNER AGREEMENT.—All arrangements between a
482 program licensee and an access partner must be specified in a
483 written access partner agreement between the parties. The
484 agreement must contain the following provisions:

485 (a) The access partner agrees to comply with this section
486 and all rules adopted under this section regarding the
487 activities of access partners.

488 (b) The office has access to the access partner's books
489 and records pertaining to the access partner's operations under
490 the agreement with the program licensee in accordance with s.
491 516.45(3) and may examine the access partner pursuant to s.
492 516.45.

493 (2) AUTHORIZED SERVICES.—A program licensee may use the
494 services of one or more access partners as provided in this
495 section. An access partner may perform one or more of the
496 following services from its physical business location for the
497 program licensee:

498 (a) Distributing, circulating, using, or publishing
499 printed brochures, flyers, fact sheets, or other written
500 materials relating to program loans that the program licensee

501 may make or negotiate. The written materials must be reviewed
502 and approved in writing by the program licensee before being
503 distributed, circulated, used, or published.

504 (b) Providing written factual information about program
505 loan terms, conditions, or qualification requirements to a
506 prospective borrower which has been prepared by the program
507 licensee or reviewed and approved in writing by the program
508 licensee. An access partner may discuss the information with a
509 prospective borrower in general terms.

510 (c) Notifying a prospective borrower of the information
511 needed in order to complete a program loan application.

512 (d) Entering information provided by the prospective
513 borrower on the program licensee's preprinted or electronic
514 application form or in the program licensee's preformatted
515 computer database.

516 (e) Assembling credit applications and other materials
517 obtained in the course of a credit application transaction for
518 submission to the program licensee.

519 (f) Contacting the program licensee to determine the
520 status of a program loan application.

521 (g) Communicating a response that is returned by the
522 program licensee's automated underwriting system to a borrower
523 or a prospective borrower.

524 (h) Obtaining a borrower's signature on documents prepared
525 by the program licensee and delivering final copies of the

526 documents to the borrower.

527 (i) Disbursing program loan proceeds to a borrower if this
528 method of disbursement is acceptable to the borrower, subject to
529 the requirements of subsection (3). A loan disbursement made by
530 an access partner under this paragraph is deemed to be made by
531 the program licensee on the date that the funds are disbursed or
532 otherwise made available by the access partner to the borrower.

533 (j) Receiving a program loan payment from the borrower if
534 this method of payment is acceptable to the borrower, subject to
535 the requirements of subsection (3).

536 (k) Operating an electronic access point through which a
537 prospective borrower may directly access the website of the
538 program licensee to apply for a program loan.

539 (3) RECEIPT OR DISBURSEMENT OF PROGRAM LOAN PAYMENTS.—

540 (a) A loan payment made by a borrower to an access partner
541 under paragraph (2)(j) must be applied to the borrower's program
542 loan and deemed received by the program licensee as of the date
543 on which the payment is received by the access partner.

544 (b) An access partner that receives a loan payment from a
545 borrower must deliver or cause to be delivered to the borrower a
546 plain and complete receipt showing all of the information
547 specified in s. 516.43(1)(k) at the time that the payment is
548 made by the borrower.

549 (c) A borrower who submits a loan payment to an access
550 partner under this subsection is not liable for a failure or

551 delay by the access partner in transmitting the payment to the
552 program licensee.

553 (d) An access partner that disburses or receives loan
554 payments pursuant to paragraph (2)(i) or paragraph (2)(j) must
555 maintain records of all disbursements made and loan payments
556 received for at least 2 years.

557 (4) PROHIBITED ACTIVITIES.—An access partner may not:

558 (a) Provide counseling or advice to a borrower or
559 prospective borrower with respect to any loan term.

560 (b) Provide loan-related marketing material that has not
561 previously been approved by the program licensee to a borrower
562 or a prospective borrower.

563 (c) Negotiate a loan term between a program licensee and a
564 prospective borrower.

565 (d) Offer information pertaining to a single prospective
566 borrower to more than one program licensee. However, if a
567 program licensee has declined to offer a program loan to a
568 prospective borrower and has so notified the prospective
569 borrower in writing, the access partner may then offer
570 information pertaining to that borrower to another program
571 licensee with whom it has an access partner agreement.

572 (e) Except for the purpose of assisting a borrower in
573 obtaining a refinance program loan, offer information pertaining
574 to a prospective borrower to any program licensee if the
575 prospective borrower has an outstanding program loan.

576 (f) Require a borrower to pay any fees or charges to the
 577 access partner or to any other person in connection with a
 578 program loan other than those permitted under ss. 516.405-
 579 516.46.

580 (g) Perform in-person marketing of the program at a public
 581 food service establishment, as defined in s. 509.013(5), or at a
 582 place where alcoholic beverages, as defined in s. 561.01(4), are
 583 served for consumption.

584 (h) Perform in-person marketing of the program at a
 585 location at which the primary purpose is the sale of liquor, as
 586 defined in s. 565.01.

587 (5) DISCLOSURE STATEMENTS.-

588 (a) At the time that the access partner receives or
 589 processes an application for a program loan, the access partner
 590 shall provide the following statement to the applicant on behalf
 591 of the program licensee, in at least 10-point type, and shall
 592 request that the applicant acknowledge receipt of the statement
 593 in writing:

594
 595 Your loan application has been referred to us by
 596 ...(name of access partner).... We may pay a fee to
 597 ...(name of access partner)... for the successful
 598 referral of your loan application. If you are approved
 599 for the loan, ...(name of program licensee)... will
 600 become your lender. If you have any questions about

601 your loan, now or in the future, you should direct
602 those questions to ...(name of program licensee)... by
603 ...(insert at least two different ways in which a
604 borrower may contact the program licensee).... If you
605 wish to report a complaint about ...(name of access
606 partner)... or ...(name of program licensee)...
607 regarding this loan transaction, you may contact the
608 Division of Consumer Finance of the Office of
609 Financial Regulation at 850-487-9687 or
610 <http://www.flofr.com>.

611
612 (b) If the loan applicant has questions about the program
613 loan which the access partner is not permitted to answer, the
614 access partner must make a good faith effort to assist the
615 applicant in making direct contact with the program licensee
616 before the program loan is consummated.

617 (6) COMPENSATION.—

618 (a) The program licensee may compensate an access partner
619 in accordance with a written agreement and a compensation
620 schedule that is agreed to by the program licensee and the
621 access partner, subject to the requirements in paragraph (b).

622 (b) The compensation of an access partner by a program
623 licensee is subject to the following requirements:

624 1. Compensation may not be paid to an access partner in
625 connection with a loan application unless the program loan is

626 consummated.

627 2. The access partner's location for services and other
628 information required in subsection (7) must be reported to the
629 office.

630 3. Compensation paid by the program licensee to the access
631 partner may not exceed \$65 per program loan, on average, plus \$2
632 per payment received by the access partner on behalf of the
633 program licensee for the duration of the program loan, and may
634 not be charged directly or indirectly to the borrower.

635 (7) NOTICE TO OFFICE.—A program licensee that uses the
636 service of an access partner must notify the office, in a form
637 and manner prescribed by commission rule, within 15 days after
638 entering into a contract with an access partner and before using
639 such access partner's services, regarding all of the following:

640 (a) The name, principal office address, and any licensing
641 details of the access partner and addresses of all physical
642 business locations at which the access partner will perform
643 services under this section.

644 (b) The name and contact information for an employee of
645 the access partner who is knowledgeable about, and has the
646 authority to execute, the access partner agreement.

647 (c) The name and contact information of all employees of
648 the access partner who are responsible for that access partner's
649 referring activities on behalf of the program licensee.

650 (d) A statement by the program licensee that it has

651 conducted due diligence with respect to the access partner and
652 has confirmed that none of the following apply:

653 1. The filing of a petition under the United States
654 Bankruptcy Code for bankruptcy or reorganization by the access
655 partner.

656 2. The commencement of an administrative or a judicial
657 license suspension or revocation proceeding, or the denial of a
658 license request or renewal, by any state, the District of
659 Columbia, any United States territory, or any foreign country in
660 which the access partner operates, plans to operate, or is
661 licensed to operate.

662 3. A felony indictment involving the access partner or an
663 affiliated party.

664 4. The felony conviction, guilty plea, or plea of nolo
665 contendere, regardless of adjudication, of the access partner or
666 an affiliated party.

667 5. Any suspected criminal act perpetrated in this state
668 relating to activities regulated under this chapter by the
669 access partner.

670 6. Notification by a law enforcement or prosecutorial
671 agency that the access partner is under criminal investigation,
672 including, but not limited to, subpoenas to produce records or
673 testimony and warrants issued by a court of competent
674 jurisdiction which authorize the search and seizure of any
675 records relating to a business activity regulated under this

676 chapter.

677

678 As used in this paragraph, the term "affiliated party" means a
679 director, officer, control person, employee, or foreign
680 affiliate of an access partner; or a person who has a
681 controlling interest in an access partner.

682 (e) Any other information requested by the office, subject
683 to the limitations specified in s. 516.45(3).

684 (8) NOTICE OF CHANGES.—An access partner must provide the
685 program licensee and the office with a written notice sent by
686 registered mail within 30 days after any change is made to the
687 information specified in paragraphs (7) (a)-(c) and within 30
688 days after the occurrence or knowledge of any of the events
689 specified in paragraph (7) (d).

690 (9) RESPONSIBILITY FOR ACTS OF AN ACCESS PARTNER.—A
691 program licensee is responsible for any act of its access
692 partner or the access partner's employees if such act is a
693 violation of this chapter.

694 (10) RULEMAKING.—The commission shall adopt rules to
695 implement this section.

696 Section 6. Section 516.45, Florida Statutes, is created to
697 read:

698 516.45 Examinations, investigations, and grounds for
699 disciplinary action.—

700 (1) Notwithstanding any other law, the office shall

701 examine each program licensee that is accepted into the program
702 in accordance with this chapter.

703 (2) Notwithstanding subsection (1), the office may waive
704 one or more branch office examinations if the office finds that
705 such examinations are not necessary for the protection of the
706 public due to the centralized operations of the program licensee
707 or other factors acceptable to the office.

708 (3) The scope of any investigation or examination of a
709 program licensee or access partner must be limited to those
710 books, accounts, records, documents, materials, and matters
711 reasonably necessary to determine compliance with this chapter.

712 (4) A program licensee who violates any applicable
713 provision of this chapter is subject to disciplinary action
714 pursuant to s. 516.07(2). Any such disciplinary action is
715 subject to s. 120.60. The program licensee is also subject to
716 disciplinary action for a violation of s. 516.44 committed by
717 any of its access partners or the access partner's employees.

718 (5) The office may take any of the following actions
719 against an access partner who violates s. 516.44:

720 (a) Bar the access partner from performing services under
721 this chapter.

722 (b) Bar the access partner from performing services at one
723 or more of its specific locations.

724 (c) Impose an administrative fine on the access partner
725 not to exceed \$5,000 in a calendar year for violations of s.

726 516.44.

727 (6) The commission shall adopt rules to implement this
728 section.

729 Section 7. Section 516.46, Florida Statutes, is created to
730 read:

731 516.46 Annual reports by program licensees and the
732 office.—

733 (1) By March 15, 2021, and each year thereafter, a program
734 licensee shall file a report with the office on a form and in a
735 manner prescribed by commission rule. The report must include
736 each of the items specified in subsection (2) for the preceding
737 year using aggregated or anonymized data without reference to
738 any borrower's nonpublic personal information or any program
739 licensee's or access partner's proprietary or trade secret
740 information.

741 (2) By January 1, 2022, and each year thereafter, the
742 office shall post a report on its website summarizing the use of
743 the program based on the information contained in the reports
744 filed in the preceding year by program licensees under
745 subsection (1). The office's report must publish the information
746 in the aggregate so as not to identify data by any specific
747 program licensee. The report must specify the period to which
748 the report corresponds and must include, but is not limited to,
749 the following for that period:

750 (a) The number of applicants approved for a program

751 license by the office.

752 (b) The number of program loan applications received by
753 program licensees, the number of program loans made under the
754 program, the total amount loaned, the distribution of loan
755 lengths upon origination, and the distribution of interest rates
756 and principal amounts upon origination among those program
757 loans.

758 (c) The number of borrowers who obtained more than one
759 program loan and the distribution of the number of program loans
760 per borrower.

761 (d) Of those borrowers who obtained more than one program
762 loan and had a credit score by the time of their subsequent
763 loan, the percentage of those borrowers whose credit scores
764 increased between successive loans, based on information from at
765 least one major credit bureau, and the average size of the
766 increase. In each case, the report must include the name of the
767 credit score, such as FICO or VantageScore, which the program
768 licensee is required to disclose.

769 (e) The income distribution of borrowers upon program loan
770 origination, including the number of borrowers who obtained at
771 least one program loan and who resided in a low-income or
772 moderate-income census tract at the time of their loan
773 applications.

774 (f) The number of borrowers who obtained program loans for
775 the following purposes, based on the borrowers' responses at the

776 time of their loan applications indicating the primary purpose
777 for which the program loans were obtained:

- 778 1. To pay medical expenses.
779 2. To pay for vehicle repair or a vehicle purchase.
780 3. To pay bills.
781 4. To consolidate debt.
782 5. To build or repair credit history.
783 6. To finance a small business.
784 7. To pay other expenses.

785 (g) The number of borrowers who self-report that they had
786 a bank account at the time of their loan application and the
787 number of borrowers who self-report that they did not have a
788 bank account at the time of their loan application.

789 (h) For refinance program loans:

- 790 1. The number and percentage of borrowers who applied for
791 a refinance program loan.
792 2. Of those borrowers who applied for a refinance program
793 loan, the number and percentage of borrowers who obtained a
794 refinance program loan.

795 (i) The performance of program loans as reflected by all
796 of the following:

- 797 1. The number and percentage of borrowers who experienced
798 at least one delinquency lasting between 7 and 29 days and the
799 distribution of principal loan amounts corresponding to those
800 delinquencies.

801 2. The number and percentage of borrowers who experienced
802 at least one delinquency lasting between 30 and 59 days and the
803 distribution of principal loan amounts corresponding to those
804 delinquencies.

805 3. The number and percentage of borrowers who experienced
806 at least one delinquency lasting 60 days or more and the
807 distribution of principal loan amounts corresponding to those
808 delinquencies.

809 (3) The commission shall adopt rules to implement this
810 section.

811 Section 8. Sections 516.405-516.46, Florida Statutes, as
812 created by this act, are repealed on July 1, 2029.

813 Section 9. For the 2019-2020 fiscal year, the sums of
814 \$262,125 in recurring funds and \$140,000 in nonrecurring funds
815 from the Regulatory Trust Fund are appropriated to the Office of
816 Financial Regulation of the Financial Services Commission, and
817 four full-time equivalent positions with associated salary rate
818 of 173,881 are authorized, to implement this act.

819 Section 10. This act shall take effect January 1, 2020.