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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/R/RM	.	Floor: RC
05/03/2019 09:31 PM	.	05/03/2019 06:30 PM
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Senator Rouson moved the following:

**Senate Amendment (with title amendment)**

Delete lines 109 - 110

and insert:

the information required by the amendments in this act to sections 129.03 and 166.241, Florida Statutes.

Section 4. Effective January 1, 2020, section 516.405, Florida Statutes, is created to read:

516.405 Access to Responsible Credit Pilot Program.—

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



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

14 (2) The pilot program is intended to assist consumers in  
15 building their credit and to provide additional consumer  
16 protections for these loans that exceed current protections  
17 under general law.

18 Section 5. Effective January 1, 2020, section 516.41,  
19 Florida Statutes, is created to read:

20 516.41 Definitions.—As used in ss. 516.405-516.46, the  
21 term:

22 (1) "Access partner" means an entity that, at one or more  
23 physical business locations owned or rented by the entity,  
24 performs one or more of the services authorized in s. 516.44(2)  
25 on behalf of a program licensee.

26 (a) The term includes the following, and agents of the  
27 following:

- 28 1. A bank, as defined in s. 658.12(2).
- 29 2. A national bank, as defined in s. 658.12(12).
- 30 3. A credit union, as defined in s. 657.002(4).
- 31 4. An insurance agent, as defined in s. 626.015(3).
- 32 5. An insurance agency, as defined in s. 626.015(10).
- 33 6. A tax preparation service.
- 34 7. A money services business, as defined in s. 560.103(22).
- 35 8. An authorized vendor of a money services business, as  
36 defined in s. 560.103(3).
- 37 9. A law office.
- 38 10. An investment adviser, as defined in s. 517.021(14).
- 39 11. A financial services provider.
- 40 12. A public accounting firm as defined in s. 473.302(7).



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41 (b) The term does not include a credit service organization  
42 as defined in s. 817.7001 or a loan broker as defined in s.  
43 687.14.

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

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

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

52 (5) "Pilot program" or "program" means the Access to  
53 Responsible Credit Pilot Program.

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

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

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

63 (b) At which the program licensee's name, advertising or  
64 promotional materials, or signage suggests that program loans  
65 are originated, negotiated, funded, or serviced by the program  
66 licensee; or

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

69 (8) "Program licensee" means a person who is licensed to



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70 make and collect loans under this chapter and who is approved by  
71 the office to participate in the program.

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

76 (10) "Refinance program loan" means a program loan that  
77 extends additional principal to a borrower and replaces and  
78 revises an existing program loan contract with the borrower. A  
79 refinance program loan does not include an extension, a  
80 deferral, or a rewrite of the program loan.

81 Section 6. Effective January 1, 2020, section 516.42,  
82 Florida Statutes, is created to read:

83 516.42 Requirements for program participation; program  
84 application requirements.—

85 (1) A person may not advertise, offer, or make a program  
86 loan, or impose any charges or fees pursuant to s. 516.43,  
87 unless the person obtains a pilot program license from the  
88 office.

89 (2) In order to obtain a pilot program license, a person  
90 must:

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

93 2. Submit the application for the license required in s.  
94 516.03 concurrently with the application for the program  
95 license. The application required by s. 516.03 must be approved  
96 and the license under that section must be issued in order to  
97 obtain the program license.

98 (b) Be accepted as a data furnisher by a consumer reporting



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99 agency.

100 (c) Demonstrate financial responsibility, experience,  
101 character, or general fitness, such as to command the confidence  
102 of the public and to warrant the belief that the business  
103 operated at the licensed or proposed location is lawful, honest,  
104 fair, efficient, and within the purposes of this chapter.

105 (d) Not be subject to the issuance of a cease and desist  
106 order; the issuance of a removal order; the denial, suspension,  
107 or revocation of a license; or any other action within the  
108 authority of the office, any financial regulatory agency in this  
109 state, or any other state or federal regulatory agency that  
110 affects the ability of such person to participate in the  
111 program.

112 (3) (a) A program applicant must file with the office a  
113 digital application in a form and manner prescribed by  
114 commission rule which contains all of the following information  
115 with respect to the applicant:

116 1. The legal business name and any other name under which  
117 the applicant operates.

118 2. The applicant's main address.

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

120 4. The address of each program branch office.

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

123 6. The license number, if the applicant is licensed under  
124 s. 516.05.

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

127 8. A statement that the applicant has been accepted as a



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128 data furnisher by a consumer reporting agency and will report to  
129 a consumer reporting agency the payment performance of each  
130 borrower on all program loans.

131 9. The signature and certification of an authorized person  
132 of the applicant.

133 (b) A person who desires to participate in the program but  
134 who is not licensed to make consumer finance loans pursuant to  
135 s. 516.05 must concurrently submit the following digital  
136 applications in a form and manner specified in this chapter to  
137 the office:

138 1. An application pursuant to s. 516.03 for licensure to  
139 make consumer finance loans.

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

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

146 (5) Notwithstanding s. 516.05(3), only one program license  
147 is required for a person to make program loans under ss.  
148 516.405-516.46, regardless of whether the program licensee  
149 offers program loans to prospective borrowers at its own  
150 physical business locations, through access partners, or via an  
151 electronic access point through which a prospective borrower may  
152 directly access the website of the program licensee.

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

155 (7) The office shall issue a program branch office license  
156 to a program licensee after the office determines that the



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157 program licensee has submitted a completed electronic  
158 application for a program branch office license in a form  
159 prescribed by commission rule. The program branch office license  
160 must be issued in the name of the program licensee that  
161 maintains the branch office. An application is considered  
162 received for purposes of s. 120.60 upon receipt of a completed  
163 application form. The application for a program branch office  
164 license must contain the following information:

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

167 (b) The applicant's main address.

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

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

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

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

174 (g) The signature and certification of an authorized person  
175 of the applicant.

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

179 (9) Notwithstanding subsection (7), the office may deny an  
180 initial or renewal application for a program license or program  
181 branch office license if the applicant or any person with power  
182 to direct the management or policies of the applicant's  
183 business:

184 (a) Fails to demonstrate financial responsibility,  
185 experience, character, or general fitness, such as to command



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186 the confidence of the public and to warrant the belief that the  
187 business operated at the licensed or proposed location is  
188 lawful, honest, fair, efficient, and within the purposes of this  
189 chapter.

190 (b) Pled nolo contendere to, or was convicted or found  
191 guilty of, a crime involving fraud, dishonest dealing, or any  
192 act of moral turpitude, regardless of whether adjudication was  
193 withheld.

194 (c) Is subject to the issuance of a cease and desist order;  
195 the issuance of a removal order; the denial, suspension, or  
196 revocation of a license; or any other action within the  
197 authority of the office, any financial regulatory agency in this  
198 state, or any other state or federal regulatory agency that  
199 affects the applicant's ability to participate in the program.

200 (10) The commission shall adopt rules to implement this  
201 section.

202 Section 7. Effective January 1, 2020, section 516.43,  
203 Florida Statutes, is created to read:

204 516.43 Requirements for program loans.-

205 (1) REQUIREMENTS.-A program licensee shall comply with each  
206 of the following requirements in making program loans:

207 (a) A program loan must be unsecured.

208 (b) A program loan must have:

209 1. A term of at least 120 days, but not more than 36  
210 months, for a loan with a principal balance upon origination of  
211 at least \$300, but not more than \$3,000.

212 2. A term of at least 12 months, but not more than 60  
213 months, for a loan with a principal balance upon origination of  
214 more than \$3,000.





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

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

219 2. The borrower's credit score increased from the time of  
220 application for the borrower's first consummated program loan;  
221 and

222 3. The borrower was never delinquent for more than 7 days  
223 on a previous program loan.

224 (d) A program loan may not impose a prepayment penalty. A  
225 program loan must be repayable by the borrower in substantially  
226 equal, periodic installments, except that the final payment may  
227 be less than the amount of the prior installments. Installments  
228 must be due either every 2 weeks, semimonthly, or monthly.

229 (e) A program loan must include a borrower's right to  
230 rescind the program loan by notifying the program licensee of  
231 the borrower's intent to rescind the program loan and returning  
232 the principal advanced by the end of the business day after the  
233 day the program loan is consummated.

234 (f) Notwithstanding s. 516.031, the maximum annual interest  
235 rate charged on a program loan to the borrower, which must be  
236 fixed for the duration of the program loan, is 36 percent on  
237 that portion of the unpaid principal balance up to and including  
238 \$3,000; 30 percent on that portion of the unpaid principal  
239 balance exceeding \$3,000 and up to and including \$4,000; and 24  
240 percent on that portion of the unpaid principal balance  
241 exceeding \$4,000 and up to and including \$7,500. The original  
242 principal amount of the program loan is equal to the amount  
243 financed as defined by the federal Truth in Lending Act and



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244 Regulation Z of the Board of Governors of the Federal Reserve  
245 System. In determining compliance with the maximum annual  
246 interest rates in this paragraph, the computations used must be  
247 simple interest through the application of a daily periodic rate  
248 to the actual unpaid principal balance each day and may not be  
249 added-on interest or any other computations.

250 (g) If two or more interest rates are applied to the  
251 principal amount of a program loan, the program licensee may  
252 charge, contract for, and receive interest at that single annual  
253 percentage rate that, if applied according to the actuarial  
254 method to each of the scheduled periodic balances of principal,  
255 would produce at maturity the same total amount of interest as  
256 would result from the application of the two or more rates  
257 otherwise permitted, based upon the assumption that all payments  
258 are made as agreed.

259 (h) The program licensee shall reduce the interest rates  
260 specified in paragraph (f) on each subsequent program loan to  
261 the same borrower by a minimum of 1 percent, up to a maximum of  
262 6 percent, if all of the following conditions are met:

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

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

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

269 (i) The program licensee may not induce or permit any  
270 person to become obligated to the program licensee, directly or  
271 contingently, or both, under more than one program loan at the  
272 same time with the program licensee.



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

276       1. The principal amount payable may not include more than  
277 60 days' unpaid interest accrued on the previous program loan  
278 pursuant to s. 516.031(5).

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

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

287       4. The borrower is current on payments for his or her  
288 existing program loan.

289       5. The program licensee must underwrite the new program  
290 loan in accordance with subsection (7).

291       (k) In lieu of the provisions of s. 687.08, the program  
292 licensee or, if applicable, its approved access partner shall  
293 make available to the borrower by electronic or physical means a  
294 plain and complete receipt of payment at the time that a payment  
295 is made by the borrower. For audit purposes, the program  
296 licensee must maintain an electronic record for each receipt  
297 made available to a borrower, which must include a copy of the  
298 receipt and the date and time that the receipt was generated.  
299 Each receipt made available to the borrower must show all of the  
300 following:

301       1. The name of the borrower.



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

303 3. The total payment amount received.

304 4. The date of payment.

305 5. The program loan balance before and after application of  
306 the payment.

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

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

310 8. The following statement, prominently displayed in a type  
311 size equal to or larger than the type size used to display the  
312 other items on the receipt: "If you have any questions about  
313 your loan now or in the future, you should direct those  
314 questions to ...(name of program licensee)... by ...(at least  
315 two different ways in which a borrower may contact the program  
316 licensee)...."

317 (2) WRITTEN DISCLOSURES AND STATEMENTS.—

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

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

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

326 (a) Contract for and receive an origination fee from a  
327 borrower on a program loan. The program licensee may either  
328 deduct the origination fee from the principal amount of the loan  
329 disbursed to the borrower or capitalize the origination fee into  
330 the principal balance of the loan. The origination fee is fully



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331 earned and nonrefundable immediately upon the making of the  
332 program loan and may not exceed the lesser of 6 percent of the  
333 principal amount of the program loan made to the borrower,  
334 exclusive of the origination fee, or \$90.

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

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

339 (a) Notwithstanding s. 516.031, require payment from a  
340 borrower of no more than \$20 for fees incurred by the program  
341 licensee from a dishonored payment due to insufficient funds of  
342 the borrower.

343 (b) Notwithstanding s. 516.031(3)(a)9., contract for and  
344 receive a delinquency charge for each payment in default for at  
345 least 7 days if the charge is agreed upon, in writing, between  
346 the program licensee and the borrower before it is imposed.  
347 Delinquency charges may be imposed as follows:

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

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

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

356  
357 The program licensee, or any wholly owned subsidiary of the  
358 program licensee, may not sell or assign an unpaid debt to an  
359 independent third party for collection purposes unless the debt



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360 has been delinquent for at least 30 days.

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

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

365 (b) Provide a credit education program or seminar to the  
366 borrower. The borrower is not required to participate in such  
367 education program or seminar. A credit education program or  
368 seminar offered pursuant to this paragraph must be provided at  
369 no cost to the borrower.

370 (6) CREDIT REPORTING.—

371 (a) For a borrower who did have a credit score at the time  
372 of the borrower's loan application, the program licensee shall  
373 report each such borrower's payment performance to at least one  
374 consumer reporting agency. For a borrower who did not have a  
375 credit score at the time of the borrower's loan application, the  
376 program licensee shall report each such borrower's payment  
377 performance to at least two consumer reporting agencies.

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

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

384 (7) PROGRAM LOAN UNDERWRITING.—

385 (a) The program licensee must underwrite each program loan  
386 to determine a borrower's ability and willingness to repay the  
387 program loan pursuant to the program loan terms. The program  
388 licensee may not make a program loan if it determines that the



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389 borrower's total monthly debt service payments at the time of  
390 origination, including the program loan for which the borrower  
391 is being considered and all outstanding forms of credit that can  
392 be independently verified by the program licensee, exceed 50  
393 percent of the borrower's gross monthly income for a loan of not  
394 more than \$3,000, or exceed 36 percent of the borrower's gross  
395 monthly income for a loan of more than \$3,000.

396 (b)1. The program licensee must seek information and  
397 documentation pertaining to all of a borrower's outstanding debt  
398 obligations during the loan application and underwriting  
399 process, including loans that are self-reported by the borrower  
400 but not available through independent verification. The program  
401 licensee must verify such information using a credit report from  
402 at least one consumer reporting agency or through other  
403 available electronic debt verification services that provide  
404 reliable evidence of a borrower's outstanding debt obligations.

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

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

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

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

416 (8) WAIVERS.-

417 (a) A program licensee may not require, as a condition of



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418 providing the program loan, that the borrower:

419 1. Waive any right, penalty, remedy, forum, or procedure  
420 provided for in any law applicable to the program loan,  
421 including the right to file and pursue a civil action or file a  
422 complaint with or otherwise communicate with the office, a  
423 court, or any other governmental entity.

424 2. Agree to the application of laws other than those of  
425 this state.

426 3. Agree to resolve disputes in a jurisdiction outside of  
427 this state.

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

431 (c) A program licensee may not refuse to do business with  
432 or discriminate against a borrower or an applicant on the basis  
433 of the borrower's or applicant's refusal to waive any right,  
434 penalty, remedy, forum, or procedure, including the right to  
435 file and pursue a civil action or complaint with, or otherwise  
436 communicate with, the office, a court, or any other governmental  
437 entity. The exercise of a person's right to refuse to waive any  
438 right, penalty, remedy, forum, or procedure, including a  
439 rejection of a contract requiring a waiver, does not affect any  
440 otherwise legal terms of a contract or an agreement.

441 (d) This subsection does not apply to any agreement to  
442 waive any right, penalty, remedy, forum, or procedure, including  
443 any agreement to arbitrate a claim or dispute after a claim or  
444 dispute has arisen. This subsection does not affect the  
445 enforceability or validity of any other provision of the  
446 contract.





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447 Section 8. Effective January 1, 2020, section 516.44,  
448 Florida Statutes, is created to read:

449 516.44 Access partners.—

450 (1) ACCESS PARTNER AGREEMENT.—All arrangements between a  
451 program licensee and an access partner must be specified in a  
452 written access partner agreement between the parties. The  
453 agreement must contain the following provisions:

454 (a) The access partner agrees to comply with this section  
455 and all rules adopted under this section regarding the  
456 activities of access partners.

457 (b) The office has access to the access partner's books and  
458 records pertaining to the access partner's operations under the  
459 agreement with the program licensee in accordance with s.  
460 516.45(3) and may examine the access partner pursuant to s.  
461 516.45.

462 (2) AUTHORIZED SERVICES.—A program licensee may use the  
463 services of one or more access partners as provided in this  
464 section. An access partner may perform one or more of the  
465 following services from its physical business location for the  
466 program licensee:

467 (a) Distributing, circulating, using, or publishing printed  
468 brochures, flyers, fact sheets, or other written materials  
469 relating to program loans that the program licensee may make or  
470 negotiate. The written materials must be reviewed and approved  
471 in writing by the program licensee before being distributed,  
472 circulated, used, or published.

473 (b) Providing written factual information about program  
474 loan terms, conditions, or qualification requirements to a  
475 prospective borrower which has been prepared by the program



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476 licensee or reviewed and approved in writing by the program  
477 licensee. An access partner may discuss the information with a  
478 prospective borrower in general terms.

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

481 (d) Entering information provided by the prospective  
482 borrower on a preprinted or an electronic application form or in  
483 a preformatted computer database.

484 (e) Assembling credit applications and other materials  
485 obtained in the course of a credit application transaction for  
486 submission to the program licensee.

487 (f) Contacting the program licensee to determine the status  
488 of a program loan application.

489 (g) Communicating a response that is returned by the  
490 program licensee's automated underwriting system to a borrower  
491 or a prospective borrower.

492 (h) Obtaining a borrower's signature on documents prepared  
493 by the program licensee and delivering final copies of the  
494 documents to the borrower.

495 (i) Disbursing program loan proceeds to a borrower if this  
496 method of disbursement is acceptable to the borrower, subject to  
497 the requirements of subsection (3). A loan disbursement made by  
498 an access partner under this paragraph is deemed to be made by  
499 the program licensee on the date that the funds are disbursed or  
500 otherwise made available by the access partner to the borrower.

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

504 (k) Operating an electronic access point through which a



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505 prospective borrower may directly access the website of the  
506 program licensee to apply for a program loan.

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

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

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

517 (c) A borrower who submits a loan payment to an access  
518 partner under this subsection is not liable for a failure or  
519 delay by the access partner in transmitting the payment to the  
520 program licensee.

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

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

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

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

531 (c) Negotiate a loan term between a program licensee and a  
532 prospective borrower.

533 (d) Offer information pertaining to a single prospective



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534 borrower to more than one program licensee. However, if a  
535 program licensee has declined to offer a program loan to a  
536 prospective borrower and has so notified the prospective  
537 borrower in writing, the access partner may then offer  
538 information pertaining to that borrower to another program  
539 licensee with whom it has an access partner agreement.

540 (e) Except for the purpose of assisting a borrower in  
541 obtaining a refinance program loan, offer information pertaining  
542 to a prospective borrower to any program licensee if the  
543 prospective borrower has an outstanding program loan.

544 (f) Charge a borrower any fee for a program loan.

545 (5) DISCLOSURE STATEMENTS.-

546 (a) At the time that the access partner receives or  
547 processes an application for a program loan, the access partner  
548 shall provide the following statement to the applicant on behalf  
549 of the program licensee, in at least 10-point type, and shall  
550 request that the applicant acknowledge receipt of the statement  
551 in writing:

552  
553 Your loan application has been referred to us by  
554 ...(name of access partner).... We may pay a fee to  
555 ...(name of access partner)... for the successful  
556 referral of your loan application. If you are approved  
557 for the loan, ...(name of program licensee)... will  
558 become your lender. If you have any questions about  
559 your loan, now or in the future, you should direct  
560 those questions to ...(name of program licensee)... by  
561 ...(insert at least two different ways in which a  
562 borrower may contact the program licensee).... If you



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563 wish to report a complaint about ... (name of access  
564 partner) ... or ... (name of program licensee) ...  
565 regarding this loan transaction, you may contact the  
566 Division of Consumer Finance of the Office of  
567 Financial Regulation at 850-487-9687 or  
568 <http://www.flofr.com>.

569  
570 (b) If the loan applicant has questions about the program  
571 loan which the access partner is not permitted to answer, the  
572 access partner must make a good faith effort to assist the  
573 applicant in making direct contact with the program licensee  
574 before the program loan is consummated.

575 (6) COMPENSATION.—

576 (a) The program licensee may compensate an access partner  
577 in accordance with a written agreement and a compensation  
578 schedule that is agreed to by the program licensee and the  
579 access partner, subject to the requirements in paragraph (b).

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

582 1. Compensation may not be paid to an access partner in  
583 connection with a loan application unless the program loan is  
584 consummated.

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

588 3. Compensation paid by the program licensee to the access  
589 partner may not exceed \$65 per program loan, on average, plus \$2  
590 per payment received by the access partner on behalf of the  
591 program licensee for the duration of the program loan, and may



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592 not be charged directly or indirectly to the borrower.

593 (7) NOTICE TO OFFICE.—A program licensee that uses the  
594 service of an access partner must notify the office, in a form  
595 and manner prescribed by commission rule, within 15 days after  
596 entering into a contract with an access partner regarding all of  
597 the following:

598 (a) The name, business address, and licensing details of  
599 the access partner and all locations at which the access partner  
600 will perform services under this section.

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

604 (c) The name and contact information of one or more  
605 employees of the access partner who are responsible for that  
606 access partner's referring activities on behalf of the program  
607 licensee.

608 (d) A statement by the program licensee that it has  
609 conducted due diligence with respect to the access partner and  
610 has confirmed that none of the following apply:

611 1. The filing of a petition under the United States  
612 Bankruptcy Code for bankruptcy or reorganization by the access  
613 partner.

614 2. The commencement of an administrative or a judicial  
615 license suspension or revocation proceeding, or the denial of a  
616 license request or renewal, by any state, the District of  
617 Columbia, any United States territory, or any foreign country in  
618 which the access partner operates, plans to operate, or is  
619 licensed to operate.

620 3. A felony indictment involving the access partner or an



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621 affiliated party.

622 4. The felony conviction, guilty plea, or plea of nolo  
623 contendere, regardless of adjudication, of the access partner or  
624 an affiliated party.

625 5. Any suspected criminal act perpetrated in this state  
626 relating to activities regulated under this chapter by the  
627 access partner.

628 6. Notification by a law enforcement or prosecutorial  
629 agency that the access partner is under criminal investigation,  
630 including, but not limited to, subpoenas to produce records or  
631 testimony and warrants issued by a court of competent  
632 jurisdiction which authorize the search and seizure of any  
633 records relating to a business activity regulated under this  
634 chapter.

635  
636 As used in this paragraph, the term "affiliated party" means a  
637 director, officer, control person, employee, or foreign  
638 affiliate of an access partner; or a person who has a  
639 controlling interest in an access partner.

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

642 (8) NOTICE OF CHANGES.—An access partner must provide the  
643 program licensee with a written notice sent by registered mail  
644 within 30 days after any change is made to the information  
645 specified in paragraphs (7) (a)-(c) and within 30 days after the  
646 occurrence or knowledge of any of the events specified in  
647 paragraph (7) (d).

648 (9) RESPONSIBILITY FOR ACTS OF AN ACCESS PARTNER.—A program  
649 licensee is responsible for any act of its access partner if



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650 such act is a violation of this chapter.

651 (10) REGISTRY OF ACCESS PARTNERS.—A program licensee shall  
652 maintain a registry of all access partners and access partner  
653 locations that provide services to the program licensee. The  
654 program licensee shall provide a copy of the registry to the  
655 office at the time the program licensee files its report  
656 pursuant to s. 516.46(1), which registry shall not be published  
657 by the office in its report pursuant to s. 516.46(2).

658 (11) RULEMAKING.—The commission shall adopt rules to  
659 implement this section.

660 Section 9. Effective January 1, 2020, section 516.45,  
661 Florida Statutes, is created to read:

662 516.45 Examinations, investigations, and grounds for  
663 disciplinary action.—

664 (1) Notwithstanding any other law, the office shall examine  
665 each program licensee that is accepted into the program in  
666 accordance with this chapter.

667 (2) Notwithstanding subsection (1), the office may waive  
668 one or more branch office examinations if the office finds that  
669 such examinations are not necessary for the protection of the  
670 public due to the centralized operations of the program licensee  
671 or other factors acceptable to the office.

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

676 (4) A program licensee who violates any applicable  
677 provision of this chapter is subject to disciplinary action  
678 pursuant to s. 516.07(2). Any such disciplinary action is





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679 subject to s. 120.60. The program licensee is also subject to  
680 disciplinary action for a violation of s. 516.44 committed by  
681 any of its access partners.

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

684 (a) Bar the access partner from performing services under  
685 this chapter.

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

688 (c) Impose an administrative fine on the access partner of  
689 up to \$5,000 in a calendar year.

690 (6) The commission shall adopt rules to implement this  
691 section.

692 Section 10. Effective January 1, 2020, section 516.46,  
693 Florida Statutes, is created to read:

694 516.46 Annual reports by program licensees and the office.-

695 (1) By March 15, 2021, and each year thereafter, a program  
696 licensee shall file a report with the office on a form and in a  
697 manner prescribed by commission rule. The report must include  
698 each of the items specified in subsection (2) for the preceding  
699 year using aggregated or anonymized data without reference to  
700 any borrower's nonpublic personal information or any program  
701 licensee's or access partner's proprietary or trade secret  
702 information.

703 (2) By January 1, 2022, and each year thereafter, the  
704 office shall post a report on its website summarizing the use of  
705 the program based on the information contained in the reports  
706 filed in the preceding year by program licensees under  
707 subsection (1). The office's report must publish the information



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708 in the aggregate so as not to identify data by any specific  
709 program licensee. The report must specify the period to which  
710 the report corresponds and must include, but is not limited to,  
711 the following for that period:

712 (a) The number of applicants approved for a program license  
713 by the office.

714 (b) The number of program loan applications received by  
715 program licensees, the number of program loans made under the  
716 program, the total amount loaned, the distribution of loan  
717 lengths upon origination, and the distribution of interest rates  
718 and principal amounts upon origination among those program  
719 loans.

720 (c) The number of borrowers who obtained more than one  
721 program loan and the distribution of the number of program loans  
722 per borrower.

723 (d) Of those borrowers who obtained more than one program  
724 loan and had a credit score by the time of their subsequent  
725 loan, the percentage of those borrowers whose credit scores  
726 increased between successive loans, based on information from at  
727 least one major credit bureau, and the average size of the  
728 increase. In each case, the report must include the name of the  
729 credit score, such as FICO or VantageScore, which the program  
730 licensee is required to disclose.

731 (e) The income distribution of borrowers upon program loan  
732 origination, including the number of borrowers who obtained at  
733 least one program loan and who resided in a low-income or  
734 moderate-income census tract at the time of their loan  
735 applications.

736 (f) The number of borrowers who obtained program loans for



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737 the following purposes, based on the borrowers' responses at the  
738 time of their loan applications indicating the primary purpose  
739 for which the program loans were obtained:

- 740 1. To pay medical expenses.  
741 2. To pay for vehicle repair or a vehicle purchase.  
742 3. To pay bills.  
743 4. To consolidate debt.  
744 5. To build or repair credit history.  
745 6. To finance a small business.  
746 7. To pay other expenses.

747 (g) The number of borrowers who self-report that they had a  
748 bank account at the time of their loan application and the  
749 number of borrowers who self-report that they did not have a  
750 bank account at the time of their loan application.

751 (h) For refinance program loans:

- 752 1. The number and percentage of borrowers who applied for a  
753 refinance program loan.  
754 2. Of those borrowers who applied for a refinance program  
755 loan, the number and percentage of borrowers who obtained a  
756 refinance program loan.

757 (i) The performance of program loans as reflected by all of  
758 the following:

- 759 1. The number and percentage of borrowers who experienced  
760 at least one delinquency lasting between 7 and 29 days and the  
761 distribution of principal loan amounts corresponding to those  
762 delinquencies.  
763 2. The number and percentage of borrowers who experienced  
764 at least one delinquency lasting between 30 and 59 days and the  
765 distribution of principal loan amounts corresponding to those



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766 delinquencies.

767 3. The number and percentage of borrowers who experienced  
768 at least one delinquency lasting 60 days or more and the  
769 distribution of principal loan amounts corresponding to those  
770 delinquencies.

771 (3) The commission shall adopt rules to implement this  
772 section.

773 Section 11. Sections 516.405-516.46, Florida Statutes, are  
774 repealed on January 1, 2026, unless reenacted or superseded by  
775 another law enacted by the Legislature before that date.

776 Section 12. Except as otherwise expressly provided in this  
777 act, this act shall take effect upon becoming a law.

778  
779 ===== T I T L E A M E N D M E N T =====

780 And the title is amended as follows:

781 Delete lines 2 - 12

782 and insert:

783 An act relating to responsible finance; amending ss.  
784 129.03 and 166.241, F.S.; requiring county and  
785 municipal budget officers, respectively, to submit  
786 certain information to the Office of Economic and  
787 Demographic Research within a specified timeframe;  
788 requiring adopted budget amendments and final budgets  
789 to remain posted on each entity's official website for  
790 a specified period of time; requiring the Office of  
791 Economic and Demographic Research to create a form for  
792 certain purposes by a specified date; creating s.  
793 516.405, F.S.; creating the Access to Responsible  
794 Credit Pilot Program within the Office of Financial



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795 Regulation; providing legislative intent; creating s.  
796 516.41, F.S.; defining terms; creating s. 516.42,  
797 F.S.; requiring a program license from the office for  
798 certain actions relating to program loans; providing  
799 licensure requirements; requiring a program licensee's  
800 program branch offices to be licensed; providing  
801 program branch office license and license renewal  
802 requirements; providing circumstances under which the  
803 office may deny initial and renewal applications;  
804 requiring the Financial Services Commission to adopt  
805 rules; creating s. 516.43, F.S.; providing  
806 requirements for program licensees, program loans,  
807 loan repayments, loan rescissions, interest rates,  
808 program loan refinancing, receipts, disclosures and  
809 statements provided by program licensees to borrowers,  
810 origination fees, insufficient funds fees, and  
811 delinquency charges; requiring program licensees to  
812 provide certain credit education information to  
813 borrowers and to report payment performance of  
814 borrowers to consumer reporting agencies; prohibiting  
815 the office from approving a program licensee applicant  
816 before the applicant has been accepted as a data  
817 furnisher by a consumer reporting agency; providing  
818 requirements for credit reporting; specifying program  
819 loan underwriting requirements for program licensees;  
820 prohibiting program licensees from making program  
821 loans under certain circumstances; requiring program  
822 licensees to seek certain information and  
823 documentation; prohibiting program licensees from



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824 requiring certain waivers from borrowers; providing  
825 applicability; creating s. 516.44, F.S.; requiring all  
826 arrangements between program licensees and access  
827 partners to be specified in written access partner  
828 agreements; providing requirements for such  
829 agreements; specifying access partner services that  
830 may be used by program licensees; specifying  
831 procedures for borrowers' payment receipts or access  
832 partners' disbursement of program loans; providing  
833 recordkeeping requirements; prohibiting specified  
834 activities by access partners; providing disclosure  
835 statement requirements; providing requirements and  
836 prohibitions relating to compensation paid to access  
837 partners; requiring program licensees to provide the  
838 office with a specified notice after contracting with  
839 access partners; defining the term "affiliated party";  
840 requiring access partners to provide program licensees  
841 with a certain written notice within a specified time;  
842 providing that program licensees are responsible for  
843 certain acts of their access partners; requiring  
844 program licensees to maintain a registry of all access  
845 partners and access partner locations that provide  
846 services to the program licensees; requiring program  
847 licensees to provide a copy of the registry to the  
848 office by a certain time; prohibiting the office from  
849 publishing the registry in its report; requiring the  
850 commission to adopt rules; creating s. 516.45, F.S.;  
851 requiring the office to examine each program licensee;  
852 authorizing the office to waive branch office



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853 examinations under certain circumstances; limiting the  
854 scope of certain examinations and investigations;  
855 authorizing the office to take certain disciplinary  
856 action against program licensees and access partners;  
857 requiring the commission to adopt rules; creating s.  
858 516.46, F.S.; requiring program licensees to file an  
859 annual report with the office beginning on a specified  
860 date; requiring the office to post an annual report on  
861 its website by a specified date; specifying  
862 information to be contained in the reports; requiring  
863 the commission to adopt rules; providing for future  
864 repeal of the pilot program; providing effective  
865 dates.