



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/12/2026	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (Martin) recommended the following:

1                   **Senate Amendment (with title amendment)**

2

3                   Delete lines 96 - 971

4 and insert:

5                   Section 1. Subsection (4) is added to section 415.106,  
6 Florida Statutes, to read:

7                   415.106 Cooperation by the department and criminal justice  
8 and other agencies.—

9                   (4) To the fullest extent possible, the department shall  
10 cooperate with and seek cooperation from the Office of Financial



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11 Regulation concerning protective investigations of suspected  
12 financial exploitation of specified adults, as defined in s.  
13 415.10341, which are reported to the central abuse hotline and  
14 which the department is responsible for conducting pursuant to  
15 s. 415.104.

16       (a) In accordance with s. 415.107, the department must  
17 provide copies of all suspected financial exploitation reports  
18 received by the central abuse hotline pursuant to s. 415.1034  
19 from any financial institution as defined in s. 655.005(1),  
20 securities dealer as defined in s. 517.021(12), or investment  
21 adviser as defined in s. 517.021(20) to the Office of Financial  
22 Regulation within 15 days after receiving the report. The  
23 department may provide copies of any records generated as a  
24 result of such reports at the request of the Office of Financial  
25 Regulation within 15 days after such request.

26       1. The Office of Financial Regulation may use the reports  
27 or records obtained as required or authorized in this subsection  
28 during an investigation or examination conducted pursuant to  
29 chapter 517 or chapter 655.

30       2. Except as provided in this chapter and chapters 517 and  
31 655, all confidentiality provisions that apply to the department  
32 continue to apply to the records made available to the Office of  
33 Financial Regulation and its officials, employees, and agents  
34 under s. 415.107.

35       (b) The department and the Office of Financial Regulation  
36 may enter into a memorandum of agreement that specifies how the  
37 Office of Financial Regulation, in the agency's role as the  
38 regulator of financial institutions, may assist the department  
39 with effectively and efficiently conducting a protective



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40 investigation of any vulnerable adult abuse report received by  
41 the central abuse hotline, and that specifies how such  
42 assistance will be implemented.

43 Section 2. Paragraph (m) is added to subsection (3) of  
44 section 415.107, Florida Statutes, to read:

45 415.107 Confidentiality of reports and records.—

46 (3) Access to all records, excluding the name of the  
47 reporter which shall be released only as provided in subsection  
48 (6), shall be granted only to the following persons, officials,  
49 and agencies:

50 (m) Any appropriate officials, employees, or agents of the  
51 Office of Financial Regulation who are responsible for  
52 conducting investigations pursuant to chapters 517 and 655.

53 Section 3. Section 494.00123, Florida Statutes, is created  
54 to read:

55 494.00123 Information security programs.—

56 (1) DEFINITIONS.—As used in this section, the term:

57 (a) "Customer" means a person who seeks to obtain or who  
58 obtains or has obtained a financial product or service from a  
59 licensee.

60 (b) "Customer information" means any record containing  
61 nonpublic personal information about a customer of a financial  
62 transaction, whether on paper, electronic, or in other forms,  
63 which is handled or maintained by or on behalf of the licensee  
64 or its affiliates.

65 (c) "Cybersecurity event" means an event resulting in  
66 unauthorized access to, or disruption or misuse of, an  
67 information system or customer information stored on such  
68 information system. The term does not include the unauthorized



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69 acquisition of encrypted customer information if the encryption  
70 process or key is not also acquired, released, or used without  
71 authorization. The term does not include an event with regard to  
72 which the licensee has determined that the customer information  
73 accessed by an unauthorized person has not been used or released  
74 and has been returned or destroyed.

75 (d) "Encrypted" means the transformation of data into a  
76 form that results in a low probability of assigning meaning  
77 without the use of a protective process or key.

78 (e) "Financial product or service" means any product or  
79 service offered by a licensee under this chapter.

80 (f) "Information security program" means the  
81 administrative, technical, or physical safeguards used to  
82 access, collect, distribute, process, protect, store, use,  
83 transmit, dispose of, or otherwise handle customer information.

84 (g) "Information system" means a discrete set of electronic  
85 information resources organized for the collection, processing,  
86 maintenance, use, sharing, dissemination, or disposition of  
87 electronic information, as well as any specialized system such  
88 as an industrial process control system, telephone switching and  
89 private branch exchange system, or environmental control system,  
90 which contain customer information or which are connected to a  
91 system that contains customer information.

92 (h)1. "Nonpublic personal information" means:  
93 a. Personally identifiable financial information; and  
94 b. Any list, description, or other grouping of customers  
95 which is derived using any personally identifiable financial  
96 information that is not publicly available, such as account  
97 numbers, including any list of individuals' names and street



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98 addresses which is derived, in whole or in part, using  
99 personally identifiable financial information that is not  
100 publicly available.

101 2. The term does not include:

102 a. Publicly available information, except as included on a  
103 list, description, or other grouping of customers described in  
104 sub-subparagraph 1.b.;

105 b. Any list, description, or other grouping of consumers,  
106 or any publicly available information pertaining to such list,  
107 description, or other grouping of consumers, which is derived  
108 without using any personally identifiable financial information  
109 that is not publicly available; or

110 c. Any list of individuals' names and addresses which  
111 contains only publicly available information, is not derived, in  
112 whole or in part, using personally identifiable financial  
113 information that is not publicly available, and is not disclosed  
114 in a manner that indicates that any of the individuals on the  
115 list is a customer of a licensee.

116 3. As used in this paragraph, the term:

117 a. (I) "Personally identifiable financial information" means  
118 any information that:

119 (A) A customer provides to a licensee to obtain a financial  
120 product or service, such as information that a customer provides  
121 to a licensee on an application to obtain a loan or other  
122 financial product or service;

123 (B) A licensee receives about a consumer which is obtained  
124 during or as a result of any transaction involving a financial  
125 product or service between the licensee and the customer, such  
126 as information collected through an information-collecting



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127 device from a web server; or  
128 (C) A licensee otherwise obtains about a customer in  
129 connection with providing a financial product or service to the  
130 customer, such as the fact that an individual is or has been one  
131 of the licensee's customers or has obtained a financial product  
132 or service from the licensee.  
133 (II) The term "personally identifiable financial  
134 information" does not include:  
135 (A) A list of names and addresses of customers of an entity  
136 that is not a financial institution; or  
137 (B) Information that does not identify a customer, such as  
138 blind data or aggregate information that does not contain  
139 personal identifiers such as account numbers, names, or  
140 addresses.  
141 b. (I) "Publicly available information" means any  
142 information that a licensee has a reasonable basis to believe is  
143 lawfully made available to the general public from:  
144 (A) Federal, state, or local government records, such as  
145 government real estate records or security interest filings;  
146 (B) Widely distributed media, such as information from a  
147 telephone records repository or directory, a television or radio  
148 program, a newspaper, a social media platform, or a website that  
149 is available to the general public on an unrestricted basis. A  
150 website is not restricted merely because an Internet service  
151 provider or a site operator requires a fee or a password, so  
152 long as access is available to the general public; or  
153 (C) Disclosures to the general public which are required to  
154 be made by federal, state, or local law.  
155 (II) As used in this sub-subparagraph, the term "reasonable



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156 basis to believe is lawfully made available to the general  
157 public" relating to any information means that the person has  
158 taken steps to determine:

159 (A) That the information is of the type that is available  
160 to the general public, such as information included on the  
161 public record in the jurisdiction where the mortgage would be  
162 recorded; and

163 (B) Whether an individual can direct that the information  
164 not be made available to the general public and, if so, the  
165 customer to whom the information relates has not done so, such  
166 as when a telephone number is listed in a telephone directory  
167 and the customer has informed the licensee that the telephone  
168 number is not unlisted.

169 (i) "Third-party service provider" means a person, other  
170 than a licensee, which contracts with a licensee to maintain,  
171 process, or store nonpublic personal information, or is  
172 otherwise permitted access to nonpublic personal information  
173 through its provision of services to a licensee.

174 (2) INFORMATION SECURITY PROGRAM.—

175 (a) Each licensee shall develop, implement, and maintain a  
176 comprehensive written information security program that contains  
177 administrative, technical, and physical safeguards for the  
178 protection of the licensee's information system and nonpublic  
179 personal information.

180 (b) Each licensee shall ensure that the information  
181 security program meets all of the following criteria:

182 1. Be commensurate with the following measures:  
183 a. Size and complexity of the licensee.  
184 b. Nature and scope of the licensee's activities, including



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185 the licensee's use of third-party service providers.

186 c. Sensitivity of nonpublic personal information that is  
187 used by the licensee or that is in the licensee's possession,  
188 custody, or control.

189 2. Be designed to do all of the following:

190 a. Protect the security and confidentiality of nonpublic  
191 personal information and the security of the licensee's  
192 information system.

193 b. Protect against threats or hazards to the security or  
194 integrity of nonpublic personal information and the licensee's  
195 information system.

196 c. Protect against unauthorized access to or the use of  
197 nonpublic personal information and minimize the likelihood of  
198 harm to any customer.

199 3. Define and periodically reevaluate the retention  
200 schedule and the mechanism for the destruction of nonpublic  
201 personal information if retention is no longer necessary for the  
202 licensee's business operations or is no longer required by  
203 applicable law.

204 4. Regularly test and monitor systems and procedures for  
205 the detection of actual and attempted attacks on, or intrusions  
206 into, the licensee's information system.

207 5. Be monitored, evaluated, and adjusted, as necessary, to  
208 meet all of the following requirements:

209 a. Determine whether the licensee's information security  
210 program is consistent with relevant changes in technology.

211 b. Confirm the licensee's information security program  
212 accounts for the sensitivity of nonpublic personal information.

213 c. Identify changes that may be necessary to the licensee's



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214 information system.

215 d. Mitigate any internal or external threats to nonpublic  
personal information.

216 e. Amend the licensee's information security program for  
any material changes to the licensee's business arrangements,  
including, but not limited to, mergers and acquisitions,  
alliances and joint ventures, and outsourcing arrangements.

217 (c)1. As part of a licensee's information security program,  
the licensee shall establish a written incident response plan  
designed to promptly respond to, and recover from, a  
cybersecurity event that compromises:

218 a. The confidentiality, integrity, or availability of  
nonpublic personal information in the licensee's possession;

219 b. The licensee's information system; or

220 c. The continuing functionality of any aspect of the  
licensee's operations.

221 2. The written incident response plan must address all of  
the following:

222 a. The licensee's internal process for responding to a  
cybersecurity event.

223 b. The goals of the licensee's incident response plan.

224 c. The assignment of clear roles, responsibilities, and  
levels of decisionmaking authority for the licensee's personnel  
that participate in the incident response plan.

225 d. External communications, internal communications, and  
information sharing related to a cybersecurity event.

226 e. The identification of remediation requirements for  
weaknesses identified in information systems and associated  
controls.



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243 f. The documentation and reporting regarding cybersecurity  
244 events and related incident response activities.

245 g. The evaluation and revision of the incident response  
246 plan, as appropriate, following a cybersecurity event.

247 h. The process by which notice must be given as required  
248 under subsection (3) and s. 501.171(3) and (4).

249 (d) 1. This section does not apply to a licensee that has  
250 fewer than:

251 a. Twenty individuals on its workforce, including employees  
252 and independent contractors; or

253 b. Five hundred customers during a calendar year.

254 2. A licensee that no longer qualifies for exemption under  
255 subparagraph 1. has 180 calendar days to comply with this  
256 section after the date of the disqualification.

257 (e) Each licensee shall maintain a copy of the information  
258 security program for a minimum of 5 years and shall make it  
259 available to the office upon request or as part of an  
260 examination.

261 (3) NOTICE TO OFFICE OF SECURITY BREACH.—Each licensee  
262 shall provide notice to the office of any breach of security, as  
263 defined in s. 501.171, affecting 500 or more individuals in this  
264 state at a time and in the manner prescribed by commission rule.

265 (4) CONSTRUCTION.—This section may not be construed to  
266 relieve a covered entity from complying with s. 501.171. To the  
267 extent a licensee is a covered entity, as defined in s.  
268 501.171(1), the licensee remains subject to s. 501.171.

269 (5) RULES.—The commission shall adopt rules to administer  
270 this section, including rules that allow a licensee that is in  
271 compliance with the Federal Trade Commission's Standards for



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272 Safeguarding Customer Information, 16 C.F.R. part 314, to be  
273 deemed in substantial compliance with subsection (2).

274 Section 4. Paragraph (z) is added to subsection (1) of  
275 section 494.00255, Florida Statutes, to read:

276 494.00255 Administrative penalties and fines; license  
277 violations.—

278 (1) Each of the following acts constitutes a ground for  
279 which the disciplinary actions specified in subsection (2) may  
280 be taken against a person licensed or required to be licensed  
281 under part II or part III of this chapter:

282 (z) Failure to comply with the notification requirements in  
283 s. 501.171(3) and (4).

284 Section 5. Present subsections (28) through (36) of section  
285 517.021, Florida Statutes, are redesignated as subsections (29)  
286 through (37), respectively, a new subsection (28) is added to  
287 that section, and subsection (20) of that section is amended, to  
288 read:

289 517.021 Definitions.—When used in this chapter, unless the  
290 context otherwise indicates, the following terms have the  
291 following respective meanings:

292 (20) (a) “Investment adviser” means a person, other than an  
293 associated person of an investment adviser or a federal covered  
294 adviser, that receives compensation, directly or indirectly, and  
295 engages for all or part of the person’s time, directly or  
296 indirectly, or through publications or writings, in the business  
297 of advising others as to the value of securities or as to the  
298 advisability of investments in, purchasing of, or selling of  
299 securities.

300 (b) The term does not include any of the following:



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301        1. A dealer or an associated person of a dealer whose  
302 performance of services in paragraph (a) is solely incidental to  
303 the conduct of the dealer's or associated person's business as a  
304 dealer and who does not receive special compensation for those  
305 services.

306        2. A licensed practicing attorney or certified public  
307 accountant whose performance of such services is solely  
308 incidental to the practice of the attorney's or accountant's  
309 profession.

310        3. A bank authorized to do business in this state.

311        4. A bank holding company as defined in the Bank Holding  
312 Company Act of 1956, as amended, authorized to do business in  
313 this state.

314        5. A trust company having trust powers, as defined in s.  
315 658.12, which it is authorized to exercise in this state, which  
316 trust company renders or performs investment advisory services  
317 in a fiduciary capacity incidental to the exercise of its trust  
318 powers.

319        6. A person that renders investment advice exclusively to  
320 insurance or investment companies.

321        7. A person:  
322            a. Without a place of business in this state if the person  
323 has had that, during the preceding 12 months, has fewer than six  
324 clients who are residents of this state.  
325            b. With a place of business in this state if the person has  
326 had, during the preceding 12 months, fewer than six clients who  
327 are residents of this state and no clients who are not residents  
328 of this state.



330 As used in this subparagraph, the term "client" has the same  
331 meaning as provided in Securities and Exchange Commission Rule  
332 222-2 275.222-2, 17 C.F.R. s. 275.222-2, as amended.

333 8. A federal covered adviser.

334 9. The United States, a state, or any political subdivision  
335 of a state, or any agency, authority, or instrumentality of any  
336 such entity; a business entity that is wholly owned directly or  
337 indirectly by such a governmental entity; or any officer, agent,  
338 or employee of any such governmental or business entity who is  
339 acting within the scope of his or her official duties.

340 10. A family office as defined in Securities and Exchange  
341 Commission Rule 202(a) (11) (G)-1(b) under the Investment Advisers  
342 Act of 1940, 17 C.F.R. s. 275.202(a) (11) (G)-1(b), as amended. In  
343 determining whether a person meets the definition of a family  
344 office under this subparagraph, the terms "affiliated family  
345 office," "control," "executive officer," "family client,"  
346 "family entity," "family member," "former family member," "key  
347 employee," and "spousal equivalent" have the same meaning as in  
348 Securities and Exchange Commission Rule 202(a) (11) (G)-1(d) under  
349 the Investment Advisers Act of 1940, 17 C.F.R. s.  
350 275.202(a) (11) (G)-1(d), as amended.

351 (28) "Place of business" of an investment adviser means an  
352 office at which the investment adviser regularly provides  
353 investment advisory services to, solicits, meets with, or  
354 otherwise communicates with clients; and any other location that  
355 is held out to the general public as a location at which the  
356 investment adviser provides investment advisory services to,  
357 solicits, meets with, or otherwise communicates with clients.

358 Section 6. Paragraph (i) of subsection (9) of section



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359 517.061, Florida Statutes, is amended to read:

360 517.061 Exempt transactions.—Except as otherwise provided  
361 in subsection (11), the exemptions provided herein from the  
362 registration requirements of s. 517.07 are self-executing and do  
363 not require any filing with the office before being claimed. Any  
364 person who claims entitlement to an exemption under this section  
365 bears the burden of proving such entitlement in any proceeding  
366 brought under this chapter. The registration provisions of s.  
367 517.07 do not apply to any of the following transactions;  
368 however, such transactions are subject to s. 517.301:

369 (9) The offer or sale of securities to:

370 (i) A family office as defined in Securities and Exchange  
371 Commission Rule 202(a)(11)(G)-1(b) ~~202(a)(11)(G)-1~~ under the  
372 Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-  
373 1(b) ~~s. 275.202(a)(11)(G)-1~~, as amended, provided that:

374 1. The family office has assets under management in excess  
375 of \$5 million;

376 2. The family office is not formed for the specific purpose  
377 of acquiring the securities offered; and

378 3. The prospective investment of the family office is  
379 directed by a person who has knowledge and experience in  
380 financial and business matters that the family office is capable  
381 of evaluating the merits and risks of the prospective  
382 investment.

383  
384 In determining whether a person meets the definition of a family  
385 office under this paragraph, the terms "affiliated family  
386 office," "control," "executive officer," "family client,"  
387 "family entity," "family member," "former family member," "key



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388 employee," and "spousal equivalent" have the same meaning as in  
389 Securities and Exchange Commission Rule 202(a)(11)(G)-1(d) under  
390 the Investment Advisers Act of 1940, 17 C.F.R. s.  
391 275.202(a)(11)(G)-1(d), as amended.

392       Section 7. Paragraph (a) of subsection (1) of section  
393 517.201, Florida Statutes, is amended, and paragraph (c) is  
394 added to that subsection, to read:

395       517.201 Investigations; examinations; subpoenas; hearings;  
396 witnesses.—

397           (1) The office:

398           (a) May make investigations and examinations within or  
399 outside of this state as it deems necessary:

400           1. To determine whether a person has violated or is about  
401 to violate any provision of this chapter or a rule or order  
402 hereunder; or

403           2. To aid in the enforcement of this chapter; or

404           3. In accordance with a memorandum of understanding  
405 pursuant to s. 415.106(4)(b), to aid the Department of Children  
406 and Families with any protective investigations the Department  
407 of Children and Families is required to conduct under s.

408 415.104.

409           (c) May consider or use as part of any investigation or  
410 examination pursuant to this section the information contained  
411 in any suspected financial exploitation report or any records  
412 generated as a result of such report which is obtained pursuant  
413 to s. 415.106(4).

414       Section 8. Paragraphs (b) and (c) of subsection (3) and  
415 subsection (6) of section 517.34, Florida Statutes, are amended  
416 to read:



417 517.34 Protection of specified adults.—

418 (3) A dealer or investment adviser may delay a disbursement  
419 or transaction of funds or securities from an account of a  
420 specified adult or an account for which a specified adult is a  
421 beneficiary or beneficial owner if all of the following apply:

422 (b) Not later than 3 business days after the date on which  
423 the delay was first placed, the dealer or investment adviser  
424 complies with all of the following conditions:

425 1. Notifies in writing all parties authorized to transact  
426 business on the account and any trusted contact on the account,  
427 using the contact information provided for the account, with the  
428 exception of any party the dealer or investment adviser  
429 reasonably believes has engaged in, is engaging in, has  
430 attempted to engage in, or will attempt to engage in the  
431 suspected financial exploitation of the specified adult. The  
432 notice, which may be provided electronically, must provide the  
433 reason for the delay.

434 2. Notifies the office of the delay electronically on a  
435 form prescribed by commission rule. The form must be consistent  
436 with the purposes of this section and must contain, but need not  
437 be limited to, the following information:

438 a. The date on which the delay was first placed.  
439 b. The name, age, and address, or location, if different,  
440 of the specified adult.

441 c. The business location of the dealer or investment  
442 adviser.

443 d. The name, address, and telephone number and title of the  
444 employee who reported suspected financial exploitation of the  
445 specified adult.



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446        e. The facts and circumstances that caused the employee to  
447 report suspected financial exploitation.

448        f. The names, addresses, and telephone numbers of the  
449 specified adult's family members.

450        g. The name, address, and telephone number of each person  
451 suspected of engaging in financial exploitation.

452        h. The name, address, and telephone number of the caregiver  
453 of the specified adult, if different from the person or persons  
454 suspected of engaging in financial exploitation.

455        i. A description of actions taken by the dealer or  
456 investment adviser, if any, such as notification to a criminal  
457 justice agency.

458        j. Any other information available to the reporting person  
459 which may establish the cause of financial exploitation that  
460 occurred or is occurring.

461        ~~(e) Not later than 3 business days after the date on which~~  
462 ~~the delay was first placed, the dealer or investment adviser~~  
463 ~~Notifies the office of the delay electronically on a form~~  
464 ~~prescribed by commission rule. The form must be consistent with~~  
465 ~~the purposes of this section and may include only the following~~  
466 ~~information:~~

467        ~~1. The date on which the notice is submitted to the office.~~

468        ~~2. The date on which the delay was first placed.~~

469        ~~3. The following information about the specified adult:~~

470        ~~a. Gender.~~

471        ~~b. Age.~~

472        ~~c. Zip code of residence address.~~

473        ~~4. The following information about the dealer or investment~~  
474 ~~adviser who placed the delay:~~



475 a. Name.  
476 b. Title.  
477 c. Firm name.  
478 d. Business address.  
479 5. A section with the following questions for which the  
480 only allowable responses are "Yes" or "No":  
481 a. Is financial exploitation of a specified adult suspected  
482 in connection with a disbursement or transaction?  
483 b. Are funds currently at risk of being lost?  
484  
485 The form must contain substantially the following statement in  
486 conspicuous type: "The office may take disciplinary action  
487 against any person making a knowing and willful  
488 misrepresentation on this form."  
489 (6) A dealer, an investment adviser, or an associated  
490 person who in good faith and exercising reasonable care complies  
491 with this section is immune from any administrative or civil  
492 liability that might otherwise arise from such delay in a  
493 disbursement or transaction in accordance with this section.  
494 This subsection does not supersede or diminish any immunity  
495 granted under chapter 415, nor does it substitute for the duty  
496 to report to the central abuse hotline as required under s.  
497 415.1034.  
498 Section 9. Section 520.135, Florida Statutes, is created to  
499 read:  
500 520.135 Surrendered or repossessed vehicles.—The rights and  
501 obligations of parties with respect to a surrendered or  
502 repossessed motor vehicle are exclusively governed by part VI of  
503 chapter 679.



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504       Section 10. Subsections (1) and (2) of section 560.114,  
505 Florida Statutes, are amended to read:

506       560.114 Disciplinary actions; penalties.—

507       (1) The following actions by a money services business, an  
508 authorized vendor, or a affiliated party that was affiliated at  
509 the time of commission of the actions constitute grounds for the  
510 issuance of a cease and desist order; the issuance of a removal  
511 order; the denial, suspension, or revocation of a license; or  
512 taking any other action within the authority of the office  
513 pursuant to this chapter:

514       (a) Failure to comply with any provision of this chapter or  
515 related rule or order, or any written agreement entered into  
516 with the office.

517       (b) Fraud, misrepresentation, deceit, or gross negligence  
518 in any transaction by a money services business, regardless of  
519 reliance thereon by, or damage to, a customer.

520       (c) Fraudulent misrepresentation, circumvention, or  
521 concealment of any matter that must be stated or furnished to a  
522 customer pursuant to this chapter, regardless of reliance  
523 thereon by, or damage to, such customer.

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

525       (e) Failure to maintain, preserve, keep available for  
526 examination, and produce all books, accounts, files, or other  
527 documents required by this chapter or related rules or orders,  
528 by 31 C.F.R. ss. 1010.306, 1010.311, 1010.312, 1010.340,  
529 1010.410, 1010.415, 1022.210, 1022.320, 1022.380, and 1022.410,  
530 or by an agreement entered into with the office.

531       (f) Refusing to allow the examination or inspection of  
532 books, accounts, files, or other documents by the office



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533 pursuant to this chapter, or to comply with a subpoena issued by  
534 the office.

535 (g) Failure to pay a judgment recovered in any court by a  
536 claimant in an action arising out of a money transmission  
537 transaction within 30 days after the judgment becomes final.

538 (h) Engaging in an act prohibited under s. 560.111 or s.  
539 560.1115.

540 (i) Insolvency.

541 (j) Failure by a money services business to remove an  
542 affiliated party after the office has issued and served upon the  
543 money services business a final order setting forth a finding  
544 that the affiliated party has violated a provision of this  
545 chapter.

546 (k) Making a material misstatement, misrepresentation, or  
547 omission in an application for licensure, any amendment to such  
548 application, or application for the appointment of an authorized  
549 vendor.

550 (l) Committing any act that results in a license or its  
551 equivalent, to practice any profession or occupation being  
552 denied, suspended, revoked, or otherwise acted against by a  
553 licensing authority in any jurisdiction.

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

558 (n) Committing any act resulting in a license or its  
559 equivalent to practice any profession or occupation being  
560 denied, suspended, revoked, or otherwise acted against by a  
561 licensing authority in any jurisdiction for a violation of 18



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562 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s. 1960, 31 U.S.C.  
563 s. 5324, or any other law or rule of another state or of the  
564 United States relating to a money services business, deferred  
565 presentment provider, or usury that may cause the denial,  
566 suspension, or revocation of a money services business or  
567 deferred presentment provider license or its equivalent in such  
568 jurisdiction.

569 (o) Having been convicted of, or entered a plea of guilty  
570 or nolo contendere to, any felony or crime punishable by  
571 imprisonment of 1 year or more under the law of any state or the  
572 United States which involves fraud, moral turpitude, or  
573 dishonest dealing, regardless of adjudication.

574 (p) Having been convicted of, or entered a plea of guilty  
575 or nolo contendere to, a crime under 18 U.S.C. s. 1956 or 31  
576 U.S.C. s. 5318, s. 5322, or s. 5324, regardless of adjudication.

577 (q) Having been convicted of, or entered a plea of guilty  
578 or nolo contendere to, misappropriation, conversion, or unlawful  
579 withholding of moneys belonging to others, regardless of  
580 adjudication.

581 (r) Having been convicted of, or entered a plea of guilty  
582 or nolo contendere to, a violation of 31 C.F.R. chapter X, part  
583 1022, regardless of adjudication.

584 (s)-(r) Failure to inform the office in writing within 30  
585 days after having pled guilty or nolo contendere to, or being  
586 convicted of, any felony or crime punishable by imprisonment of  
587 1 year or more under the law of any state or the United States,  
588 or any crime involving fraud, moral turpitude, or dishonest  
589 dealing.

590 (t)-(s) Aiding, assisting, procuring, advising, or abetting



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591 any person in violating a provision of this chapter or any order  
592 or rule of the office or commission.

593 (u)-(t) Failure to pay any fee, charge, or cost imposed or  
594 assessed under this chapter.

595 (v)-(u) Failing to pay a fine assessed by the office within  
596 30 days after the due date as stated in a final order.

597 (w)-(v) Failure to pay any judgment entered by any court  
598 within 30 days after the judgment becomes final.

599 (x)-(w) Engaging or advertising engagement in the business  
600 of a money services business or deferred presentment provider  
601 without a license, unless exempted from licensure.

602 (y)-(x) Payment to the office for a license or other fee,  
603 charge, cost, or fine with a check or electronic transmission of  
604 funds that is dishonored by the applicant's or licensee's  
605 financial institution.

606 (z)-(y) Violations of 31 C.F.R. ss. 1010.306, 1010.311,  
607 1010.312, 1010.340, 1010.410, 1010.415, 1022.210, 1022.320,  
608 1022.380, and 1022.410, and United States Treasury Interpretive  
609 Release 2004-1.

610 (aa)-(z) Any practice or conduct that creates the likelihood  
611 of a material loss, insolvency, or dissipation of assets of a  
612 money services business or otherwise materially prejudices the  
613 interests of its customers.

614 (bb)-(aa) Failure of a check casher to maintain a federally  
615 insured depository account as required by s. 560.309.

616 (cc)-(bb) Failure of a check casher to deposit into its own  
617 federally insured depository account any payment instrument  
618 cashed as required by s. 560.309.

619 (dd)-(ee) Violating any provision of the Military Lending



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620 Act, 10 U.S.C. s. 987, or the regulations adopted under that act  
621 in 32 C.F.R. part 232, in connection with a deferred presentment  
622 transaction conducted under part IV of this chapter.

623 (ee) Failure to comply with the notification requirements  
624 in s. 501.171(3) and (4).

625 ~~(2) Pursuant to s. 120.60(6), The office shall issue an~~  
626 ~~emergency suspension order suspending may summarily suspend the~~  
627 license of a money services business if the office finds that a  
628 licensee poses a danger deemed by the Legislature to be an  
629 immediate ~~and,~~ serious danger to the public health, safety, and  
630 welfare. A proceeding in which the office seeks the issuance of  
631 a final order for the summary suspension of a licensee shall be  
632 conducted by the commissioner of the office, or his or her  
633 designee, who shall issue such order.

634 (a) An emergency suspension order under this subsection may  
635 be issued without prior notice and an opportunity to be heard.  
636 An emergency suspension order must:

637 1. State the grounds on which the order is based;  
638 2. Advise the licensee against whom the order is directed  
639 that the order takes effect immediately and, to the extent  
640 applicable, requires the licensee to immediately cease and  
641 desist from the conduct or violation that is the subject of the  
642 order or to take the affirmative action stated in the order as  
643 necessary to correct a condition resulting from the conduct or  
644 violation or as otherwise appropriate;

645 3. Be delivered by personal delivery or sent by certified  
646 mail, return receipt requested, to the licensee against whom the  
647 order is directed at the licensee's last known address; and

648 4. Include a notice that the licensee subject to the



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649 emergency suspension order may seek judicial review pursuant to  
650 s. 120.68.

651 (b) An emergency suspension order is effective as soon as  
652 the licensee against whom the order is directed has actual or  
653 constructive knowledge of the issuance of the order.

654 (c) The office shall institute timely proceedings under ss.  
655 120.569 and 120.57 after issuance of an emergency suspension  
656 order.

657 (d) A licensee subject to an emergency suspension order may  
658 seek judicial review pursuant to s. 120.68.

659 (e) The following acts are deemed by the Legislature to  
660 constitute an immediate and serious danger to the public health,  
661 safety, and welfare, and the office shall may immediately issue  
662 an emergency suspension order to suspend the license of a money  
663 services business if:

664 1.(a) The money services business fails to provide to the  
665 office, upon written request, any of the records required by s.  
666 560.123, s. 560.1235, s. 560.211, or s. 560.310 or any rule  
667 adopted under those sections. The suspension may be rescinded if  
668 the licensee submits the requested records to the office.

669 2.(b) The money services business fails to maintain a  
670 federally insured depository account as required by s.  
671 560.208(4) or s. 560.309.

672 3.(c) A natural person required to be listed on the license  
673 application for a money services business pursuant to s.  
674 560.141(1)(a)3. is criminally charged with, or arrested for, a  
675 crime described in paragraph (1)(o), paragraph (1)(p), or  
676 paragraph(1)(q).

677 Section 11. Section 560.1311, Florida Statutes, is created



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678 to read:

679 560.1311 Information security programs.—

680 (1) DEFINITIONS.—As used in this section, the term:

681 (a) "Customer" means a person who seeks to obtain or who  
682 obtains or has obtained a financial product or service from a  
683 licensee.

684 (b) "Customer information" means any record containing  
685 nonpublic personal information about a customer of a financial  
686 transaction, whether on paper, electronic, or in other forms,  
687 which is handled or maintained by or on behalf of the licensee  
688 or its affiliates.

689 (c) "Cybersecurity event" means an event resulting in  
690 unauthorized access to, or disruption or misuse of, an  
691 information system or customer information stored on such  
692 information system. The term does not include the unauthorized  
693 acquisition of encrypted customer information if the encryption  
694 process or key is not also acquired, released, or used without  
695 authorization. The term does not include an event with regard to  
696 which the licensee has determined that the customer information  
697 accessed by an unauthorized person has not been used or released  
698 and has been returned or destroyed.

699 (d) "Encrypted" means the transformation of data into a  
700 form that results in a low probability of assigning meaning  
701 without the use of a protective process or key.

702 (e) "Financial product or service" means any product or  
703 service offered by a licensee under this chapter.

704 (f) "Information security program" means the  
705 administrative, technical, or physical safeguards used to  
706 access, collect, distribute, process, protect, store, use,



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transmit, dispose of, or otherwise handle customer information.

(g) "Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information, as well as any specialized system such as an industrial process control system, telephone switching and private branch exchange system, or environmental control system, which contain customer information or which are connected to a system that contains customer information.

(h) "Licensee" means a person licensed under this chapter.

(i) 1. "Nonpublic personal information" means:

a. Personally identifiable financial information; and

b. Any list, description, or other grouping of customers

which is derived using any personally identifiable financial information that is not publicly available, such as account numbers, including any list of individuals' names and street addresses which is derived, in whole or in part, using personally identifiable financial information that is not publicly available.

2. The term does not include:

a. Publicly available information, except as included on a list, description, or other grouping of customers described in sub subparagraph 1.b.;

b. Any list, description, or other grouping of consumers, or any publicly available information pertaining to such list, description, or other grouping of consumers, which is derived without using any personally identifiable financial information that is not publicly available; or

c. Any list of individuals' names and addresses which



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736 contains only publicly available information, is not derived, in  
737 whole or in part, using personally identifiable financial  
738 information that is not publicly available, and is not disclosed  
739 in a manner that indicates that any of the individuals on the  
740 list is a customer of a licensee.

741 3. As used in this paragraph, the term:

742 a. (I) "Personally identifiable financial information" means  
743 any information that:

744 (A) A customer provides to a licensee to obtain a financial  
745 product or service, such as information that a customer provides  
746 to a licensee on an application to obtain a loan or other  
747 financial product or service;

748 (B) A licensee receives about a consumer which is obtained  
749 during or as a result of any transaction involving a financial  
750 product or service between the licensee and the customer, such  
751 as information collected through an information-collecting  
752 device from a web server; or

753 (C) A licensee otherwise obtains about a customer in  
754 connection with providing a financial product or service to the  
755 customer, such as the fact that an individual is or has been one  
756 of the licensee's customers or has obtained a financial product  
757 or service from the licensee.

758 (II) The term "personally identifiable financial  
759 information" does not include:

760 (A) A list of names and addresses of customers of an entity  
761 that is not a financial institution; or

762 (B) Information that does not identify a customer, such as  
763 blind data or aggregate information that does not contain  
764 personal identifiers such as account numbers, names, or



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765 addresses.

766 b. (I) "Publicly available information" means any  
767 information that a licensee has a reasonable basis to believe is  
768 lawfully made available to the general public from:

769 (A) Federal, state, or local government records, such as  
770 government real estate records or security interest filings;

771 (B) Widely distributed media, such as information from a  
772 telephone records repository or directory, a television or radio  
773 program, a newspaper, a social media platform, or a website that  
774 is available to the general public on an unrestricted basis. A  
775 website is not restricted merely because an Internet service  
776 provider or a site operator requires a fee or a password, so  
777 long as access is available to the general public; or

778 (C) Disclosures to the general public which are required to  
779 be made by federal, state, or local law.

780 (II) As used in this sub-subparagraph, the term "reasonable  
781 basis to believe is lawfully made available to the general  
782 public" relating to any information means that the person has  
783 taken steps to determine:

784 (A) That the information is of the type that is available  
785 to the general public, such as information included on the  
786 public record in the jurisdiction where the mortgage would be  
787 recorded; and

788 (B) Whether an individual can direct that the information  
789 not be made available to the general public and, if so, the  
790 customer to whom the information relates has not done so, such  
791 as when a telephone number is listed in a telephone directory  
792 and the customer has informed the licensee that the telephone  
793 number is not unlisted.



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794       (j) "Third-party service provider" means a person, other  
795 than a licensee, which contracts with a licensee to maintain,  
796 process, or store nonpublic personal information, or is  
797 otherwise permitted access to nonpublic personal information  
798 through its provision of services to a licensee.

799       (2) INFORMATION SECURITY PROGRAM.—

800       (a) Each licensee shall develop, implement, and maintain a  
801 comprehensive written information security program that contains  
802 administrative, technical, and physical safeguards for the  
803 protection of the licensee's information system and nonpublic  
804 personal information.

805       (b) Each licensee shall ensure that the information  
806 security program meets all of the following criteria:

807       1. Be commensurate with the following measures:

808       a. Size and complexity of the licensee.

809       b. Nature and scope of the licensee's activities, including  
810 the licensee's use of third-party service providers.

811       c. Sensitivity of nonpublic personal information that is  
812 used by the licensee or that is in the licensee's possession,  
813 custody, or control.

814       2. Be designed to do all of the following:

815       a. Protect the security and confidentiality of nonpublic  
816 personal information and the security of the licensee's  
817 information system.

818       b. Protect against threats or hazards to the security or  
819 integrity of nonpublic personal information and the licensee's  
820 information system.

821       c. Protect against unauthorized access to or the use of  
822 nonpublic personal information and minimize the likelihood of



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823 harm to any customer.

824 3. Define and periodically reevaluate the retention  
825 schedule and the mechanism for the destruction of nonpublic  
826 personal information if retention is no longer necessary for the  
827 licensee's business operations or is no longer required by  
828 applicable law.

829 4. Regularly test and monitor systems and procedures for  
830 the detection of actual and attempted attacks on, or intrusions  
831 into, the licensee's information system.

832 5. Be monitored, evaluated, and adjusted, as necessary, to  
833 meet all of the following requirements:

834 a. Determine whether the licensee's information security  
835 program is consistent with relevant changes in technology.

836 b. Confirm the licensee's information security program  
837 accounts for the sensitivity of nonpublic personal information.

838 c. Identify changes that may be necessary to the licensee's  
839 information system.

840 d. Mitigate any internal or external threats to nonpublic  
841 personal information.

842 e. Amend the licensee's information security program for  
843 any material changes to the licensee's business arrangements,  
844 including, but not limited to, mergers and acquisitions,  
845 alliances and joint ventures, and outsourcing arrangements.

846 (c)1. As part of a licensee's information security program,  
847 the licensee shall establish a written incident response plan  
848 designed to promptly respond to, and recover from, a  
849 cybersecurity event that compromises:

850 a. The confidentiality, integrity, or availability of  
851 nonpublic personal information in the licensee's possession;



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852        b. The licensee's information system; or  
853        c. The continuing functionality of any aspect of the  
854        licensee's operations.  
855        2. The written incident response plan must address all of  
856        the following:  
857        a. The licensee's internal process for responding to a  
858        cybersecurity event.  
859        b. The goals of the licensee's incident response plan.  
860        c. The assignment of clear roles, responsibilities, and  
861        levels of decisionmaking authority for the licensee's personnel  
862        that participate in the incident response plan.  
863        d. External communications, internal communications, and  
864        information sharing related to a cybersecurity event.  
865        e. The identification of remediation requirements for  
866        weaknesses identified in information systems and associated  
867        controls.  
868        f. The documentation and reporting regarding cybersecurity  
869        events and related incident response activities.  
870        g. The evaluation and revision of the incident response  
871        plan, as appropriate, following a cybersecurity event.  
872        h. The process by which notice must be given as required  
873        under subsection (3) and s. 501.171(3) and (4).  
874        (d)1. This section does not apply to a licensee that has  
875        fewer than:  
876        a. Twenty individuals on its workforce, including employees  
877        and independent contractors; or  
878        b. Five hundred customers during a calendar year.  
879        2. A licensee that no longer qualifies for exemption under  
880        subparagraph 1. has 180 calendar days to comply with this



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881 section after the date of the disqualification.

882 (e) Each licensee shall maintain a copy of the information  
883 security program for a minimum of 5 years and shall make it  
884 available to the office upon request or as part of an  
885 examination.

886 (3) NOTICE TO OFFICE OF SECURITY BREACH.—Each licensee  
887 shall provide notice to the office of any breach of security, as  
888 defined in s. 501.171(1), affecting 500 or more individuals in  
889 this state at a time and in the manner prescribed by commission  
890 rule.

891 (4) CONSTRUCTION.—This section may not be construed to  
892 relieve a covered entity from complying with s. 501.171. To the  
893 extent a licensee is a covered entity, as defined in s.  
894 501.171(1), the licensee remains subject to s. 501.171.

895 (5) RULES.—The commission shall adopt rules to administer  
896 this section, including rules that allow a licensee that is in  
897 compliance with the Federal Trade Commission's Standards for  
898 Safeguarding Customer Information, 16 C.F.R. part 314, to be  
899 deemed in compliance with subsection (2).

900 Section 12. Subsection (10) of section 560.309, Florida  
901 Statutes, is amended to read:

902 560.309 Conduct of business.—

903 (10) If a check is returned to a licensee from a payor  
904 financial institution due to lack of funds, a closed account, or  
905 a stop-payment order, the licensee may seek collection pursuant  
906 to s. 68.065. In seeking collection, the licensee must comply  
907 with the prohibitions against harassment or abuse, false or  
908 misleading representations, and unfair practices in the Florida  
909 Consumer Collection Practices Act under part VI of chapter 559,



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910 including s. 559.77. The licensee must also comply with the Fair  
911 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and  
912 1692f if the licensee uses a third-party debt collector or any  
913 name other than its own to collect such debts. A violation of  
914 this subsection is a deceptive and unfair trade practice and  
915 constitutes a violation of the Deceptive and Unfair Trade  
916 Practices Act under part II of chapter 501. In addition, a  
917 licensee must comply with the applicable provisions of the  
918 Consumer Collection Practices Act under part VI of chapter 559,  
919 including s. 559.77.

920 Section 13. Subsection (3) of section 560.405, Florida  
921 Statutes, is amended to read:

922 560.405 Deposit; redemption.—

923 (3) Notwithstanding subsection (1), in lieu of presentment,  
924 a deferred presentment provider may allow the check to be  
925 redeemed at any time upon payment of the outstanding transaction  
926 balance and earned fees. Redemption in cash must be treated in  
927 the same manner as redemption through a debit card transaction.  
928 However, payment may not be made in the form of a personal check  
929 or through a credit card transaction. Upon redemption, the  
930 deferred presentment provider must return the drawer's check and  
931 provide a signed, dated receipt showing that the drawer's check  
932 has been redeemed.

933 Section 14. Subsection (2) of section 560.406, Florida  
934 Statutes, is amended to read:

935 560.406 Worthless checks.—

936 (2) If a check is returned to a deferred presentment  
937 provider from a payor financial institution due to insufficient  
938 funds, a closed account, or a stop-payment order, the deferred



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939 presentment provider may pursue all legally available civil  
940 remedies to collect the check, including, but not limited to,  
941 the imposition of all charges imposed on the deferred  
942 presentment provider by the financial institution. In its  
943 collection practices, a deferred presentment provider must  
944 comply with the prohibitions against harassment or abuse, false  
945 or misleading representations, and unfair practices that are  
946 contained in the Florida Consumer Collection Practices Act under  
947 part VI of chapter 559, including s. 559.77. A deferred  
948 presentment provider must also comply with the Fair Debt  
949 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f  
950 if the deferred presentment provider uses a third-party debt  
951 collector or any name other than its own to collect such debts.  
952 A violation of this act is a deceptive and unfair trade practice  
953 and constitutes a violation of the Deceptive and Unfair Trade  
954 Practices Act under part II of chapter 501. ~~In addition, a~~  
955 ~~deferred presentment provider must comply with the applicable~~  
956 ~~provisions of the Consumer Collection Practices Act under part~~  
957 ~~VI of chapter 559, including s. 559.77.~~

958 Section 15. Section 655.0171, Florida Statutes, is created  
959 to read:

960 655.0171 Requirements for customer data security and for  
961 notices of security breaches.—

962 (1) DEFINITIONS.—As used in this section, the term:

963 (a) “Breach of security” or “breach” means unauthorized  
964 access of data in electronic form containing personal  
965 information. Good faith access of personal information by an  
966 employee or agent of a financial institution does not constitute  
967 a breach of security, provided that the information is not used



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for a purpose unrelated to the business or subject to further unauthorized use. As used in this paragraph, the term "data in electronic form" means any data stored electronically or digitally on any computer system or other database and includes recordable tapes and other mass storage devices.

(b) "Department" means the Department of Legal Affairs.

(c) 1. "Personal information" means:

a. An individual's first name, or first initial, and last name, in combination with any of the following data elements for that individual:

(I) A social security number;

(II) A driver license or identification card number, passport number, military identification number, or other similar number issued on a government document used to verify identity;

(III) A financial account number or credit or debit card number, in combination with any required security code, access code, or password that is necessary to permit access to the individual's financial account;

(IV) The individual's biometric data as defined in s.

501.702; or

(V) Any information regarding the individual's geolocation; or

b. A username or e-mail address, in combination with a password or security question and answer that would permit access to an online account.

2. The term does not include information about an individual which has been made publicly available by a federal, state, or local governmental entity. The term also does not



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997 include information that is encrypted, secured, or modified by  
998 any other method or technology that removes elements that  
999 personally identify an individual or that otherwise renders the  
1000 information unusable.

1001 (2) REQUIREMENTS FOR DATA SECURITY.—Each financial  
1002 institution shall take reasonable measures to protect and secure  
1003 data that are in electronic form and that contain personal  
1004 information.

1005 (3) NOTICE TO OFFICE AND DEPARTMENT OF SECURITY BREACH.—

1006 (a) 1. Each financial institution shall provide notice to  
1007 the office of any breach of security affecting 500 or more  
1008 individuals in this state. Such notice must be provided to the  
1009 office as expeditiously as practicable, but no later than 30  
1010 days after the determination of the breach or the determination  
1011 of a reason to believe that a breach has occurred.

1012 2. The written notice to the office must include the items  
1013 required under s. 501.171(3)(b).

1014 3. A financial institution must provide the following  
1015 information to the office upon its request:

1016 a. A police report, incident report, or computer forensics  
1017 report.

1018 b. A copy of the policies in place regarding breaches.

1019 c. Steps that have been taken to rectify the breach.

1020 4. A financial institution may provide the office with  
1021 supplemental information regarding a breach at any time.

1022 (b) Each financial institution shall provide notice to the  
1023 department of any breach of security affecting 500 or more  
1024 individuals in this state. Such notice must be provided to the  
1025 department in accordance with s. 501.171.



1026        (4) NOTICE TO INDIVIDUALS OF SECURITY BREACH.—Each  
1027        financial institution shall give notice to each individual in  
1028        this state whose personal information was, or the financial  
1029        institution reasonably believes to have been, accessed as a  
1030        result of the breach in accordance with s. 501.171(4). The  
1031        notice must be provided no later than 30 days after the  
1032        determination of the breach or the determination of a reason to  
1033        believe that a breach has occurred. A financial institution may  
1034        receive 15 additional days to provide notice to individuals of a  
1035        security breach as required in this subsection if good cause for  
1036        delay is provided in writing to the office within 30 days after  
1037        determination of the breach or determination of the reason to  
1038        believe that a breach has occurred.

1039        (5) NOTICE TO CREDIT REPORTING AGENCIES.—If a financial  
1040        institution discovers circumstances requiring notice pursuant to  
1041        this section of more than 1,000 individuals at a single time,  
1042        the financial institution shall also notify, without  
1043        unreasonable delay, all consumer reporting agencies that compile  
1044        and maintain files on consumers on a nationwide basis, as  
1045        defined in the Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p),  
1046        of the timing, distribution, and content of the notices.

1047        Section 16. Present subsections (3), (4), and (5) of  
1048        section 655.032, Florida Statutes, are redesignated as  
1049        subsections (4), (5), and (6), respectively, and a new  
1050        subsection (3) is added to that section, to read:

1051        655.032 Investigations, subpoenas, hearings, and  
1052        witnesses.—

1053        (3) The office may consider or use as part of any  
1054        investigation pursuant to this section the information contained



1055 in any suspected financial exploitation report or any records  
1056 generated as a result of such report which is obtained pursuant  
1057 to s. 415.106(4).

1058       Section 17. Present paragraphs (c) through (f) of  
1059 subsection (1) of section 655.045, Florida Statutes, are  
1060 redesignated as paragraphs (d) through (g), respectively, a new  
1061 paragraph (c) is added to that subsection, and present paragraph  
1062 (d) of that subsection is amended, to read:

1063       655.045 Examinations, reports, and internal audits;  
1064 penalty.—

1065       (1) The office shall conduct an examination of the  
1066 condition of each state financial institution at least every 18  
1067 months. The office may conduct more frequent examinations based  
1068 upon the risk profile of the financial institution, prior  
1069 examination results, or significant changes in the institution  
1070 or its operations. The office may use continuous, phase, or  
1071 other flexible scheduling examination methods for very large or  
1072 complex state financial institutions and financial institutions  
1073 owned or controlled by a multi-financial institution holding  
1074 company. The office shall consider examination guidelines from  
1075 federal regulatory agencies in order to facilitate, coordinate,  
1076 and standardize examination processes.

1077       (c) The office may consider or use as part of any  
1078 examination conducted pursuant to this section the information  
1079 contained in any suspected financial exploitation report or any  
1080 records generated as a result of such report which is obtained  
1081 pursuant to s. 415.106(4).

1082       (e)-(d) As used in this section, the term "costs" means the



1084 ===== TITLE AMENDMENT =====

1085 And the title is amended as follows:

1086 Delete lines 3 - 72

1087 and insert:

1088 amending s. 415.106, F.S.; requiring the Department of  
1089 Children and Families to cooperate with and seek  
1090 cooperation from the Office of Financial Regulation  
1091 concerning certain protective investigations of  
1092 suspected financial exploitation of specified adults;  
1093 requiring the department to provide copies of certain  
1094 suspected financial exploitation reports to the office  
1095 within a certain timeframe; authorizing the department  
1096 to provide copies of certain records at the request of  
1097 the office within a specified timeframe; authorizing  
1098 the office to use such reports or records as required  
1099 or authorized in certain provisions; specifying that  
1100 certain confidentiality provisions that apply to the  
1101 department apply to the records of the office and its  
1102 employees and agents; authorizing the department and  
1103 the office to enter into a specified memorandum of  
1104 agreement; amending s. 415.107, F.S.; revising the  
1105 persons, officials, and agencies granted access to  
1106 certain records relating to vulnerable adults;  
1107 creating s. 494.00123, F.S.; defining terms; requiring  
1108 loan originators, mortgage brokers, and mortgage  
1109 lenders to develop, implement, and maintain  
1110 comprehensive written information security programs  
1111 for the protection of information systems and  
1112 nonpublic personal information; providing requirements



1113 for such programs; requiring loan originators,  
1114 mortgage brokers, and mortgage lenders to establish  
1115 written incident response plans for specified  
1116 purposes; providing requirements for such plans;  
1117 providing applicability; providing compliance  
1118 requirements under specified circumstances; requiring  
1119 loan originators, mortgage brokers, and mortgage  
1120 lenders to maintain copies of information security  
1121 programs for a specified timeframe and to make them  
1122 available to the office under certain circumstances;  
1123 specifying requirements for notices of security  
1124 breaches; providing construction; requiring the  
1125 Financial Services Commission to adopt rules; amending  
1126 s. 494.00255, F.S.; providing additional acts that  
1127 constitute a ground for specified disciplinary actions  
1128 against loan originators and mortgage brokers;  
1129 amending s. 517.021, F.S.; revising the definition of  
1130 the term "investment adviser"; defining terms;  
1131 amending s. 517.061, F.S.; defining terms; amending s.  
1132 517.201, F.S.; authorizing the office to make  
1133 investigations and examinations to aid the Department  
1134 of Children and Families with certain protective  
1135 investigations; authorizing the office to consider or  
1136 use certain information as part of certain  
1137 investigations and examinations; amending s. 517.34,  
1138 F.S.; revising the information required to be  
1139 contained in the form by which a dealer or investment  
1140 advisor notifies the office of certain delayed  
1141 disbursements or transactions of funds or securities;



1142 providing construction; creating s. 520.135, F.S.;  
1143 specifying that the rights and obligations of parties  
1144 with respect to a surrendered or repossessed motor  
1145 vehicle are exclusively governed by certain  
1146 provisions; amending s. 560.114, F.S.; specifying the  
1147 entities that are subject to certain disciplinary  
1148 actions and penalties; revising the list of actions by  
1149 money services businesses which constitute grounds for  
1150 certain disciplinary actions and penalties; specifying  
1151 requirements for emergency suspension orders that  
1152 suspend money services business licenses; providing  
1153 that an emergency suspension order is effective when  
1154 the licensee against whom the order is directed has  
1155 actual or constructive knowledge of the order;  
1156 requiring the office to institute timely proceedings  
1157 after issuance of an emergency suspension order;  
1158 authorizing a licensee subject to an emergency  
1159 suspension order to seek judicial review; requiring,  
1160 rather than authorizing, the office to suspend  
1161 licenses of money services businesses under certain  
1162 circumstances; creating s. 560.1311, F.S.; defining  
1163 terms; requiring money services businesses to develop,  
1164 implement, and maintain comprehensive written  
1165 information security programs for the protection of  
1166 information systems and nonpublic personal  
1167 information; specifying requirements for such  
1168 programs; requiring money services businesses to  
1169 establish written incident response plans for  
1170 specified purposes; specifying requirements for such



1171 plans; providing applicability; specifying compliance  
1172 requirements under specified circumstances; requiring  
1173 money services businesses to maintain copies of  
1174 information security programs for a specified  
1175 timeframe and to make them available to the office  
1176 under certain circumstances; specifying requirements  
1177 for notices of security breaches; providing  
1178 construction; requiring the commission to adopt rules;  
1179 amending s. 560.309, F.S.; providing that licensees  
1180 must comply with the Fair Debt Collections Practices  
1181 Act only if the licensees meet certain criteria;  
1182 amending s. 560.405, F.S.; specifying that redemption  
1183 in cash must be treated in the same manner as  
1184 redemption through debt card transactions; prohibiting  
1185 redemption through a credit card transaction; amending  
1186 s. 560.406, F.S.; providing that licensees must comply  
1187 with the Fair Debt Collections Practices Act only if  
1188 the licensees meet certain criteria; creating s.  
1189 655.0171, F.S.; defining terms; requiring financial  
1190 institutions to take measures to protect and secure  
1191 certain data that contain personal information;  
1192 providing requirements for notices of security  
1193 breaches to the office, the Department of Legal  
1194 Affairs, certain individuals, and certain credit  
1195 reporting agencies; amending s. 655.032, F.S.;  
1196 authorizing the office to consider or use certain  
1197 information as part of certain investigations;  
1198 amending s. 655.045, F.S.; authorizing the office to  
1199 consider or use certain information as part of certain



1200

investigations; revising the timeline for