

**By** the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Banking and Insurance; and Senator Martin

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30       written incident response plans for specified  
31       purposes; providing requirements for such plans;  
32       providing applicability; providing compliance  
33       requirements under specified circumstances; requiring  
34       loan originators, mortgage brokers, and mortgage  
35       lenders to maintain copies of information security  
36       programs for a specified timeframe and to make them  
37       available to the office under certain circumstances;  
38       specifying requirements for notices of security  
39       breaches; providing construction; requiring the  
40       Financial Services Commission to adopt rules; amending  
41       s. 494.00255, F.S.; providing additional acts that  
42       constitute a ground for specified disciplinary actions  
43       against loan originators and mortgage brokers;  
44       amending s. 517.021, F.S.; revising the definition of  
45       the term "investment adviser"; defining terms;  
46       amending s. 517.061, F.S.; defining terms; amending s.  
47       517.201, F.S.; authorizing the office to make  
48       investigations and examinations to aid the Department  
49       of Children and Families with certain protective  
50       investigations; authorizing the office to consider or  
51       use certain information as part of certain  
52       investigations and examinations; amending s. 517.34,  
53       F.S.; revising the information required to be  
54       contained in the form by which a dealer or investment  
55       advisor notifies the office of certain delayed  
56       disbursements or transactions of funds or securities;  
57       providing construction; creating s. 520.135, F.S.;  
58       specifying that the rights and obligations of parties

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59 with respect to a surrendered or repossessed motor  
60 vehicle are exclusively governed by certain  
61 provisions; amending s. 560.114, F.S.; specifying the  
62 entities that are subject to certain disciplinary  
63 actions and penalties; revising the list of actions by  
64 money services businesses which constitute grounds for  
65 certain disciplinary actions and penalties; specifying  
66 requirements for emergency suspension orders that  
67 suspend money services business licenses; providing  
68 that an emergency suspension order is effective when  
69 the licensee against whom the order is directed has  
70 actual or constructive knowledge of the order;  
71 requiring the office to institute timely proceedings  
72 after issuance of an emergency suspension order;  
73 authorizing a licensee subject to an emergency  
74 suspension order to seek judicial review; requiring,  
75 rather than authorizing, the office to suspend  
76 licenses of money services businesses under certain  
77 circumstances; creating s. 560.1311, F.S.; defining  
78 terms; requiring money services businesses to develop,  
79 implement, and maintain comprehensive written  
80 information security programs for the protection of  
81 information systems and nonpublic personal  
82 information; specifying requirements for such  
83 programs; requiring money services businesses to  
84 establish written incident response plans for  
85 specified purposes; specifying requirements for such  
86 plans; providing applicability; specifying compliance  
87 requirements under specified circumstances; requiring

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88 money services businesses to maintain copies of  
89 information security programs for a specified  
90 timeframe and to make them available to the office  
91 under certain circumstances; specifying requirements  
92 for notices of security breaches; providing  
93 construction; requiring the commission to adopt rules;  
94 amending s. 560.309, F.S.; providing that licensees  
95 must comply with the Fair Debt Collections Practices  
96 Act only if the licensees meet certain criteria;  
97 amending s. 560.405, F.S.; specifying that redemption  
98 in cash must be treated in the same manner as  
99 redemption through debt card transactions; prohibiting  
100 redemption through a credit card transaction; amending  
101 s. 560.406, F.S.; providing that licensees must comply  
102 with the Fair Debt Collections Practices Act only if  
103 the licensees meet certain criteria; creating s.  
104 655.0171, F.S.; defining terms; requiring financial  
105 institutions to take measures to protect and secure  
106 certain data that contain personal information;  
107 providing requirements for notices of security  
108 breaches to the office, the Department of Legal  
109 Affairs, certain individuals, and certain credit  
110 reporting agencies; amending s. 655.032, F.S.;  
111 authorizing the office to consider or use certain  
112 information as part of certain investigations;  
113 amending s. 655.045, F.S.; authorizing the office to  
114 consider or use certain information as part of certain  
115 investigations; revising the timeline for the mailing  
116 of payment for salary and travel expenses of certain

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117 field staff; amending s. 657.005, F.S.; revising  
118 requirements for permission to organize credit unions;  
119 amending s. 657.024, F.S.; authorizing meetings of  
120 credit union members to be held virtually without an  
121 in-person quorum and authorizing virtual attendance to  
122 satisfy quorum requirements under certain  
123 circumstances; amending s. 657.042, F.S.; removing  
124 provisions that impose limitations on investments in  
125 real estate and equipment for credit unions; amending  
126 s. 658.21, F.S.; revising requirements and factors for  
127 approving applications for organizing banks and trust  
128 companies; amending s. 658.33, F.S.; revising  
129 requirements for directors of certain banks and trust  
130 companies; amending s. 662.141, F.S.; revising the  
131 timeline for the mailing of payment for the salary and  
132 travel expenses of certain field staff; amending s.  
133 517.12, F.S.; conforming a cross-reference; providing  
134 an effective date.

135

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

137

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

140 415.106 Cooperation by the department and criminal justice  
141 and other agencies.—

142 (4) To the fullest extent possible, the department shall  
143 cooperate with and seek cooperation from the Office of Financial  
144 Regulation concerning protective investigations of suspected  
145 financial exploitation of specified adults, as defined in s.

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415.10341, which are reported to the central abuse hotline and which the department is responsible for conducting pursuant to s. 415.104.

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

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

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

(b) The department and the Office of Financial Regulation may enter into a memorandum of agreement that specifies how the Office of Financial Regulation, in the agency's role as the regulator of financial institutions, may assist the department with effectively and efficiently conducting a protective investigation of any vulnerable adult abuse report received by the central abuse hotline, and that specifies how such

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175 assistance will be implemented.

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

178       415.107 Confidentiality of reports and records.—

179       (3) Access to all records, excluding the name of the  
180 reporter which shall be released only as provided in subsection  
181 (6), shall be granted only to the following persons, officials,  
182 and agencies:

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

186       Section 3. Section 494.00123, Florida Statutes, is created  
187 to read:

188       494.00123 Information security programs.—

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

190       (a) “Customer” means a person who seeks to obtain or who  
191 obtains or has obtained a financial product or service from a  
192 licensee.

193       (b) “Customer information” means any record containing  
194 nonpublic personal information about a customer of a financial  
195 transaction, whether on paper, electronic, or in other forms,  
196 which is handled or maintained by or on behalf of the licensee  
197 or its affiliates.

198       (c) “Cybersecurity event” means an event resulting in  
199 unauthorized access to, or disruption or misuse of, an  
200 information system or customer information stored on such  
201 information system. The term does not include the unauthorized  
202 acquisition of encrypted customer information if the encryption  
203 process or key is not also acquired, released, or used without

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204 authorization. The term does not include an event with regard to  
205 which the licensee has determined that the customer information  
206 accessed by an unauthorized person has not been used or released  
207 and has been returned or destroyed.

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

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

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

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

225 (h)1. "Nonpublic personal information" means:

226 a. Personally identifiable financial information; and

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

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

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233 publicly available.234 2. The term does not include:235 a. Publicly available information, except as included on a  
236 list, description, or other grouping of customers described in  
237 sub subparagraph 1.b.;238 b. Any list, description, or other grouping of consumers,  
239 or any publicly available information pertaining to such list,  
240 description, or other grouping of consumers, which is derived  
241 without using any personally identifiable financial information  
242 that is not publicly available; or243 c. Any list of individuals' names and addresses which  
244 contains only publicly available information, is not derived, in  
245 whole or in part, using personally identifiable financial  
246 information that is not publicly available, and is not disclosed  
247 in a manner that indicates that any of the individuals on the  
248 list is a customer of a licensee.249 3. As used in this paragraph, the term:250 a.(I) "Personally identifiable financial information" means  
251 any information that:252 (A) A customer provides to a licensee to obtain a financial  
253 product or service, such as information that a customer provides  
254 to a licensee on an application to obtain a loan or other  
255 financial product or service;256 (B) A licensee receives about a consumer which is obtained  
257 during or as a result of any transaction involving a financial  
258 product or service between the licensee and the customer, such  
259 as information collected through an information-collecting  
260 device from a web server; or261 (C) A licensee otherwise obtains about a customer in

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262 connection with providing a financial product or service to the  
263 customer, such as the fact that an individual is or has been one  
264 of the licensee's customers or has obtained a financial product  
265 or service from the licensee.

266 (II) The term "personally identifiable financial  
267 information" does not include:

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

270 (B) Information that does not identify a customer, such as  
271 blind data or aggregate information that does not contain  
272 personal identifiers such as account numbers, names, or  
273 addresses.

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

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

279 (B) Widely distributed media, such as information from a  
280 telephone records repository or directory, a television or radio  
281 program, a newspaper, a social media platform, or a website that  
282 is available to the general public on an unrestricted basis. A  
283 website is not restricted merely because an Internet service  
284 provider or a site operator requires a fee or a password, so  
285 long as access is available to the general public; or

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

288 (II) As used in this sub-subparagraph, the term "reasonable  
289 basis to believe is lawfully made available to the general  
290 public" relating to any information means that the person has

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291       taken steps to determine:292        (A) That the information is of the type that is available  
293       to the general public, such as information included on the  
294       public record in the jurisdiction where the mortgage would be  
295       recorded; and296        (B) Whether an individual can direct that the information  
297       not be made available to the general public and, if so, the  
298       customer to whom the information relates has not done so, such  
299       as when a telephone number is listed in a telephone directory  
300       and the customer has informed the licensee that the telephone  
301       number is not unlisted.302        (i) "Third-party service provider" means a person, other  
303       than a licensee, which contracts with a licensee to maintain,  
304       process, or store nonpublic personal information, or is  
305       otherwise permitted access to nonpublic personal information  
306       through its provision of services to a licensee.307        (2) INFORMATION SECURITY PROGRAM.—308        (a) Each licensee shall develop, implement, and maintain a  
309       comprehensive written information security program that contains  
310       administrative, technical, and physical safeguards for the  
311       protection of the licensee's information system and nonpublic  
312       personal information.313        (b) Each licensee shall ensure that the information  
314       security program meets all of the following criteria:315        1. Be commensurate with the following measures:316        a. Size and complexity of the licensee.317        b. Nature and scope of the licensee's activities, including  
318       the licensee's use of third-party service providers.319        c. Sensitivity of nonpublic personal information that is

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320 used by the licensee or that is in the licensee's possession,  
321 custody, or control.

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

323 a. Protect the security and confidentiality of nonpublic  
324 personal information and the security of the licensee's  
325 information system.

326 b. Protect against threats or hazards to the security or  
327 integrity of nonpublic personal information and the licensee's  
328 information system.

329 c. Protect against unauthorized access to or the use of  
330 nonpublic personal information and minimize the likelihood of  
331 harm to any customer.

332 3. Define and periodically reevaluate the retention  
333 schedule and the mechanism for the destruction of nonpublic  
334 personal information if retention is no longer necessary for the  
335 licensee's business operations or is no longer required by  
336 applicable law.

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

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

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

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

346 c. Identify changes that may be necessary to the licensee's  
347 information system.

348 d. Mitigate any internal or external threats to nonpublic

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349 personal information.350 e. Amend the licensee's information security program for  
351 any material changes to the licensee's business arrangements,  
352 including, but not limited to, mergers and acquisitions,  
353 alliances and joint ventures, and outsourcing arrangements.354 (c)1. As part of a licensee's information security program,  
355 the licensee shall establish a written incident response plan  
356 designed to promptly respond to, and recover from, a  
357 cybersecurity event that compromises:358 a. The confidentiality, integrity, or availability of  
359 nonpublic personal information in the licensee's possession;360 b. The licensee's information system; or361 c. The continuing functionality of any aspect of the  
362 licensee's operations.363 2. The written incident response plan must address all of  
364 the following:365 a. The licensee's internal process for responding to a  
366 cybersecurity event.367 b. The goals of the licensee's incident response plan.368 c. The assignment of clear roles, responsibilities, and  
369 levels of decisionmaking authority for the licensee's personnel  
370 that participate in the incident response plan.371 d. External communications, internal communications, and  
372 information sharing related to a cybersecurity event.373 e. The identification of remediation requirements for  
374 weaknesses identified in information systems and associated  
375 controls.376 f. The documentation and reporting regarding cybersecurity  
377 events and related incident response activities.

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

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

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

384       a. Twenty individuals on its workforce, including employees  
385       and independent contractors; or

386       b. Five hundred customers during a calendar year.

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

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

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

398       (4) CONSTRUCTION.—This section may not be construed to  
399       relieve a covered entity from complying with s. 501.171. To the  
400       extent a licensee is a covered entity, as defined in s.  
401       501.171(1), the licensee remains subject to s. 501.171.

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

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

409       494.00255 Administrative penalties and fines; license  
410 violations.—

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

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

417       Section 5. Present subsections (28) through (36) of section  
418 517.021, Florida Statutes, are redesignated as subsections (29)  
419 through (37), respectively, a new subsection (28) is added to  
420 that section, and subsection (20) of that section is amended, to  
421 read:

422       517.021 Definitions.—When used in this chapter, unless the  
423 context otherwise indicates, the following terms have the  
424 following respective meanings:

425       (20) (a) "Investment adviser" means a person, other than an  
426 associated person of an investment adviser or a federal covered  
427 adviser, that receives compensation, directly or indirectly, and  
428 engages for all or part of the person's time, directly or  
429 indirectly, or through publications or writings, in the business  
430 of advising others as to the value of securities or as to the  
431 advisability of investments in, purchasing of, or selling of  
432 securities.

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

434       1. A dealer or an associated person of a dealer whose  
435 performance of services in paragraph (a) is solely incidental to

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436 the conduct of the dealer's or associated person's business as a  
437 dealer and who does not receive special compensation for those  
438 services.

439 2. A licensed practicing attorney or certified public  
440 accountant whose performance of such services is solely  
441 incidental to the practice of the attorney's or accountant's  
442 profession.

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

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

447 5. A trust company having trust powers, as defined in s.  
448 658.12, which it is authorized to exercise in this state, which  
449 trust company renders or performs investment advisory services  
450 in a fiduciary capacity incidental to the exercise of its trust  
451 powers.

452 6. A person that renders investment advice exclusively to  
453 insurance or investment companies.

454 7. A person:

455 a. Without a place of business in this state if the person  
456 has had that, during the preceding 12 months, has fewer than six  
457 clients who are residents of this state.

458 b. With a place of business in this state if the person has  
459 had, during the preceding 12 months, fewer than six clients who  
460 are residents of this state and no clients who are not residents  
461 of this state.

462  
463 As used in this subparagraph, the term "client" has the same  
464 meaning as provided in Securities and Exchange Commission Rule

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465 222-2 275.222-2, 17 C.F.R. s. 275.222-2, as amended.

466 8. A federal covered adviser.

467 9. The United States, a state, or any political subdivision  
468 of a state, or any agency, authority, or instrumentality of any  
469 such entity; a business entity that is wholly owned directly or  
470 indirectly by such a governmental entity; or any officer, agent,  
471 or employee of any such governmental or business entity who is  
472 acting within the scope of his or her official duties.473 10. A family office as defined in Securities and Exchange  
474 Commission Rule 202(a)(11)(G)-1(b) under the Investment Advisers  
475 Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(b), as amended. In  
476 determining whether a person meets the definition of a family  
477 office under this subparagraph, the terms "affiliated family  
478 office," "control," "executive officer," "family client,"  
479 "family entity," "family member," "former family member," "key  
480 employee," and "spousal equivalent" have the same meaning as in  
481 Securities and Exchange Commission Rule 202(a)(11)(G)-1(d) under  
482 the Investment Advisers Act of 1940, 17 C.F.R. s.  
483 275.202(a)(11)(G)-1(d), as amended.484 (28) "Place of business" of an investment adviser means an  
485 office at which the investment adviser regularly provides  
486 investment advisory services to, solicits, meets with, or  
487 otherwise communicates with clients; and any other location that  
488 is held out to the general public as a location at which the  
489 investment adviser provides investment advisory services to,  
490 solicits, meets with, or otherwise communicates with clients.491 Section 6. Paragraph (i) of subsection (9) of section  
492 517.061, Florida Statutes, is amended to read:

493 517.061 Exempt transactions.—Except as otherwise provided

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494 in subsection (11), the exemptions provided herein from the  
495 registration requirements of s. 517.07 are self-executing and do  
496 not require any filing with the office before being claimed. Any  
497 person who claims entitlement to an exemption under this section  
498 bears the burden of proving such entitlement in any proceeding  
499 brought under this chapter. The registration provisions of s.  
500 517.07 do not apply to any of the following transactions;  
501 however, such transactions are subject to s. 517.301:

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

503 (i) A family office as defined in Securities and Exchange  
504 Commission Rule 202(a)(11)(G)-1(b) ~~202(a)(11)(G)-1~~ under the  
505 Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-  
506 1(b) ~~s. 275.202(a)(11)(G)-1~~, as amended, provided that:

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

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

511 3. The prospective investment of the family office is  
512 directed by a person who has knowledge and experience in  
513 financial and business matters that the family office is capable  
514 of evaluating the merits and risks of the prospective  
515 investment.

516  
517 In determining whether a person meets the definition of a family  
518 office under this paragraph, the terms "affiliated family  
519 office," "control," "executive officer," "family client,"  
520 "family entity," "family member," "former family member," "key  
521 employee," and "spousal equivalent" have the same meaning as in  
522 Securities and Exchange Commission Rule 202(a)(11)(G)-1(d) under

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523 the Investment Advisers Act of 1940, 17 C.F.R. s.524 275.202(a) (11) (G)-1(d), as amended.525       Section 7. Paragraph (a) of subsection (1) of section  
526 517.201, Florida Statutes, is amended, and paragraph (c) is  
527 added to that subsection, to read:528       517.201 Investigations; examinations; subpoenas; hearings;  
529 witnesses.—

530       (1) The office:

531       (a) May make investigations and examinations within or  
532 outside of this state as it deems necessary:533       1. To determine whether a person has violated or is about  
534 to violate any provision of this chapter or a rule or order  
535 hereunder; ~~or~~536       2. To aid in the enforcement of this chapter; or537       3. In accordance with a memorandum of understanding538 pursuant to s. 415.106(4)(b), to aid the Department of Children  
539 and Families with any protective investigations the Department  
540 of Children and Families is required to conduct under s.541 415.104.542       (c) May consider or use as part of any investigation or  
543 examination pursuant to this section the information contained  
544 in any suspected financial exploitation report or any records  
545 generated as a result of such report which is obtained pursuant  
546 to s. 415.106(4).547       Section 8. Paragraphs (b) and (c) of subsection (3) and  
548 subsection (6) of section 517.34, Florida Statutes, are amended  
549 to read:

550       517.34 Protection of specified adults.—

551       (3) A dealer or investment adviser may delay a disbursement

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552 or transaction of funds or securities from an account of a  
553 specified adult or an account for which a specified adult is a  
554 beneficiary or beneficial owner if all of the following apply:

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

558 1. Notifies in writing all parties authorized to transact  
559 business on the account and any trusted contact on the account,  
560 using the contact information provided for the account, with the  
561 exception of any party the dealer or investment adviser  
562 reasonably believes has engaged in, is engaging in, has  
563 attempted to engage in, or will attempt to engage in the  
564 suspected financial exploitation of the specified adult. The  
565 notice, which may be provided electronically, must provide the  
566 reason for the delay.

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

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

574 c. The business location of the dealer or investment  
575 adviser.

576 d. The name, address, and telephone number and title of the  
577 employee who reported suspected financial exploitation of the  
578 specified adult.

579 e. The facts and circumstances that caused the employee to  
580 report suspected financial exploitation.

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

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

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

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

591       j. Any other information available to the reporting person  
592       which may establish the cause of financial exploitation that  
593       occurred or is occurring.

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

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

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

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

603       ~~a. Gender.~~

604       ~~b. Age.~~

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

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

608       ~~a. Name.~~

609       ~~b. Title.~~

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610        ~~c. Firm name.~~611        ~~d. Business address.~~612        ~~5. A section with the following questions for which the~~  
613 ~~only allowable responses are "Yes" or "No":~~614        ~~a. Is financial exploitation of a specified adult suspected~~  
615 ~~in connection with a disbursement or transaction?~~616        ~~b. Are funds currently at risk of being lost?~~

617

618 ~~The form must contain substantially the following statement in~~  
619 ~~conspicuous type: "The office may take disciplinary action~~  
620 ~~against any person making a knowing and willful~~  
621 ~~misrepresentation on this form."~~622        (6) A dealer, an investment adviser, or an associated  
623 person who in good faith and exercising reasonable care complies  
624 with this section is immune from any administrative or civil  
625 liability that might otherwise arise from such delay in a  
626 disbursement or transaction in accordance with this section.  
627 This subsection does not supersede or diminish any immunity  
628 granted under chapter 415, nor does it substitute for the duty  
629 to report to the central abuse hotline as required under s.  
630 415.1034.631        Section 9. Section 520.135, Florida Statutes, is created to  
632 read:633        520.135 Surrendered or repossessed vehicles.—The rights and  
634 obligations of parties with respect to a surrendered or  
635 repossessed motor vehicle are exclusively governed by part VI of  
636 chapter 679.637        Section 10. Subsections (1) and (2) of section 560.114,  
638 Florida Statutes, are amended to read:

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639        560.114 Disciplinary actions; penalties.—

640        (1) The following actions by a money services business, an  
641 authorized vendor, or a affiliated party that was affiliated at  
642 the time of commission of the actions constitute grounds for the  
643 issuance of a cease and desist order; the issuance of a removal  
644 order; the denial, suspension, or revocation of a license; or  
645 taking any other action within the authority of the office  
646 pursuant to this chapter:

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

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

653        (c) Fraudulent misrepresentation, circumvention, or  
654 concealment of any matter that must be stated or furnished to a  
655 customer pursuant to this chapter, regardless of reliance  
656 thereon by, or damage to, such customer.

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

658        (e) Failure to maintain, preserve, keep available for  
659 examination, and produce all books, accounts, files, or other  
660 documents required by this chapter or related rules or orders,  
661 by 31 C.F.R. ss. 1010.306, 1010.311, 1010.312, 1010.340,  
662 1010.410, 1010.415, 1022.210, 1022.320, 1022.380, and 1022.410,  
663 or by an agreement entered into with the office.

664        (f) Refusing to allow the examination or inspection of  
665 books, accounts, files, or other documents by the office  
666 pursuant to this chapter, or to comply with a subpoena issued by  
667 the office.

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

671       (h) Engaging in an act prohibited under s. 560.111 or s.  
672 560.1115.

673       (i) Insolvency.

674       (j) Failure by a money services business to remove an  
675 affiliated party after the office has issued and served upon the  
676 money services business a final order setting forth a finding  
677 that the affiliated party has violated a provision of this  
678 chapter.

679       (k) Making a material misstatement, misrepresentation, or  
680 omission in an application for licensure, any amendment to such  
681 application, or application for the appointment of an authorized  
682 vendor.

683       (l) Committing any act that results in a license or its  
684 equivalent, to practice any profession or occupation being  
685 denied, suspended, revoked, or otherwise acted against by a  
686 licensing authority in any jurisdiction.

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

691       (n) Committing any act resulting in a license or its  
692 equivalent to practice any profession or occupation being  
693 denied, suspended, revoked, or otherwise acted against by a  
694 licensing authority in any jurisdiction for a violation of 18  
695 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s. 1960, 31 U.S.C.  
696 s. 5324, or any other law or rule of another state or of the

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697       United States relating to a money services business, deferred  
698       presentment provider, or usury that may cause the denial,  
699       suspension, or revocation of a money services business or  
700       deferred presentment provider license or its equivalent in such  
701       jurisdiction.

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

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

710       (q) Having been convicted of, or entered a plea of guilty  
711       or nolo contendere to, misappropriation, conversion, or unlawful  
712       withholding of moneys belonging to others, regardless of  
713       adjudication.

714       (r) Having been convicted of, or entered a plea of guilty  
715       or nolo contendere to, a violation of 31 C.F.R. chapter X, part  
716       1022, regardless of adjudication.

717       (s)-(r) Failure to inform the office in writing within 30  
718       days after having pled guilty or nolo contendere to, or being  
719       convicted of, any felony or crime punishable by imprisonment of  
720       1 year or more under the law of any state or the United States,  
721       or any crime involving fraud, moral turpitude, or dishonest  
722       dealing.

723       (t)-(s) Aiding, assisting, procuring, advising, or abetting  
724       any person in violating a provision of this chapter or any order  
725       or rule of the office or commission.

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726       (u)~~(t)~~ Failure to pay any fee, charge, or cost imposed or  
727 assessed under this chapter.

728       (v)~~(u)~~ Failing to pay a fine assessed by the office within  
729 30 days after the due date as stated in a final order.

730       (w)~~(v)~~ Failure to pay any judgment entered by any court  
731 within 30 days after the judgment becomes final.

732       (x)~~(w)~~ Engaging or advertising engagement in the business  
733 of a money services business or deferred presentment provider  
734 without a license, unless exempted from licensure.

735       (y)~~(x)~~ Payment to the office for a license or other fee,  
736 charge, cost, or fine with a check or electronic transmission of  
737 funds that is dishonored by the applicant's or licensee's  
738 financial institution.

739       (z)~~(y)~~ Violations of 31 C.F.R. ss. 1010.306, 1010.311,  
740 1010.312, 1010.340, 1010.410, 1010.415, 1022.210, 1022.320,  
741 1022.380, and 1022.410, and United States Treasury Interpretive  
742 Release 2004-1.

743       (aa)~~(z)~~ Any practice or conduct that creates the likelihood  
744 of a material loss, insolvency, or dissipation of assets of a  
745 money services business or otherwise materially prejudices the  
746 interests of its customers.

747       (bb)~~(aa)~~ Failure of a check casher to maintain a federally  
748 insured depository account as required by s. 560.309.

749       (cc)~~(bb)~~ Failure of a check casher to deposit into its own  
750 federally insured depository account any payment instrument  
751 cashed as required by s. 560.309.

752       (dd)~~(ee)~~ Violating any provision of the Military Lending  
753 Act, 10 U.S.C. s. 987, or the regulations adopted under that act  
754 in 32 C.F.R. part 232, in connection with a deferred presentment

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755 transaction conducted under part IV of this chapter.

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

758 (2) Pursuant to s. 120.60(6), The office shall issue an  
759 emergency suspension order suspending may summarily suspend the  
760 license of a money services business if the office finds that a  
761 licensee poses a danger deemed by the Legislature to be an  
762 immediate and, serious danger to the public health, safety, and  
763 welfare. A proceeding in which the office seeks the issuance of  
764 a final order for the summary suspension of a licensee shall be  
765 conducted by the commissioner of the office, or his or her  
766 designee, who shall issue such order.

767 (a) An emergency suspension order under this subsection may  
768 be issued without prior notice and an opportunity to be heard.

769 An emergency suspension order must:

770 1. State the grounds on which the order is based;  
771 2. Advise the licensee against whom the order is directed  
772 that the order takes effect immediately and, to the extent  
773 applicable, requires the licensee to immediately cease and  
774 desist from the conduct or violation that is the subject of the  
775 order or to take the affirmative action stated in the order as  
776 necessary to correct a condition resulting from the conduct or  
777 violation or as otherwise appropriate;

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

781 4. Include a notice that the licensee subject to the  
782 emergency suspension order may seek judicial review pursuant to  
783 s. 120.68.

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

787        (c) The office shall institute timely proceedings under ss.  
788 120.569 and 120.57 after issuance of an emergency suspension  
789 order.

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

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

797        1.(a) The money services business fails to provide to the  
798 office, upon written request, any of the records required by s.  
799 560.123, s. 560.1235, s. 560.211, or s. 560.310 or any rule  
800 adopted under those sections. The suspension may be rescinded if  
801 the licensee submits the requested records to the office.

802        2.(b) The money services business fails to maintain a  
803 federally insured depository account as required by s.  
804 560.208(4) or s. 560.309.

805        3.(c) A natural person required to be listed on the license  
806 application for a money services business pursuant to s.  
807 560.141(1)(a)3. is criminally charged with, or arrested for, a  
808 crime described in paragraph (1)(o), paragraph (1)(p), or  
809 paragraph(1)(q).

810        Section 11. Section 560.1311, Florida Statutes, is created  
811 to read:

812        560.1311 Information security programs.—

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

814        (a) “Customer” means a person who seeks to obtain or who  
815 obtains or has obtained a financial product or service from a  
816 licensee.

817        (b) “Customer information” means any record containing  
818 nonpublic personal information about a customer of a financial  
819 transaction, whether on paper, electronic, or in other forms,  
820 which is handled or maintained by or on behalf of the licensee  
821 or its affiliates.

822        (c) “Cybersecurity event” means an event resulting in  
823 unauthorized access to, or disruption or misuse of, an  
824 information system or customer information stored on such  
825 information system. The term does not include the unauthorized  
826 acquisition of encrypted customer information if the encryption  
827 process or key is not also acquired, released, or used without  
828 authorization. The term does not include an event with regard to  
829 which the licensee has determined that the customer information  
830 accessed by an unauthorized person has not been used or released  
831 and has been returned or destroyed.

832        (d) “Encrypted” means the transformation of data into a  
833 form that results in a low probability of assigning meaning  
834 without the use of a protective process or key.

835        (e) “Financial product or service” means any product or  
836 service offered by a licensee under this chapter.

837        (f) “Information security program” means the  
838 administrative, technical, or physical safeguards used to  
839 access, collect, distribute, process, protect, store, use,  
840 transmit, dispose of, or otherwise handle customer information.

841        (g) “Information system” means a discrete set of electronic

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842 information resources organized for the collection, processing,  
843 maintenance, use, sharing, dissemination, or disposition of  
844 electronic information, as well as any specialized system such  
845 as an industrial process control system, telephone switching and  
846 private branch exchange system, or environmental control system,  
847 which contain customer information or which are connected to a  
848 system that contains customer information.

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

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

851 a. Personally identifiable financial information; and

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

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

859 2. The term does not include:

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

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

868 c. Any list of individuals' names and addresses which  
869 contains only publicly available information, is not derived, in  
870 whole or in part, using personally identifiable financial

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871 information that is not publicly available, and is not disclosed  
872 in a manner that indicates that any of the individuals on the  
873 list is a customer of a licensee.

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

875 a. (I) "Personally identifiable financial information" means  
876 any information that:

877 (A) A customer provides to a licensee to obtain a financial  
878 product or service, such as information that a customer provides  
879 to a licensee on an application to obtain a loan or other  
880 financial product or service;

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

886 (C) A licensee otherwise obtains about a customer in  
887 connection with providing a financial product or service to the  
888 customer, such as the fact that an individual is or has been one  
889 of the licensee's customers or has obtained a financial product  
890 or service from the licensee.

891 (II) The term "personally identifiable financial  
892 information" does not include:

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

895 (B) Information that does not identify a customer, such as  
896 blind data or aggregate information that does not contain  
897 personal identifiers such as account numbers, names, or  
898 addresses.

899 b. (I) "Publicly available information" means any

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900 information that a licensee has a reasonable basis to believe is  
901 lawfully made available to the general public from:

902 (A) Federal, state, or local government records, such as  
903 government real estate records or security interest filings;  
904 (B) Widely distributed media, such as information from a  
905 telephone records repository or directory, a television or radio  
906 program, a newspaper, a social media platform, or a website that  
907 is available to the general public on an unrestricted basis. A  
908 website is not restricted merely because an Internet service  
909 provider or a site operator requires a fee or a password, so  
910 long as access is available to the general public; or

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

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

917 (A) That the information is of the type that is available  
918 to the general public, such as information included on the  
919 public record in the jurisdiction where the mortgage would be  
920 recorded; and

921 (B) Whether an individual can direct that the information  
922 not be made available to the general public and, if so, the  
923 customer to whom the information relates has not done so, such  
924 as when a telephone number is listed in a telephone directory  
925 and the customer has informed the licensee that the telephone  
926 number is not unlisted.

927 (j) "Third-party service provider" means a person, other  
928 than a licensee, which contracts with a licensee to maintain,

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929 process, or store nonpublic personal information, or is  
930 otherwise permitted access to nonpublic personal information  
931 through its provision of services to a licensee.

932 (2) INFORMATION SECURITY PROGRAM.—

933 (a) Each licensee shall develop, implement, and maintain a  
934 comprehensive written information security program that contains  
935 administrative, technical, and physical safeguards for the  
936 protection of the licensee's information system and nonpublic  
937 personal information.

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

940 1. Be commensurate with the following measures:

941 a. Size and complexity of the licensee.

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

944 c. Sensitivity of nonpublic personal information that is  
945 used by the licensee or that is in the licensee's possession,  
946 custody, or control.

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

948 a. Protect the security and confidentiality of nonpublic  
949 personal information and the security of the licensee's  
950 information system.

951 b. Protect against threats or hazards to the security or  
952 integrity of nonpublic personal information and the licensee's  
953 information system.

954 c. Protect against unauthorized access to or the use of  
955 nonpublic personal information and minimize the likelihood of  
956 harm to any customer.

957 3. Define and periodically reevaluate the retention

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958 schedule and the mechanism for the destruction of nonpublic  
959 personal information if retention is no longer necessary for the  
960 licensee's business operations or is no longer required by  
961 applicable law.

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

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

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

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

971 c. Identify changes that may be necessary to the licensee's  
972 information system.

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

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

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

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

985 b. The licensee's information system; or

986 c. The continuing functionality of any aspect of the

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987 licensee's operations.988 2. The written incident response plan must address all of  
989 the following:990 a. The licensee's internal process for responding to a  
991 cybersecurity event.992 b. The goals of the licensee's incident response plan.993 c. The assignment of clear roles, responsibilities, and  
994 levels of decisionmaking authority for the licensee's personnel  
995 that participate in the incident response plan.996 d. External communications, internal communications, and  
997 information sharing related to a cybersecurity event.998 e. The identification of remediation requirements for  
999 weaknesses identified in information systems and associated  
1000 controls.1001 f. The documentation and reporting regarding cybersecurity  
1002 events and related incident response activities.1003 g. The evaluation and revision of the incident response  
1004 plan, as appropriate, following a cybersecurity event.1005 h. The process by which notice must be given as required  
1006 under subsection (3) and s. 501.171(3) and (4).1007 (d)1. This section does not apply to a licensee that has  
1008 fewer than:1009 a. Twenty individuals on its workforce, including employees  
1010 and independent contractors; or1011 b. Five hundred customers during a calendar year.1012 2. A licensee that no longer qualifies for exemption under  
1013 subparagraph 1. has 180 calendar days to comply with this  
1014 section after the date of the disqualification.1015 (e) Each licensee shall maintain a copy of the information

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1016 security program for a minimum of 5 years and shall make it  
1017 available to the office upon request or as part of an  
1018 examination.

1019 (3) NOTICE TO OFFICE OF SECURITY BREACH.—Each licensee  
1020 shall provide notice to the office of any breach of security, as  
1021 defined in s. 501.171(1), affecting 500 or more individuals in  
1022 this state at a time and in the manner prescribed by commission  
1023 rule.

1024 (4) CONSTRUCTION.—This section may not be construed to  
1025 relieve a covered entity from complying with s. 501.171. To the  
1026 extent a licensee is a covered entity, as defined in s.  
1027 501.171(1), the licensee remains subject to s. 501.171.

1028 (5) RULES.—The commission shall adopt rules to administer  
1029 this section, including rules that allow a licensee that is in  
1030 compliance with the Federal Trade Commission's Standards for  
1031 Safeguarding Customer Information, 16 C.F.R. part 314, to be  
1032 deemed in compliance with subsection (2).

1033 Section 12. Subsection (10) of section 560.309, Florida  
1034 Statutes, is amended to read:

1035 560.309 Conduct of business.—

1036 (10) If a check is returned to a licensee from a payor  
1037 financial institution due to lack of funds, a closed account, or  
1038 a stop-payment order, the licensee may seek collection pursuant  
1039 to s. 68.065. In seeking collection, the licensee must comply  
1040 with the prohibitions against harassment or abuse, false or  
1041 misleading representations, and unfair practices in the Florida  
1042 Consumer Collection Practices Act under part VI of chapter 559,  
1043 including s. 559.77. The licensee must also comply with the Fair  
1044 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and

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1045 1692f if the licensee uses a third-party debt collector or any  
1046 name other than its own to collect such debts. A violation of  
1047 this subsection is a deceptive and unfair trade practice and  
1048 constitutes a violation of the Deceptive and Unfair Trade  
1049 Practices Act under part II of chapter 501. ~~In addition, a~~  
1050 ~~licensee must comply with the applicable provisions of the~~  
1051 ~~Consumer Collection Practices Act under part VI of chapter 559,~~  
1052 ~~including s. 559.77.~~

1053 Section 13. Subsection (3) of section 560.405, Florida  
1054 Statutes, is amended to read:

1055 560.405 Deposit; redemption.—

1056 (3) Notwithstanding subsection (1), in lieu of presentment,  
1057 a deferred presentment provider may allow the check to be  
1058 redeemed at any time upon payment of the outstanding transaction  
1059 balance and earned fees. Redemption in cash must be treated in  
1060 the same manner as redemption through a debit card transaction.  
1061 However, payment may not be made in the form of a personal check  
1062 or through a credit card transaction. Upon redemption, the  
1063 deferred presentment provider must return the drawer's check and  
1064 provide a signed, dated receipt showing that the drawer's check  
1065 has been redeemed.

1066 Section 14. Subsection (2) of section 560.406, Florida  
1067 Statutes, is amended to read:

1068 560.406 Worthless checks.—

1069 (2) If a check is returned to a deferred presentment  
1070 provider from a payor financial institution due to insufficient  
1071 funds, a closed account, or a stop-payment order, the deferred  
1072 presentment provider may pursue all legally available civil  
1073 remedies to collect the check, including, but not limited to,

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1074 the imposition of all charges imposed on the deferred  
1075 presentment provider by the financial institution. In its  
1076 collection practices, a deferred presentment provider must  
1077 comply with the prohibitions against harassment or abuse, false  
1078 or misleading representations, and unfair practices that are  
1079 contained in the Florida Consumer Collection Practices Act under  
1080 part VI of chapter 559, including s. 559.77. A deferred  
1081 presentment provider must also comply with the Fair Debt  
1082 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f  
1083 if the deferred presentment provider uses a third-party debt  
1084 collector or any name other than its own to collect such debts.  
1085 A violation of this act is a deceptive and unfair trade practice  
1086 and constitutes a violation of the Deceptive and Unfair Trade  
1087 Practices Act under part II of chapter 501. ~~In addition, a~~  
1088 ~~deferred presentment provider must comply with the applicable~~  
1089 ~~provisions of the Consumer Collection Practices Act under part~~  
1090 ~~VI of chapter 559, including s. 559.77.~~

1091 Section 15. Section 655.0171, Florida Statutes, is created  
1092 to read:

1093 655.0171 Requirements for customer data security and for  
1094 notices of security breaches.—

1095 (1) DEFINITIONS.—As used in this section, the term:

1096 (a) “Breach of security” or “breach” means unauthorized  
1097 access of data in electronic form containing personal  
1098 information. Good faith access of personal information by an  
1099 employee or agent of a financial institution does not constitute  
1100 a breach of security, provided that the information is not used  
1101 for a purpose unrelated to the business or subject to further  
1102 unauthorized use. As used in this paragraph, the term “data in

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1103 electronic form" means any data stored electronically or  
1104 digitally on any computer system or other database and includes  
1105 recordable tapes and other mass storage devices.

1106 (b) "Department" means the Department of Legal Affairs.

1107 (c) 1. "Personal information" means:

1108 a. An individual's first name, or first initial, and last  
1109 name, in combination with any of the following data elements for  
1110 that individual:

1111 (I) A social security number;

1112 (II) A driver license or identification card number,  
1113 passport number, military identification number, or other  
1114 similar number issued on a government document used to verify  
1115 identity;

1116 (III) A financial account number or credit or debit card  
1117 number, in combination with any required security code, access  
1118 code, or password that is necessary to permit access to the  
1119 individual's financial account;

1120 (IV) The individual's biometric data as defined in s.

1121 501.702; or

1122 (V) Any information regarding the individual's geolocation;  
1123 or

1124 b. A username or e-mail address, in combination with a  
1125 password or security question and answer that would permit  
1126 access to an online account.

1127 2. The term does not include information about an  
1128 individual which has been made publicly available by a federal,  
1129 state, or local governmental entity. The term also does not  
1130 include information that is encrypted, secured, or modified by  
1131 any other method or technology that removes elements that

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1132 personally identify an individual or that otherwise renders the  
1133 information unusable.

1134 (2) REQUIREMENTS FOR DATA SECURITY.—Each financial  
1135 institution shall take reasonable measures to protect and secure  
1136 data that are in electronic form and that contain personal  
1137 information.

1138 (3) NOTICE TO OFFICE AND DEPARTMENT OF SECURITY BREACH.—  
1139 (a) 1. Each financial institution shall provide notice to  
1140 the office of any breach of security affecting 500 or more  
1141 individuals in this state. Such notice must be provided to the  
1142 office as expeditiously as practicable, but no later than 30  
1143 days after the determination of the breach or the determination  
1144 of a reason to believe that a breach has occurred.

1145 2. The written notice to the office must include the items  
1146 required under s. 501.171(3) (b).

1147 3. A financial institution must provide the following  
1148 information to the office upon its request:

1149 a. A police report, incident report, or computer forensics  
1150 report.

1151 b. A copy of the policies in place regarding breaches.

1152 c. Steps that have been taken to rectify the breach.

1153 4. A financial institution may provide the office with  
1154 supplemental information regarding a breach at any time.

1155 (b) Each financial institution shall provide notice to the  
1156 department of any breach of security affecting 500 or more  
1157 individuals in this state. Such notice must be provided to the  
1158 department in accordance with s. 501.171.

1159 (4) NOTICE TO INDIVIDUALS OF SECURITY BREACH.—Each  
1160 financial institution shall give notice to each individual in

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1161 this state whose personal information was, or the financial  
1162 institution reasonably believes to have been, accessed as a  
1163 result of the breach in accordance with s. 501.171(4). The  
1164 notice must be provided no later than 30 days after the  
1165 determination of the breach or the determination of a reason to  
1166 believe that a breach has occurred. A financial institution may  
1167 receive 15 additional days to provide notice to individuals of a  
1168 security breach as required in this subsection if good cause for  
1169 delay is provided in writing to the office within 30 days after  
1170 determination of the breach or determination of the reason to  
1171 believe that a breach has occurred.

1172 (5) NOTICE TO CREDIT REPORTING AGENCIES.—If a financial  
1173 institution discovers circumstances requiring notice pursuant to  
1174 this section of more than 1,000 individuals at a single time,  
1175 the financial institution shall also notify, without  
1176 unreasonable delay, all consumer reporting agencies that compile  
1177 and maintain files on consumers on a nationwide basis, as  
1178 defined in the Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p),  
1179 of the timing, distribution, and content of the notices.

1180 Section 16. Present subsections (3), (4), and (5) of  
1181 section 655.032, Florida Statutes, are redesignated as  
1182 subsections (4), (5), and (6), respectively, and a new  
1183 subsection (3) is added to that section, to read:

1184 655.032 Investigations, subpoenas, hearings, and  
1185 witnesses.—

1186 (3) The office may consider or use as part of any  
1187 investigation pursuant to this section the information contained  
1188 in any suspected financial exploitation report or any records  
1189 generated as a result of such report which is obtained pursuant

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1190 to s. 415.106(4).

1191       Section 17. Present paragraphs (c) through (f) of  
1192 subsection (1) of section 655.045, Florida Statutes, are  
1193 redesignated as paragraphs (d) through (g), respectively, a new  
1194 paragraph (c) is added to that subsection, and present paragraph  
1195 (d) of that subsection is amended, to read:

1196       655.045 Examinations, reports, and internal audits;  
1197 penalty.—

1198       (1) The office shall conduct an examination of the  
1199 condition of each state financial institution at least every 18  
1200 months. The office may conduct more frequent examinations based  
1201 upon the risk profile of the financial institution, prior  
1202 examination results, or significant changes in the institution  
1203 or its operations. The office may use continuous, phase, or  
1204 other flexible scheduling examination methods for very large or  
1205 complex state financial institutions and financial institutions  
1206 owned or controlled by a multi-financial institution holding  
1207 company. The office shall consider examination guidelines from  
1208 federal regulatory agencies in order to facilitate, coordinate,  
1209 and standardize examination processes.

1210       (c) The office may consider or use as part of any  
1211 examination conducted pursuant to this section the information  
1212 contained in any suspected financial exploitation report or any  
1213 records generated as a result of such report which is obtained  
1214 pursuant to s. 415.106(4).

1215       (e) (d) As used in this section, the term "costs" means the  
1216 salary and travel expenses directly attributable to the field  
1217 staff examining the state financial institution, subsidiary, or  
1218 service corporation, and the travel expenses of any supervisory

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1219 staff required as a result of examination findings. The mailing  
1220 of any costs incurred under this subsection must be postmarked  
1221 within 45 30 days after the date of receipt of a notice stating  
1222 that such costs are due. The office may levy a late payment of  
1223 up to \$100 per day or part thereof that a payment is overdue,  
1224 unless excused for good cause. However, for intentional late  
1225 payment of costs, the office may levy an administrative fine of  
1226 up to \$1,000 per day for each day the payment is overdue.

1227 Section 18. Subsection (2) of section 657.005, Florida  
1228 Statutes, is amended to read:

1229 657.005 Application for authority to organize a credit  
1230 union; investigation.—

1231 (2) Any five or more individuals, a majority of whom are  
1232 residents of this state and all of whom ~~who~~ represent a limited  
1233 field of membership, may apply to the office for permission to  
1234 organize a credit union. The fact that individuals within the  
1235 proposed limited field of membership have credit union services  
1236 available to them through another limited field of membership  
1237 shall not preclude the granting of a certificate of  
1238 authorization to engage in the business of a credit union.

1239 Section 19. Subsection (1) of section 657.024, Florida  
1240 Statutes, is amended to read:

1241 657.024 Membership meetings.—

1242 (1) The members shall receive timely notice of the annual  
1243 meeting and any special meetings of the members, which shall be  
1244 held at the time, place, and in the manner provided in the  
1245 bylaws. The annual meeting and any special meetings of the  
1246 members may be held virtually without an in-person quorum, and  
1247 virtual attendance may satisfy quorum requirements, subject to

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1248 the bylaws.1249       Section 20. Paragraph (b) of subsection (3) and present  
1250 subsection (5) of section 657.042, Florida Statutes, are amended  
1251 to read:1252       657.042 Investment powers and limitations.—A credit union  
1253 may invest its funds subject to the following definitions,  
1254 restrictions, and limitations:1255       (3) INVESTMENT SUBJECT TO LIMITATION OF TWO PERCENT OF  
1256 CAPITAL OF THE CREDIT UNION.—1257       (b) Commercial paper and bonds of any corporation within  
1258 the United States which have a fixed maturity, as provided in  
1259 subsection (6) ~~(7)~~, except that the total investment in all such  
1260 paper and bonds may not exceed 10 percent of the capital of the  
1261 credit union.1262       ~~(5) INVESTMENTS IN REAL ESTATE AND EQUIPMENT FOR THE CREDIT  
1263 UNION.~~1264       ~~(a) Up to 5 percent of the capital of the credit union may  
1265 be invested in real estate and improvements thereon, furniture,  
1266 fixtures, and equipment utilized or to be utilized by the credit  
1267 union for the transaction of business.~~1268       ~~(b) The limitations provided by this subsection may be  
1269 exceeded with the prior written approval of the office. The  
1270 office shall grant such approval if it is satisfied that:~~

- 1271       1. ~~The proposed investment is necessary.~~
- 1272       2. ~~The amount thereof is commensurate with the size and  
1273 needs of the credit union.~~
- 1274       3. ~~The investment will be beneficial to the members.~~
- 1275       4. ~~A reasonable plan is developed to reduce the investment  
1276 to statutory limits.~~

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1277       Section 21. Paragraphs (b) and (c) of subsection (4) of  
1278 section 658.21, Florida Statutes, are amended to read:

1279       658.21 Approval of application; findings required.—The  
1280 office shall approve the application if it finds that:

1281       (4)

1282       (b) At least two of the proposed directors who are not also  
1283 proposed officers must have had within the 10 years before the  
1284 date of the application at least 1 year of direct experience as  
1285 an executive officer, regulator, or director of a financial  
1286 institution as specified in the application within the 5 years  
1287 before the date of the application. However, if the applicant  
1288 demonstrates that at least one of the proposed directors has  
1289 very substantial experience as an executive officer, director,  
1290 or regulator of a financial institution more than 5 years before  
1291 the date of the application, the office may modify the  
1292 requirement and allow the applicant to have only one director  
1293 who has direct financial institution experience within the last  
1294 5 years.

1295       (c) The proposed president or chief executive officer must  
1296 have had at least 1 year of direct experience as an executive  
1297 officer, director, or regulator of a financial institution  
1298 within the last 10 5 years. In making a decision, the office  
1299 must also consider may waive this requirement after considering:

- 1300       1. The adequacy of the overall experience and expertise of  
1301 the proposed president or chief executive officer;
- 1302       2. The likelihood of successful operation of the proposed  
1303 state bank or trust company pursuant to subsection (1);
- 1304       3. The adequacy of the proposed capitalization under  
1305 subsection (2);

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1306           4. The proposed capital structure under subsection (3);  
1307           5. The experience of the other proposed officers and  
1308           directors; and  
1309           6. Any other relevant data or information.

1310           Section 22. Subsection (2) of section 658.33, Florida  
1311           Statutes, is amended to read:

1312           658.33 Directors, number, qualifications; officers.—  
1313           (2) Not less than a majority of the directors must, during  
1314           their whole term of service, be citizens of the United States,  
1315           and at least a majority of the directors must have resided in  
1316           this state for at least 1 year preceding their election and must  
1317           be residents therein during their continuance in office. In the  
1318           case of a bank or trust company with total assets of less than  
1319           \$150 million, at least one, and in the case of a bank or trust  
1320           company with total assets of \$150 million or more, two of the  
1321           directors who are not also officers of the bank or trust company  
1322           must have had at least 1 year of direct experience as an  
1323           executive officer, regulator, or director of a financial  
1324           institution within the last 10 5 years.

1325           Section 23. Subsection (4) of section 662.141, Florida  
1326           Statutes, is amended to read:

1327           662.141 Examination, investigations, and fees.—The office  
1328           may conduct an examination or investigation of a licensed family  
1329           trust company at any time it deems necessary to determine  
1330           whether the licensed family trust company or licensed family  
1331           trust company-affiliated party thereof has violated or is about  
1332           to violate any provision of this chapter, any applicable  
1333           provision of the financial institutions codes, or any rule  
1334           adopted by the commission pursuant to this chapter or the codes.

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1335 The office may conduct an examination or investigation of a  
1336 family trust company or foreign licensed family trust company at  
1337 any time it deems necessary to determine whether the family  
1338 trust company or foreign licensed family trust company has  
1339 engaged in any act prohibited under s. 662.131 or s. 662.134  
1340 and, if a family trust company or a foreign licensed family  
1341 trust company has engaged in such act, to determine whether any  
1342 applicable provision of the financial institutions codes has  
1343 been violated.

1344 (4) For each examination of the books and records of a  
1345 family trust company, licensed family trust company, or foreign  
1346 licensed family trust company as authorized under this chapter,  
1347 the trust company shall pay a fee for the costs of the  
1348 examination by the office. As used in this section, the term  
1349 "costs" means the salary and travel expenses of field staff  
1350 which are directly attributable to the examination of the trust  
1351 company and the travel expenses of any supervisory and support  
1352 staff required as a result of examination findings. The mailing  
1353 of payment for costs incurred must be postmarked within 45 30  
1354 days after the receipt of a notice stating that the costs are  
1355 due. The office may levy a late payment of up to \$100 per day or  
1356 part thereof that a payment is overdue unless waived for good  
1357 cause. However, if the late payment of costs is intentional, the  
1358 office may levy an administrative fine of up to \$1,000 per day  
1359 for each day the payment is overdue.

1360 Section 24. Subsection (21) of section 517.12, Florida  
1361 Statutes, is amended to read:

1362 517.12 Registration of dealers, associated persons,  
1363 intermediaries, and investment advisers.—

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1364 (21) The registration requirements of this section do not  
1365 apply to any general lines insurance agent or life insurance  
1366 agent licensed under chapter 626, with regard to the sale of a  
1367 security as defined in s. 517.021(34)(g) ~~s. 517.021(33)(g)~~, if  
1368 the individual is directly authorized by the issuer to offer or  
1369 sell the security on behalf of the issuer and the issuer is a  
1370 federally chartered savings bank subject to regulation by the  
1371 Federal Deposit Insurance Corporation. Actions under this  
1372 subsection constitute activity under the insurance agent's  
1373 license for purposes of ss. 626.611 and 626.621.

Section 25. This act shall take effect July 1, 2026.