

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

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A bill to be entitled

An act relating to the Office of Financial Regulation; amending s. 415.106, F.S.; requiring the Department of Children and Families to cooperate with and seek cooperation from the Office of Financial Regulation concerning certain protective investigations of suspected financial exploitation of specified adults; requiring the department to provide copies of certain suspected financial exploitation reports to the office within a certain timeframe; authorizing the department to provide copies of certain records at the request of the office within a specified timeframe; authorizing the office to use such reports or records as required or authorized in certain provisions; specifying that certain confidentiality provisions that apply to the department apply to the records of the office and its employees and agents; authorizing the department and the office to enter into a specified memorandum of agreement; amending s. 415.107, F.S.; revising the persons, officials, and agencies granted access to certain records relating to vulnerable adults; creating s. 494.00123, F.S.; defining terms; requiring loan originators, mortgage brokers, and mortgage lenders to develop, implement, and maintain comprehensive written information security programs for the protection of information systems and nonpublic personal information; providing requirements for such programs; requiring loan originators, mortgage brokers, and mortgage lenders to establish

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written incident response plans for specified purposes; providing requirements for such plans; providing applicability; providing compliance requirements under specified circumstances; requiring loan originators, mortgage brokers, and mortgage lenders to maintain copies of information security programs for a specified timeframe and to make them available to the office under certain circumstances; specifying requirements for notices of security breaches; providing construction; requiring the Financial Services Commission to adopt rules; amending s. 494.00255, F.S.; providing additional acts that constitute a ground for specified disciplinary actions against loan originators and mortgage brokers; amending s. 517.021, F.S.; revising the definition of the term "investment adviser"; defining terms; amending s. 517.061, F.S.; defining terms; amending s. 517.201, F.S.; authorizing the office to make investigations and examinations to aid the Department of Children and Families with certain protective investigations; authorizing the office to consider or use certain information as part of certain investigations and examinations; amending s. 517.34, F.S.; revising the information required to be contained in the form by which a dealer or investment advisor notifies the office of certain delayed disbursements or transactions of funds or securities; providing construction; creating s. 520.135, F.S.; specifying that the rights and obligations of parties

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with respect to a surrendered or repossessed motor vehicle are exclusively governed by certain provisions; amending s. 560.114, F.S.; specifying the entities that are subject to certain disciplinary actions and penalties; revising the list of actions by money services businesses which constitute grounds for certain disciplinary actions and penalties; specifying requirements for emergency suspension orders that suspend money services business licenses; providing that an emergency suspension order is effective when the licensee against whom the order is directed has actual or constructive knowledge of the order; requiring the office to institute timely proceedings after issuance of an emergency suspension order; authorizing a licensee subject to an emergency suspension order to seek judicial review; requiring, rather than authorizing, the office to suspend licenses of money services businesses under certain circumstances; creating s. 560.1311, F.S.; defining terms; requiring money services businesses to develop, implement, and maintain comprehensive written information security programs for the protection of information systems and nonpublic personal information; specifying requirements for such programs; requiring money services businesses to establish written incident response plans for specified purposes; specifying requirements for such plans; providing applicability; specifying compliance requirements under specified circumstances; requiring

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money services businesses to maintain copies of  
information security programs for a specified  
timeframe and to make them available to the office  
under certain circumstances; specifying requirements  
for notices of security breaches; providing  
construction; requiring the commission to adopt rules;  
amending s. 560.309, F.S.; providing that licensees  
must comply with the Fair Debt Collections Practices  
Act only if the licensees meet certain criteria;  
amending s. 560.405, F.S.; specifying that redemption  
in cash must be treated in the same manner as  
redemption through debt card transactions; prohibiting  
redemption through a credit card transaction; amending  
s. 560.406, F.S.; providing that licensees must comply  
with the Fair Debt Collections Practices Act only if  
the licensees meet certain criteria; creating s.  
655.0171, F.S.; defining terms; requiring financial  
institutions to take measures to protect and secure  
certain data that contain personal information;  
providing requirements for notices of security  
breaches to the office, the Department of Legal  
Affairs, certain individuals, and certain credit  
reporting agencies; amending s. 655.032, F.S.;  
authorizing the office to consider or use certain  
information as part of certain investigations;  
amending s. 655.045, F.S.; authorizing the office to  
consider or use certain information as part of certain  
investigations; revising the timeline for the mailing  
of payment for salary and travel expenses of certain

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

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

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

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

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

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146 415.10341, which are reported to the central abuse hotline and  
147 which the department is responsible for conducting pursuant to  
148 s. 415.104.

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

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

163 2. Except as provided in this chapter and chapters 517 and  
164 655, all confidentiality provisions that apply to the department  
165 continue to apply to the records made available to the Office of  
166 Financial Regulation and its officials, employees, and agents  
167 under s. 415.107.

168 (b) The department and the Office of Financial Regulation  
169 may enter into a memorandum of agreement that specifies how the  
170 Office of Financial Regulation, in the agency's role as the  
171 regulator of financial institutions, may assist the department  
172 with effectively and efficiently conducting a protective  
173 investigation of any vulnerable adult abuse report received by  
174 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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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 contains only publicly available information, is not derived, in whole or in part, using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a customer of a licensee.

3. As used in this paragraph, the term:

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

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

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

(C) A licensee otherwise obtains about a customer in

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

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

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

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

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

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

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

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

(II) As used in this sub-subparagraph, the term "reasonable basis to believe is lawfully made available to the general 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; and

296 (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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used by the licensee or that is in the licensee's possession,  
custody, or control.

2. Be designed to do all of the following:

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

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

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

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

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

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

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

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

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

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; or

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

494.00255 Administrative penalties and fines; license violations.—

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

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

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

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

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

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

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

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

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

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

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

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

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

7. A person:

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

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

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



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

8. A federal covered adviser.

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

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

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

Section 6. Paragraph (i) of subsection (9) of section 517.061, Florida Statutes, is amended to read:

517.061 Exempt transactions.—Except as otherwise provided

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

(9) The offer or sale of securities to:

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

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

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

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

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

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the Investment Advisers Act of 1940, 17 C.F.R. s.  
275.202(a)(11)(G)-1(d), as amended.

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

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

(1) The office:

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

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

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

3. In accordance with a memorandum of understanding pursuant to s. 415.106(4)(b), to aid the Department of Children and Families with any protective investigations the Department of Children and Families is required to conduct under s. 415.104.

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

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

517.34 Protection of specified adults.—

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

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

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

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

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

a. The date on which the delay was first placed.

b. The name, age, and address, or location, if different, of the specified adult.

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

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

e. The facts and circumstances that caused the employee to 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 ~~(c) 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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~~e. Firm name.~~

~~d. Business address.~~

~~5. A section with the following questions for which the only allowable responses are "Yes" or "No":~~

~~a. Is financial exploitation of a specified adult suspected in connection with a disbursement or transaction?~~

~~b. Are funds currently at risk of being lost?~~

~~The form must contain substantially the following statement in conspicuous type: "The office may take disciplinary action against any person making a knowing and willful misrepresentation on this form."~~

(6) A dealer, an investment adviser, or an associated person who in good faith and exercising reasonable care complies with this section is immune from any administrative or civil liability that might otherwise arise from such delay in a disbursement or transaction in accordance with this section. This subsection does not supersede or diminish any immunity granted under chapter 415, nor does it substitute for the duty to report to the central abuse hotline as required under s. 415.1034.

Section 9. Section 520.135, Florida Statutes, is created to read:

520.135 Surrendered or repossessed vehicles.—The rights and obligations of parties with respect to a surrendered or repossessed motor vehicle are exclusively governed by part VI of chapter 679.

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

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560.114 Disciplinary actions; penalties.—

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

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

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

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

(d) False, deceptive, or misleading advertising.

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

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

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

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

(i) Insolvency.

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

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

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

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

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



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

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

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

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

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

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

(t)~~(s)~~ Aiding, assisting, procuring, advising, or abetting any person in violating a provision of this chapter or any order 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)~~(cc)~~ 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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transaction conducted under part IV of this chapter.

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

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

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

1. State the grounds on which the order is based;
2. Advise the licensee against whom the order is directed that the order takes effect immediately and, to the extent applicable, requires the licensee to immediately cease and desist from the conduct or violation that is the subject of the order or to take the affirmative action stated in the order as necessary to correct a condition resulting from the conduct or violation or as otherwise appropriate;
3. Be delivered by personal delivery or sent by certified mail, return receipt requested, to the licensee against whom the order is directed at the licensee's last known address; and
4. Include a notice that the licensee subject to the emergency suspension order may seek judicial review pursuant to 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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(1) DEFINITIONS.—As used in this section, the term:

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

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

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

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

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

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

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

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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 contains only publicly available information, is not derived, in whole or in part, using personally identifiable financial

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

3. As used in this paragraph, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

(2) INFORMATION SECURITY PROGRAM.—

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

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

1. Be commensurate with the following measures:

a. Size and complexity of the licensee.

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

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

2. Be designed to do all of the following:

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

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

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

3. Define and periodically reevaluate the retention

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

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

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

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

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

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

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

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.

(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:

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

b. The licensee's information system; or

c. The continuing functionality of any aspect of the

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licensee's operations.

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

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

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

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

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

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

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

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

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

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

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

b. Five hundred customers during a calendar year.

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

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

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

560.405 Deposit; redemption.—

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

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

560.406 Worthless checks.—

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

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

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

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

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

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

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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 include information that is encrypted, secured, or modified by 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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Section 21. Paragraphs (b) and (c) of subsection (4) of section 658.21, Florida Statutes, are amended to read:

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

(4)

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

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

1. The adequacy of the overall experience and expertise of the proposed president or chief executive officer;

2. The likelihood of successful operation of the proposed state bank or trust company pursuant to subsection (1);

3. The adequacy of the proposed capitalization under 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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The office may conduct an examination or investigation of a family trust company or foreign licensed family trust company at any time it deems necessary to determine whether the family trust company or foreign licensed family trust company has engaged in any act prohibited under s. 662.131 or s. 662.134 and, if a family trust company or a foreign licensed family trust company has engaged in such act, to determine whether any applicable provision of the financial institutions codes has been violated.

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

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

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

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

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