



Jobs & Entrepreneurship Council

**Tuesday, April 8, 2008
1:30 PM - 2:15 PM
Morris Hall (17 HOB)**

ACTION PACKET

**Marco Rubio
Speaker**

**Ron Reagan
Chair**

COUNCIL MEETING REPORT
Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ron Reagan (Chair)	X		
Oscar Braynon II	X		
Ronald Brisé	X		
Donald Brown	X		
Jennifer Carroll	X		
Charles Chestnut IV	X		
Chris Dorworth	X		
Terry Fields	X		
John Legg	X		
Carlos Lopez-Cantera	X		
Dave Murzin	X		
Ralph Poppell	X		
Curtis Richardson	X		
Garrett Richter	X		
Ron Schultz	X		
Anthony Traviesa	X		
James Waldman	X		
Totals:	17	0	0

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM

COUNCIL MEETING REPORT

Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

HB 239 : Employee Leasing Companies

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Oscar Braynon II	X				
Ronald Brisé			X		
Donald Brown			X		
Jennifer Carroll	X				
Charles Chestnut IV	X				
Chris Dorworth	X				
Terry Fields	X				
John Legg	X				
Carlos Lopez-Cantera				X	
Dave Murzin	X				
Ralph Poppell	X				
Curtis Richardson	X				
Garrett Richter	X				
Ron Schultz	X				
Anthony Traviesa	X				
James Waldman	X				
Ron Reagan (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

Bill No. 0239

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Jobs & Entrepreneurship Council
 2 Representative(s) Murzin offered the following:

Amendment to Strike-all by Representative Murzin

3
 4 Remove line 128 and insert:
 5 paragraphs (a), (b), or (c) are deemed to be satisfied if a
 6
 7



COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Jobs & Entrepreneurship Council
2 Representative(s) Murzin offered the following:

Amendment to Strike-all by Representative Murzin

Remove line 134 and insert:

6 2. Receives payment in cash, by paycheck, or by direct
7 deposit which contains

3

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0239

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Jobs & Entrepreneurship Council
 2 Representative Murzin offered the following:

Amendment to the Representative Murzin Strike-all amendment

Remove lines 152-158 and insert:

6 (6) Within 15 days of the termination of an employee
 7 leasing agreement, the employee leasing company shall provide
 8 the client company an opportunity to receive records regarding
 9 the loss experience of the workers' compensation insurance
 10 during the course of the employee leasing agreement.

4

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

Bill No. 0239

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Jobs & Entrepreneurship Council
2 Representative Murzin offered the following:

3
4 **Amendment to the Strike all Amendment by Representative Murzin**
5 **(with title amendment)**

6 Remove line 245 and insert:

7 Section 4. Effective October 1, 2008, subsection (18) of
8 section 443.036, Florida Statutes, is amended to read:

9 443.036 Definitions.--As used in this chapter, the term:

10 (18) "Employee leasing company" means an employing unit
11 that has a valid and active license under chapter 468 and that
12 maintains the records required by s. 443.171(5) and, in
13 addition, produces quarterly reports as specified in s. 443.1216
14 on the clients of the employee leasing company ~~maintains a~~
15 ~~listing of the clients of the employee leasing company and of~~
16 ~~the employees, including their social security numbers, who have~~
17 ~~been assigned to work at each client company job site. Further,~~
18 ~~each client company job site must be identified by industry,~~
19 ~~products or services, and address. The client list must be~~
20 ~~provided to the tax collection service provider by June 30 and~~
21 ~~by December 31 of each year. As used in this subsection, the~~
22 term "client" means a party who has contracted with an employee
23 leasing company to provide a worker, or workers, to perform

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

24 services for the client. ~~Leased employees include employees~~
25 ~~subsequently placed on the payroll of the employee leasing~~
26 ~~company on behalf of the client.~~ An employee leasing company
27 must notify the tax collection service provider within 30 days
28 after the initiation or termination of the company's
29 relationship with any client company under chapter 468.

30 Section 5. Effective October 1, 2008, paragraph (a) of
31 subsection (1) of section 443.1216, Florida Statutes, is amended
32 to read:

33 443.1216 Employment.--Employment, as defined in s.
34 443.036, is subject to this chapter under the following
35 conditions:

36 (1)(a) The employment subject to this chapter includes a
37 service performed, including a service performed in interstate
38 commerce, by:

39 1. An officer of a corporation.

40 2. An individual who, under the usual common-law rules
41 applicable in determining the employer-employee relationship, is
42 an employee. However, whenever a client, as defined in s.
43 443.036(18), which would otherwise be designated as an employing
44 unit has contracted with an employee leasing company to supply
45 it with workers, those workers are considered employees of the
46 employee leasing company. An employee leasing company may lease
47 corporate officers of the client to the client and other workers
48 to the client, except as prohibited by regulations of the
49 Internal Revenue Service. Employees of an employee leasing
50 company must be reported under the employee leasing company's
51 tax identification number and contribution rate for work
52 performed for the employee leasing company.

53 a. In addition to any other report required to be filed by
54 law, an employee leasing company shall submit a report to the
55 Agency for Workforce Innovation, Labor Market Statistics Center,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

56 or as otherwise directed by the agency, which must include the
57 following information for each client establishment and each
58 establishment:

59 (I) The trade or establishment name;

60 (II) The former unemployment compensation account number,
61 if available;

62 (III) The former Federal Employment Identification Number,
63 if available;

64 (IV) The industry code recognized and published by the
65 United States Office of Management and Budget, if available;

66 (V) A description of the client's primary business
67 activity in order to verify or assign an industry code;

68 (VI) The physical location address;

69 (VII) The number of full-time and part-time employees who
70 worked during or received pay that was subject to unemployment
71 compensation taxes for the pay period, including the 12th day of
72 the month for each month of the quarter;

73 (VIII) The total wages subject to unemployment
74 compensation taxes paid during the calendar quarter;

75 (IX) An internal identification code to uniquely identify
76 each establishment of each client;

77 (X) The month and year the client entered into contract;
78 and

79 (XI) The month and year the client terminated the contract
80 for services.

81 b. The report shall be submitted electronically or in a
82 manner otherwise prescribed by the Agency for Workforce
83 Innovation in the format specified by the United States
84 Department of Labor, Bureau of Labor Statistics, for its
85 Multiple Worksite Report for Professional Employer
86 Organizations. The report must be provided quarterly to the
87 Agency for Workforce Innovation, Labor Market Statistics Center,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

88 or as otherwise directed by the agency, and must be filed by the
89 last day of the month immediately following the end of the
90 calendar quarter. The information required in sub-sub-
91 subparagraphs a.(X) and (XI) must be provided only in the
92 quarter in which the contract to which it relates was entered
93 into or terminated. The sum of the employment data and the sum
94 of the wage data on this report must match the employment and
95 wages reported on the unemployment compensation quarterly tax
96 and wage report.

97 c. The Agency for Workforce Innovation shall have
98 rulemaking authority as necessary to implement the provisions of
99 this subparagraph and shall have the authority to administer,
100 collect, enforce, and waive the penalty imposed by s.
101 443.141(1)(b) for the report required by this subparagraph.

102 d. For the purposes of this subparagraph, the term
103 "establishment" means any location at which business is
104 conducted or at which services or industrial operations are
105 performed.

106 3. An individual other than an individual who is an
107 employee under subparagraph 1. or subparagraph 2., who performs
108 services for remuneration for any person:

109 a. As an agent-driver or commission-driver engaged in
110 distributing meat products, vegetable products, fruit products,
111 bakery products, beverages other than milk, or laundry or
112 drycleaning services for his or her principal.

113 b. As a traveling or city salesperson engaged on a full-
114 time basis in the solicitation on behalf of, and the
115 transmission to, his or her principal of orders from
116 wholesalers, retailers, contractors, or operators of hotels,
117 restaurants, or other similar establishments for merchandise for
118 resale or supplies for use in their business operations. This
119 sub-subparagraph does not apply to an agent-driver or a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

120 commission-driver and does not apply to sideline sales
121 activities performed on behalf of a person other than the
122 salesperson's principal.

123 4. The services described in subparagraph 3. are
124 employment subject to this chapter only if:

125 a. The contract of service contemplates that substantially
126 all of the services are to be performed personally by the
127 individual;

128 b. The individual does not have a substantial investment
129 in facilities used in connection with the services, other than
130 facilities used for transportation; and

131 c. The services are not in the nature of a single
132 transaction that is not part of a continuing relationship with
133 the person for whom the services are performed.

134 Section 6. Except as otherwise specifically provided in
135 this act, this act shall take effect July 1, 2008.

136

137

138

T I T L E A M E N D M E N T

139 Remove lines 273-274 and insert:

140 468.525, F.S., in a reference thereto; amending s. 443.036,
141 F.S.; revising the definition of the term "employee leasing
142 company" to reflect new reporting requirements; amending s.
143 443.1216, F.S.; requiring the provision of quarterly reports
144 that include certain information regarding client and employee
145 leasing company establishments; providing effective dates.
146

147

COUNCIL MEETING REPORT
Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

HB 253 : Elevator Safety

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Oscar Braynon II	X				
Ronald Brisé	X				
Donald Brown	X				
Jennifer Carroll				X	
Charles Chestnut IV	X				
Chris Dorworth	X				
Terry Fields	X				
John Legg	X				
Carlos Lopez-Cantera				X	
Dave Murzin	X				
Ralph Poppell	X				
Curtis Richardson	X				
Garrett Richter	X				
Ron Schultz	X				
Anthony Traviesa				X	
James Waldman	X				
Ron Reagan (Chair)	X				
Total Yeas: 14 Total Nays: 0					

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM

COUNCIL MEETING REPORT

Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

HB 631 : Amateur Matches

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Oscar Braynon II	X				
Ronald Brisé	X				
Donald Brown	X				
Jennifer Carroll	X				
Charles Chestnut IV	X				
Chris Dorworth	X				
Terry Fields				X	
John Legg	X				
Carlos Lopez-Cantera				X	
Dave Murzin				X	
Ralph Poppell	X				
Curtis Richardson	X				
Garrett Richter	X				
Ron Schultz				X	
Anthony Traviesa				X	
James Waldman	X				
Ron Reagan (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

HB 631

Lisa Henning, Legis. Director (Lobbyist) - Proponent

Fraternal Order of Police

242 Office Plaza Drive

Tallahassee Florida 32301

Phone: 850-656-9881

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 631

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ✓___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Jobs & Entrepreneurship Council
2 Representative(s) *Dorworth* offered the following:
3

Amendment (with title amendments)

Between line(s) 28 - 29 insert:

4
5
6
7 (4) An accident or injury resulting from the participation
8 in a match under this section shall not be the basis for a claim
9 under chapter 440.

10
11
12
13 -----
14 **T I T L E A M E N D M E N T**

Remove line 7 and insert:

15
16
17 excluding the application of workers compensation benefits;
18 providing an effective date.
19

COUNCIL MEETING REPORT

Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

HB 727 : Firesafety

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Oscar Braynon II	X				
Ronald Brisé	X				
Donald Brown	X				
Jennifer Carroll	X				
Charles Chestnut IV	X				
Chris Dorworth	X				
Terry Fields	X				
John Legg	X				
Carlos Lopez-Cantera				X	
Dave Murzin	X				
Ralph Poppell	X				
Curtis Richardson				X	
Garrett Richter	X				
Ron Schultz				X	
Anthony Traviesa				X	
James Waldman	X				
Ron Reagan (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM

COUNCIL MEETING REPORT
Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

HB 853 : Cemetery Lands

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Oscar Braynon II	X				
Ronald Brisé	X				
Donald Brown	X				
Jennifer Carroll	X				
Charles Chestnut IV	X				
Chris Dorworth	X				
Terry Fields	X				
John Legg	X				
Carlos Lopez-Cantera				X	
Dave Murzin	X				
Ralph Poppell	X				
Curtis Richardson				X	
Garrett Richter	X				
Ron Schultz				X	
Anthony Traviesa				X	
James Waldman	X				
Ron Reagan (Chair)	X				
Total Yeas: 13					
Total Nays: 0					

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM

COUNCIL MEETING REPORT
Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

HB 937 : Title Insurance

Favorable with Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Oscar Braynon II	X				
Ronald Brisé	X				
Donald Brown	X				
Jennifer Carroll				X	
Charles Chestnut IV	X				
Chris Dorworth	X				
Terry Fields	X				
John Legg	X				
Carlos Lopez-Cantera				X	
Dave Murzin	X				
Ralph Poppell	X				
Curtis Richardson	X				
Garrett Richter	X				
Ron Schultz	X				
Anthony Traviesa				X	
James Waldman	X				
Ron Reagan (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 937

Steven Parton, General Counsel OIR (Lobbyist) (State Employee) - Opponent
 Office of Insurance Regulation
 200 E. Gaines Street
 Tallahassee Florida
 Phone: 850-413-4274

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM

COUNCIL MEETING REPORT

Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

HB 955 : Money Services Businesses

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Oscar Braynon II	X				
Ronald Brisé	X				
Donald Brown				X	
Jennifer Carroll	X				
Charles Chestnut IV	X				
Chris Dorworth	X				
Terry Fields	X				
John Legg	X				
Carlos Lopez-Cantera				X	
Dave Murzin	X				
Ralph Poppell	X				
Curtis Richardson	X				
Garrett Richter	X				
Ron Schultz	X				
Anthony Traviesa	X				
James Waldman	X				
Ron Reagan (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 955

Andrea Moreland, Legislative Director (Lobbyist) (State Employee) - Proponent
Office of Financial Regulation
200 East Gaines Street
Tallahassee Florida
Phone: 850-410-9662

HB 955

Nick Iarassi (Lobbyist) - Proponent
Dollar Financial Corp.
101 E. College Ave.
Tallahassee Florida 32311
Phone: 850-222-9075

HB 955

Randy Miller, Executive Vice President (Lobbyist) - Proponent
Florida Retail Federation
227 S. Adams Street
Tallahassee Florida 32312
Phone: 850-222-4082

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ✓___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Jobs & Entrepreneurship Council
2 Representative(s) Waldman offered the following:

3
4 **Amendment to Amendment (24611) by Representative Waldman**

5 Remove line(s) 2166-2177 and insert:

6 (1) a person cashing payment instruments that have an
7 aggregate face value of less than \$2,000 per person per day
8 ~~Authorized vendors of any person registered pursuant to the~~
9 ~~provisions of the code, acting within the scope of authority~~
10 ~~conferred by the registrant.~~

11 (2) ~~Persons engaged in the cashing of payment instruments~~
12 ~~or the exchanging of foreign currency which is that are~~
13 incidental to the retail sale of goods or services whose
14 compensation for cashing payment instruments ~~or exchanging~~
15 ~~foreign currency~~ at each site does not exceed 5 percent of the
16 total gross income from the retail sale of goods or services by
17 such person during the last 60 days ~~its most recently completed~~
18 ~~fiscal year.~~

19
20 **Body Amendment Text**
21

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0955

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Jobs & Entrepreneurship Council
2 Representative Richter offered the following:

3
4 **Substitute Amendment for Amendment by Representative**
5 **Richter (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 560.103, Florida Statutes, is amended
8 to read:

9 560.103 Definitions.--As used in this chapter, the term
10 ~~the code, unless the context otherwise requires:~~

11 (1) "Affiliated party" means a director, officer,
12 responsible person, employee, or foreign affiliate of a money
13 services business, or a person who has a controlling interest in
14 a money services business as provided in s. 560.127.

15 (2)-(1) "Appropriate regulator" means a any state, or
16 federal, or foreign agency that, including the commission or
17 office, which has been granted state or federal statutory
18 authority to enforce state, federal, or foreign laws related to
19 a money services business or deferred presentment provider with
20 regard to the money transmission function.

21 (3)-(2) "Authorized vendor" means a person designated by a
22 money services business licensed under part II of this chapter a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 ~~registrant to act engage in the business of a money transmitter~~
24 ~~on behalf of the licensee ~~the registrant~~ at locations in this~~
25 ~~state pursuant to a written contract with the licensee~~
26 ~~registrant.~~

27 (4) "Branch office" means the physical location, other
28 than the principal place of business, of a money services
29 business operated by a licensee under this chapter.

30 (5) "Cashing" means providing currency for payment
31 instruments except for travelers checks.

32 (6) (3) "Check casher" means a person who, ~~for~~
33 compensation, sells currency in exchange for payment instruments
34 received, except travelers checks and ~~foreign drawn payment~~
35 instruments.

36 ~~(4) "Code" means the "Money Transmitters' Code,"~~
37 ~~consisting of:~~

38 ~~(a) Part I of this chapter, relating to money transmitters~~
39 ~~generally.~~

40 ~~(b) Part II of this chapter, relating to payment~~
41 ~~instruments and funds transmission.~~

42 ~~(c) Part III of this chapter, relating to check cashing~~
43 ~~and foreign currency exchange.~~

44 ~~(d) Part IV of this chapter, relating to deferred~~
45 ~~presentments.~~

46 (7) "Commission" means the Financial Services Commission.

47 (8) "Compliance officer" means the individual in charge of
48 overseeing, managing, and ensuring that a money services
49 business is in compliance with all state and federal laws and
50 rules relating to money services businesses, as applicable,
51 including all money laundering laws and rules.

52 ~~(5) "Consideration" means and includes any premium charged~~
53 ~~for the sale of goods, or services provided in connection with~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 ~~the sale of the goods, which is in excess of the cash price of~~
55 ~~such goods.~~

56 ~~(9)-(6)~~ "Currency" means the coin and paper money of the
57 United States or of any other country which is designated as
58 legal tender and which circulates and is customarily used and
59 accepted as a medium of exchange in the country of issuance.
60 Currency includes United States silver certificates, United
61 States notes, and Federal Reserve notes. Currency also includes
62 official foreign bank notes that are customarily used and
63 accepted as a medium of exchange in a foreign country.

64 ~~(7) "Commission" means the Financial Services Commission.~~

65 (10) "Deferred presentment provider" means a person who is
66 licensed under part II or part III of this chapter and has filed
67 a declaration of intent with the office to engage in deferred
68 presentment transactions as provided under part IV of this
69 chapter.

70 (11) "Electronic instrument" means a card, tangible
71 object, or other form of electronic payment for the transmission
72 or payment of money or the exchange of monetary value, including
73 a stored value card or device that contains a microprocessor
74 chip, magnetic stripe, or other means for storing information;
75 that is prefunded; and for which the value is decremented upon
76 each use.

77 (12) "Financial audit report" means a report prepared in
78 connection with a financial audit that is conducted in
79 accordance with generally accepted auditing standards prescribed
80 by the American Institute of Certified Public Accountants by a
81 certified public accountant licensed to do business in the
82 United States, and which must include:

83 (a) Financial statements, including notes related to the
84 financial statements and required supplementary information,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 prepared in conformity with accounting principles generally
86 accepted in the United States. The notes must, at a minimum,
87 include detailed disclosures regarding receivables that are
88 greater than 90 days, if the total amount of such receivables
89 represent more than 2 percent of the licensee's total assets.

90 (b) An expression of opinion regarding whether the
91 financial statements are presented in conformity with accounting
92 principles generally accepted in the United States, or an
93 assertion to the effect that such an opinion cannot be expressed
94 and the reasons.

95 (13) "Foreign affiliate" means a person located outside
96 this state who has been designated by a licensee to make
97 payments on behalf of the licensee to persons who reside outside
98 this state. The term also includes a person located outside of
99 this state for whom the licensee has been designated to make
100 payments in this state.

101 ~~(8) "Office" means the Office of Financial Regulation of~~
102 ~~the commission.~~

103 ~~(14)(9)~~ "Foreign currency exchanger" means a person who
104 exchanges, for compensation, currency of the United States or a
105 foreign government to currency of another government.

106 ~~(10) "Funds transmitter" means a person who engages in the~~
107 ~~receipt of currency or payment instruments for the purpose of~~
108 ~~transmission by any means, including transmissions within this~~
109 ~~country or to or from locations outside this country, by wire,~~
110 ~~facsimile, electronic transfer, courier, or otherwise.~~

111 (15) "Licensee" means a person licensed under this
112 chapter.

113 (16) "Location" means a branch office, mobile location, or
114 location of an authorized vendor whose business activity is
115 regulated under this chapter.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

116 (17) "Monetary value" means a medium of exchange, whether
117 or not redeemable in currency.

118 ~~(18)(11)~~ "Money services business transmitter" means any
119 person located in or doing business in this state, from this
120 state, or into this state from locations outside this state or
121 country who acts as a payment instrument seller, foreign
122 currency exchanger, check casher, or money funds transmitter, or
123 deferred presentment provider.

124 (19) "Money transmitter" means a corporation, limited
125 liability company, limited liability partnership, or foreign
126 entity qualified to do business in this state which receives
127 currency, monetary value, or payment instruments for the purpose
128 of transmitting the same by any means, including transmission by
129 wire, facsimile, electronic transfer, courier, the Internet, or
130 through bill payment services or other businesses that
131 facilitate such transfer within this country, or to or from this
132 country.

133 ~~(12) "Money transmitter affiliated party" means any~~
134 ~~director, officer, responsible person, employee, authorized~~
135 ~~vendor, independent contractor of a money transmitter, or a~~
136 ~~person who has filed, is required to file, or is found to~~
137 ~~control a money transmitter pursuant to s. 560.127, or any~~
138 ~~person engaged in any jurisdiction, at any time, in the business~~
139 ~~of money transmission as a controlling shareholder, director,~~
140 ~~officer, or responsible person who becomes involved in a similar~~
141 ~~capacity with a money transmitter registered in this state.~~

142 (20) "Net worth" means assets minus liabilities,
143 determined in accordance with United States generally accepted
144 accounting principles.

145 (21) "Office" means the Office of Financial Regulation of
146 the commission.

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147 (22)~~(13)~~ "Officer" means an individual, other than a
148 director ~~whether or not the individual has an official title or~~
149 ~~receives a salary or other compensation,~~ who participates in, or
150 has authority to participate, ~~other than in the capacity of a~~
151 ~~director,~~ in, the major policymaking functions of a the money
152 services transmitter business, regardless of whether the
153 individual has an official title or receives a salary or other
154 compensation.

155 (23) "Outstanding money transmission" means a money
156 transmission to a designated recipient or a refund to a sender
157 that has not been completed.

158 (24)~~(14)~~ "Outstanding payment instrument instruments"
159 means an unpaid payment instrument instruments whose sale has
160 been reported to a licensee registrant.

161 (25)~~(15)~~ "Payment instrument" means a check, draft,
162 warrant, money order, travelers check, electronic instrument, or
163 other instrument, ~~or~~ payment of money, or monetary value whether
164 or not negotiable. The term Payment instrument does not include
165 an instrument that is redeemable by the issuer in merchandise or
166 service, a credit card voucher, or a letter of credit.

167 (26)~~(16)~~ "Payment instrument seller" means a corporation,
168 limited liability company, limited liability partnership, or
169 foreign entity qualified to do business in this state which
170 ~~person who~~ sells a payment instrument.

171 (27)~~(17)~~ "Person" means an any individual, partnership,
172 association, trust, corporation, limited liability company, or
173 other group, however organized, but does not include a public
174 ~~the governments of the United States or this state or any~~
175 ~~department, agency, or instrumentality thereof.~~

176 ~~(18)~~ "Registrant" means ~~a person registered by the office~~
177 ~~pursuant to the code.~~

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178 ~~(28)(19)~~ "Responsible person" means an individual a person
179 who is employed by or affiliated with a money services business
180 ~~transmitter~~ and who has principal active management authority
181 over the business decisions, actions, and activities of the
182 money services business transmitter in this state.

183 ~~(29)(20)~~ "Sells Sell" means to sell, issue, provide, or
184 deliver.

185 (30) "Stored value" means funds or monetary value
186 represented in digital electronics format, whether or not
187 specially encrypted, and stored or capable of storage on
188 electronic media in such a way as to be retrievable and
189 transferred electronically.

190 ~~(21) "Unsafe and unsound practice" means:~~

191 ~~(a) Any practice or conduct found by the office to be~~
192 ~~contrary to generally accepted standards applicable to the~~
193 ~~specific money transmitter, or a violation of any prior order of~~
194 ~~an appropriate regulatory agency, which practice, conduct, or~~
195 ~~violation creates the likelihood of material loss, insolvency,~~
196 ~~or dissipation of assets of the money transmitter or otherwise~~
197 ~~materially prejudices the interests of its customers; or~~

198 ~~(b) Failure to adhere to the provisions of 31 C.F.R. ss.~~
199 ~~103.20, 103.22, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41,~~
200 ~~and 103.125 as they existed on March 31, 2004.~~

201
202 ~~In making a determination under this subsection, the office must~~
203 ~~consider the size and condition of the money transmitter, the~~
204 ~~magnitude of the loss, the gravity of the violation, and the~~
205 ~~prior conduct of the person or business involved.~~

206 Section 2. Section 560.104, Florida Statutes, is amended
207 to read:

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208 560.104 Exemptions.--The following entities are exempt
209 from the provisions of this chapter ~~the code~~:

210 (1) Banks, credit card banks, credit unions, trust
211 companies, associations, offices of an international banking
212 corporation, Edge Act or agreement corporations, or other
213 financial depository institutions organized under the laws of
214 any state or the United States, ~~provided that they do not sell~~
215 ~~payment instruments through authorized vendors who are not such~~
216 ~~entities.~~

217 (2) The United States or any agency or department,
218 instrumentality, ~~or agency~~ thereof.

219 (3) This state or any political subdivision of this state.

220 Section 3. Section 560.105, Florida Statutes, is amended
221 to read:

222 560.105 Supervisory powers; rulemaking.--

223 (1) ~~Consistent with the purposes of the code,~~ The office
224 shall have:

225 (a) Supervise ~~Supervision over~~ all money services
226 businesses transmitters and their authorized vendors.

227 (b) Have access to the books and records of persons ~~over~~
228 ~~whom~~ the office supervises ~~exercises supervision as is necessary~~
229 to carry out for the performance of the duties and functions of
230 the office under this chapter ~~prescribed by the code.~~

231 (c) ~~Power to~~ Issue orders and declaratory statements,
232 disseminate information, and otherwise administer and enforce
233 this chapter and all related rules in order ~~exercise its~~
234 ~~discretion~~ to effectuate the purposes, policies, and provisions
235 of this chapter ~~the code.~~

236 (2) ~~Consistent with the purposes of the code,~~ The
237 commission may adopt rules pursuant to ss. 120.536(1) and 120.54
238 to administer this chapter ~~implement the provisions of the code.~~

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239 (a) (3) The commission may adopt rules pursuant to ~~ss.~~
240 ~~120.536(1) and 120.54~~ requiring electronic submission of any
241 forms, documents, or fees required by this chapter, which must
242 ~~code if such rules~~ reasonably accommodate technological or
243 financial hardship. ~~The commission may prescribe by rule~~
244 ~~requirements~~ and provide procedures for obtaining an exemption
245 due to a technological or financial hardship.

246 (b) Rules adopted to regulate money services businesses,
247 including deferred presentment providers, must be responsive to
248 changes in economic conditions, technology, and industry
249 practices.

250 Section 4. Section 560.109, Florida Statutes, is amended
251 to read:

252 560.109 Examinations and investigations, ~~subpoenas,~~
253 ~~hearings, and witnesses.--~~

254 ~~(1)~~ The office may conduct examinations and make
255 ~~investigations or examinations as prescribed in s. 560.118,~~
256 ~~within or outside this state, which it deems necessary in order~~
257 ~~to determine whether a person has violated any provision of this~~
258 ~~chapter and related rules the code, the rules adopted by the~~
259 ~~commission pursuant to the code, or of any practice or conduct~~
260 that creates the likelihood of material loss, insolvency, or
261 dissipation of the assets of a money services business or
262 otherwise materially prejudices the interests of their customers
263 ~~31 C.F.R. ss. 103.20, 103.22, 103.27, 103.28, 103.29, 103.33,~~
264 ~~103.37, 103.41, and 103.125 as they existed on March 31, 2004.~~

265 (1) The office may examine each licensee as often as is
266 warranted for the protection of customers and in the public
267 interest, but at least once every 5 years. A new licensee shall
268 be examined within 6 months after the issuance of the license.
269 The office shall provide at least 15 days' notice to a money

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270 services business, its authorized vendor, or license applicant
271 before conducting an examination or investigation. However, the
272 office may conduct an examination or investigation of a money
273 services business, authorized vendor, or affiliated party at any
274 time and without advance notice if the office suspects that the
275 money services business, authorized vendor, or affiliated party
276 has violated or is about to violate any provisions of this
277 chapter or any criminal laws of this state or of the United
278 States.

279 (2) The office may conduct a joint or concurrent
280 examination with any state or federal regulatory agency and may
281 furnish a copy of all examinations to an appropriate regulator
282 if the regulator agrees to abide by the confidentiality
283 provisions in chapter 119 and this chapter. The office may also
284 accept an examination from any appropriate regulator or,
285 pursuant to s. 560.1091, from an independent third party that
286 has been approved by the office.

287 (3) Persons subject to this chapter who are examined or
288 investigated shall make available to the office all books,
289 accounts, documents, files, information, assets, and matters
290 that are in their immediate possession or control and that
291 relate to the subject of the examination or investigation.

292 (a) Records not in their immediate possession must be made
293 available to the office within 3 days after actual notice is
294 served.

295 (b) Upon notice, the office may require that records
296 written in a language other than English be accompanied by a
297 certified translation at the expense of the licensee. For
298 purposes of this section, the term "certified translation" means
299 a document translated by a person who is currently certified as

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300 a translator by the American Translators Association or other
301 organization designated by rule.

302 ~~(4)(2)(a)~~ In the course of or in connection with any
303 examination or an investigation conducted by the office:

304 (a) An employee of the office holding the title and
305 position of a pursuant to the provisions of subsection (1) or an
306 investigation or examination in connection with any application
307 to the office for the organization or establishment of a money
308 transmitter business, or in connection with an examination or
309 investigation of a money transmitter or its authorized vendor,
310 the office, or any of its officers holding no lesser title and
311 position than financial examiner or analyst, financial
312 investigator, or attorney at law, or higher may:

- 313 1. Administer oaths and affirmations.
314 2. Take or cause to be taken testimony and depositions.

315 (b) The office, or any of its employees ~~officers~~ holding a
316 title of no lesser title than attorney, or area financial
317 manager, or higher may issue, revoke, quash, or modify subpoenas
318 and subpoenas duces tecum under the seal of the office or cause
319 any such subpoena or subpoena duces tecum to be issued by any
320 county court judge or clerk of the circuit court or county court
321 to require persons to appear before the office at a reasonable
322 time and place to be therein named and to bring such books,
323 records, and documents for inspection as may be therein
324 designated. Such subpoenas may be served by a representative of
325 the office or may be served as otherwise provided for by law for
326 the service of subpoenas.

327 ~~(c) In connection with any such investigation or~~
328 examination, The office may allow permit a person to file a
329 statement in writing, under oath, or otherwise as the office

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330 ~~determines,~~ as to facts and circumstances specified by the
331 office.

332 ~~(5)(3)(a)~~ If a person does not comply ~~in the event of~~
333 ~~noncompliance~~ with a subpoena issued or caused to be issued by
334 the office pursuant to this section, the office may petition a
335 court of competent jurisdiction ~~the circuit court of the county~~
336 ~~in which the person subpoenaed resides or has its principal~~
337 ~~place of business~~ for an order requiring the subpoenaed person
338 to appear and testify and to produce such ~~books,~~ records, ~~and~~
339 ~~documents~~ as are specified in the ~~such~~ subpoena duces tecum. The
340 office is entitled to the summary procedure provided in s.
341 51.011, and the court shall advance the cause on its calendar.

342 ~~(a)(b)~~ A copy of the petition shall be served upon the
343 person subpoenaed by any person authorized by this section to
344 serve subpoenas, who shall make and file with the court an
345 affidavit showing the time, place, and date of service.

346 ~~(b)(c)~~ At a ~~any~~ hearing on the ~~any such~~ petition, the
347 person subpoenaed, or any person whose interests are ~~will be~~
348 substantially affected by the investigation, examination, or
349 subpoena, may appear and object to the subpoena and to the
350 granting of the petition. The court may make any order that
351 justice requires ~~in order~~ to protect a party or other person and
352 her or his personal and property rights, including, but not
353 limited to, protection from ~~annoyance, embarrassment,~~
354 oppression, ~~or~~ undue burden, or expense.

355 ~~(c)(d)~~ Failure to comply with an order granting, in whole
356 or in part, a petition for enforcement of a subpoena is a
357 contempt of the court.

358 ~~(6)(4)~~ Witnesses are entitled to the same fees and mileage
359 ~~to which they would be entitled by law for attending as~~
360 witnesses in the circuit court, except that ~~no~~ fees or mileage

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361 is not allowed for the testimony of a person taken at the
362 person's principal office or residence.

363 ~~(7)-(5)~~ Reasonable and necessary costs incurred by the
364 office or third parties authorized by the office in connection
365 and payable to persons involved with examinations or
366 investigations may be assessed against any person subject to
367 this chapter on the basis of actual costs incurred. Assessable
368 expenses include, but are not limited to, + expenses for:
369 interpreters; certified translations of documents into the
370 English language required by this chapter or related rules;
371 expenses for communications; expenses for legal representation;
372 expenses for economic, legal, or other research, analyses, and
373 testimony; and fees and expenses for witnesses. The failure to
374 reimburse the office is a ground for denial of a license the
375 registration application, denial of a license renewal, or for
376 revocation of any approval thereof. Except for examinations
377 authorized under s. 560.109, No such costs may not shall be
378 assessed against a person unless the office determines ~~has~~
379 ~~determined~~ that the person has operated or is operating in
380 violation of this chapter ~~the code~~.

381 (8) The office shall provide a written report of any
382 violation of law that may be a felony to the appropriate
383 criminal investigatory agency having jurisdiction with respect
384 to such violation.

385 (9) The office shall prepare and submit an annual report
386 to the President of the Senate and the Speaker of the House of
387 Representatives beginning January 1, 2009, through January 1,
388 2014, which includes:

389 (a) The total number of examinations and investigations
390 that resulted in a referral to a state or federal agency and the
391 disposition of each of those referrals by agency.

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392 (b) The total number of initial referrals received from
393 another state or federal agency, the total number of
394 examinations and investigations opened as a result of referrals,
395 and the disposition of each of those cases.

396 (c) The number of examinations or investigations
397 undertaken by the office which were not the result of a referral
398 from another state agency or a federal agency.

399 (d) The total amount of fines assessed and collected by
400 the office as a result of an examination or investigation of
401 activities regulated under parts II and III of this chapter.

402 Section 5. Section 560.1091, Florida Statutes, is created
403 to read:

404 560.1091 Contracted examinations.--The office may contract
405 with third parties to conduct examinations under this chapter.

406 (1) The person or firm selected by the office may not have
407 a conflict of interest that might affect its ability to
408 independently perform its responsibilities with respect to an
409 examination.

410 (2) An examination under this section may be conducted by
411 an independent certified public accountant, information
412 technology specialist, or other specialist specified by rule who
413 meets criteria specified by rule. The rules shall also provide
414 that:

415 (a) The rates charged to the licensee examined are
416 consistent with rates charged by other firms in similar
417 professions and are comparable with the rates charged for
418 comparable examinations.

419 (b) The licensee make payment for the examination pursuant
420 to s. 560.1092 and in accordance with the rates and terms
421 established by the office and the person or firm performing the
422 examination.

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423 Section 6. Section 560.1092, Florida Statutes, is created
424 to read:

425 560.1092 Examination expenses.--

426 (1) Each licensee examined shall pay to the office the
427 expenses of the examination at the rates adopted by the
428 commission by rule. Such expenses shall include actual travel
429 expenses, reasonable living expense allowance, compensation of
430 the examiner or other person making the examination, and
431 necessary attendant administrative costs of the office directly
432 related to the examination. Travel expense and living expense
433 allowance are limited to those expenses incurred on account of
434 the examination and shall be paid by the examined licensee
435 together with compensation upon presentation by the office to
436 the licensee of a detailed account of the charges and expenses
437 after a detailed statement has been filed by the examiner and
438 approved by the office.

439 (2) All moneys collected from licensees for examinations
440 shall be deposited into the Regulatory Trust Fund, and the
441 office may make deposits into such fund from moneys appropriated
442 for the operation of the office.

443 (3) Notwithstanding s. 112.061, the office may pay to the
444 examiner or person making the examination out of the trust fund
445 the actual travel expenses, reasonable living expense allowance,
446 and compensation in accordance with the statement filed with the
447 office by the examiner or other person, as provided in
448 subsection (1) upon approval by the office.

449 (4) When not examining a licensee, the travel expenses,
450 per diem, and compensation for the examiners and other persons
451 employed to make examinations, if approved, shall be paid out of
452 moneys budgeted for such purpose as regular employees, and

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453 reimbursement for travel expenses and per diem shall be at rates
454 as provided in s. 112.061.

455 Section 7. Section 560.110, Florida Statutes, is created
456 to read:

457 560.110 Records retention.--Each licensee and its
458 authorized vendors must maintain all books, accounts, documents,
459 files, and information necessary for determining compliance with
460 this chapter and related rules for 5 years unless a longer
461 period is required by other state or federal law.

462 (1) The records required under this chapter may be
463 maintained by the licensee at any location identified in its
464 license application or by amendment to the application. The
465 licensee must make such records available to the office for
466 examination and investigation in this state within 3 business
467 days after receipt of a written request.

468 (2) The original of any record of a licensee or authorized
469 vendor includes a record stored or transmitted by electronic,
470 computerized, mechanized, or other information storage or
471 retrieval or transmission system or device that can generate,
472 regenerate, or transmit the precise data or other information
473 comprising the record. An original also includes the visible
474 data or other information so generated, regenerated, or
475 transmitted if it is legible or can be made legible by
476 enlargement or other process.

477 (3) The commission may adopt rules to administer this
478 section and ss. 560.211 and 560.310. In adopting rules, the
479 commission shall take into consideration federal regulations,
480 rulings, and guidance issued by an appropriate regulator.

481 (4) Any person who willfully fails to comply with this
482 section or ss. 560.211 and 560.310 commits a felony of the third

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483 degree, punishable as provided in s. 775.082, s. 775.083, or s.
484 775.084.

485 Section 8. Section 560.111, Florida Statutes, is amended
486 to read:

487 560.111 Prohibited acts and practices.--

488 (1) A money services business, authorized vendor, or
489 affiliated party may not ~~It is unlawful for any money~~
490 ~~transmitter or money transmitter affiliated party to:~~

491 (a) Receive or possess ~~itself~~ of any property except
492 ~~otherwise than~~ in payment of a just demand, and, with intent to
493 deceive or defraud, to omit to make or to cause to be made a
494 full and true entry thereof in its books and accounts, or to
495 concur in omitting to make any material entry thereof.†

496 (b) Embezzle, abstract, or misapply any money, property,
497 or thing of value belonging to the money services business, an
498 ~~of the money transmitter or authorized vendor, or customer~~ with
499 intent to deceive or defraud. ~~such money transmitter or~~
500 ~~authorized vendor;~~

501 (c) Make any false entry in its books, accounts, reports,
502 files, or documents ~~any book, report, or statement of such money~~
503 ~~transmitter or authorized vendor~~ with intent to deceive or
504 defraud ~~such money transmitter, authorized vendor, or another~~
505 person, or with intent to deceive the office, any appropriate
506 regulator ~~other state or federal regulatory agency,~~ or any
507 authorized third party representative appointed by the office to
508 examine or investigate the affairs of the such money services
509 business ~~transmitter or authorized vendor.~~†

510 (d) Engage in an act that violates 18 U.S.C. s. 1956, 18
511 U.S.C. s. 1957, 18 U.S.C. s. 1960, 31 U.S.C. s. 5324, or any
512 other law, rule, or regulation of another state or ~~of~~ the United
513 States relating to a money services business, deferred

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514 ~~presentment provider, the business of money transmission or~~
515 ~~usury which may cause the denial or revocation of a money~~
516 ~~services business or deferred presentment provider transmitter~~
517 ~~license or the equivalent registration in that such~~
518 ~~jurisdiction.~~

519 (e) File with the office, sign as a duly authorized
520 representative, or deliver or disclose, by any means, to the
521 office or any of its employees any examination report, report of
522 condition, report of income and dividends, audit, account,
523 statement, file, or document known by it to be fraudulent or
524 false as to any material matter. ~~or~~

525 (f) Place among the assets of a money services business
526 ~~such money transmitter~~ or authorized vendor any note,
527 obligation, or security that the money services business
528 ~~transmitter~~ or authorized vendor does not own or is known to be
529 ~~that to the person's knowledge is~~ fraudulent or otherwise
530 worthless, or ~~for any such person~~ to represent to the office
531 that any note, obligation, or security ~~carried as an asset of~~
532 ~~such money transmitter or authorized vendor~~ is the property of
533 the money services business transmitter or authorized vendor and
534 is genuine if it is known to be such person that such
535 ~~representation is false or that such note, obligation, or~~
536 ~~security is~~ fraudulent or otherwise worthless.

537 (2) ~~A It is unlawful for any person~~ may not ~~to~~ knowingly
538 execute, or attempt to execute, a scheme or artifice to defraud
539 a money services business transmitter or authorized vendor, or
540 ~~to~~ obtain any of the moneys, funds, credits, assets, securities,
541 or other property owned by, or under the custody or control of,
542 a money services business transmitter or authorized vendor, by
543 means of false or fraudulent pretenses, representations, or
544 promises.

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545 (3) Any person who violates any provision of this section
546 commits a felony of the third degree, punishable as provided in
547 s. 775.082, s. 775.083, or s. 775.084.

548 (4) Any person who willfully violates any provision of s.
549 560.403, s. 560.404, s. 560.405, or s. 560.407 commits a felony
550 of the third degree, punishable as provided in s. 775.082, s.
551 775.083, or s. 775.084.

552 Section 9. Section 560.113, Florida Statutes, is amended
553 to read:

554 560.113 Injunctions; receiverships; restitution. ~~Whenever~~
555 ~~a violation of the code is threatened or impending and such~~
556 ~~violation will cause substantial injury to any person, the~~
557 ~~circuit court has jurisdiction to hear any complaint filed by~~
558 ~~the office and, upon proper showing, to issue an injunction~~
559 ~~restraining such violation or granting other such appropriate~~
560 ~~relief.~~

561 (1) If the office determines that any person has engaged
562 in or is about to engage in any action that is a violation of
563 this chapter or related rules, the office may, in addition to or
564 in lieu of other remedies, bring an action on behalf of the
565 state in the circuit court against the person and any other
566 person acting in concert with such person to enjoin such person
567 from engaging in such act. The office may apply for, and on due
568 showing be entitled to have issued, the court's subpoena
569 requiring the appearance of the person and her or his employees,
570 associated persons, or agents and the production of any
571 documents, books, or records that may appear necessary for the
572 hearing of the petition, and to testify or give evidence
573 concerning the acts complained of.

574 (2) In addition to, or in lieu of, the enforcement of a
575 temporary restraining order, temporary injunction, or permanent

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576 injunction against the person, the court may, upon application
577 of the office, impound and appoint a receiver or administrator
578 for the property, assets, and business of the defendant,
579 including, but not limited to, any related books, records,
580 documents, or papers. The receiver or administrator shall have
581 all powers and duties conferred by the court as to the custody,
582 collection, administration, winding up, and liquidation of the
583 property and business. The court may issue orders and decrees
584 staying all pending suits and enjoining any further suits
585 affecting the receiver's or administrator's custody or
586 possession of the property, assets, and business or may, with
587 the consent of the presiding judge of the circuit, require that
588 all such suits be assigned to the judge appointing the receiver
589 or administrator.

590 (3) In addition to, or in lieu of, any other remedies
591 provided under this chapter, the office may apply to the court
592 hearing the matter for an order directing the defendant to make
593 restitution of those sums shown by the office to have been
594 obtained in violation of this chapter. Such restitution shall,
595 at the option of the court, be payable to the administrator or
596 receiver appointed under this section or directly to the persons
597 whose assets were obtained in violation of this chapter.

598 Section 10. Section 560.114, Florida Statutes, is amended
599 to read:

600 560.114 Disciplinary actions; penalties.--

601 (1) The following actions by a money services business,
602 authorized vendor, or affiliated party transmitter or money
603 transmitter affiliated party are violations of the code and
604 constitute grounds for the issuance of a cease and desist order,
605 the issuance of a removal order, the denial, ~~of a registration~~
606 application or the suspension, or revocation of a license any

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607 ~~registration previously issued pursuant to the code, or the~~
608 ~~taking of any other action within the authority of the office~~
609 ~~pursuant to this chapter the code:~~

610 (a) Failure to comply with any provision of this chapter
611 ~~or related the code, any rule or order adopted pursuant thereto,~~
612 or any written agreement entered into with the office.

613 (b) Fraud, misrepresentation, deceit, or gross negligence
614 in any transaction by a involving money services business
615 ~~transmission, regardless of reliance thereon by, or damage to, a~~
616 ~~money transmitter customer.~~

617 (c) Fraudulent misrepresentation, circumvention, or
618 concealment of any matter that must ~~required to~~ be stated or
619 furnished to a ~~money transmitter~~ customer pursuant to this
620 ~~chapter the code,~~ regardless of reliance thereon by, or damage
621 to, such customer.

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

623 (e) Failure to maintain, preserve, ~~and~~ keep available for
624 examination, and produce all books, accounts, files, or other
625 documents required by this chapter or related rules or orders
626 ~~the code, by any rule or order adopted pursuant to the code, by~~
627 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29,
628 103.33, 103.37, 103.41, and 103.125 ~~as they existed on March 31,~~
629 ~~2004,~~ or by any agreement entered into with the office.

630 (f) Refusing to allow ~~Refusal to permit~~ the examination or
631 inspection of books, accounts, files, or other documents ~~and~~
632 ~~records in an investigation or examination by the office,~~
633 pursuant to this chapter ~~the provisions of the code,~~ or to
634 comply with a subpoena issued by the office.

635 (g) Failure to pay a judgment recovered in any court ~~in~~
636 ~~this state~~ by a claimant in an action arising out of a money

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637 transmission transaction within 30 days after the judgment
638 becomes final.

639 (h) Engaging in an act prohibited under ~~or practice~~
640 ~~proscribed by~~ s. 560.111.

641 (i) Insolvency ~~or operating in an unsafe and unsound~~
642 ~~manner.~~

643 (j) Failure by a money services business transmitter to
644 remove an affiliated ~~a money transmitter~~ affiliated party after
645 the office has issued and served upon the money services
646 business transmitter a final order setting forth a finding that
647 the affiliated money transmitter affiliated party has violated a
648 any provision of this chapter ~~the code.~~

649 (k) Making a any material misstatement, ~~or~~
650 misrepresentation, or omission ~~or committing any fraud~~ in an
651 initial or renewal application for licensure, any amendment to
652 such application, or application for the appointment of an
653 authorized vendor registration.

654 (l) Committing any act that results ~~resulting~~ in a license
655 ~~an application for registration, or a registration or its~~
656 equivalent, to practice any profession or occupation being
657 denied, suspended, revoked, or otherwise acted against by a
658 licensing registering authority in any jurisdiction ~~or a finding~~
659 ~~by an appropriate regulatory body of engaging in unlicensed~~
660 ~~activity as a money transmitter within any jurisdiction.~~

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

665 (n) ~~(m)~~ Committing any act resulting in a license
666 ~~registration or its equivalent, or an application for~~
667 ~~registration,~~ to practice any profession or occupation being

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668 denied, suspended, revoked, or otherwise acted against by a
669 licensing ~~registering~~ authority in any jurisdiction for a
670 violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s.
671 1960, 31 U.S.C. s. 5324, or any other law or, ~~rule, or~~
672 ~~regulation~~ of another state or of the United States relating to
673 a money services business, deferred presentment provider, the
674 ~~business of money transmission~~ or usury that ~~which~~ may cause the
675 denial, suspension, or revocation of a money services business
676 or deferred presentment provider transmitter license or its
677 equivalent ~~or registration~~ in such jurisdiction.

678 (o)(n) Having been convicted of ~~or found guilty of~~, or
679 entered a plea of ~~having pleaded~~ guilty or nolo contendere to,
680 any felony or crime punishable by imprisonment of 1 year or more
681 under the law of any state or ~~of~~ the United States which
682 involves fraud, moral turpitude, or dishonest dealing,
683 regardless of adjudication ~~without regard to whether a judgment~~
684 ~~of conviction has been entered by the court.~~

685 (p)(e) Having been convicted of ~~or found guilty of~~, or
686 entered a plea of ~~having pleaded~~ guilty or nolo contendere to, a
687 crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5324, regardless
688 of adjudication ~~without regard to whether a judgment of~~
689 ~~conviction has been entered by the court.~~

690 (q)(p) Having been convicted of ~~or found guilty of~~, or
691 entered a plea of ~~having pleaded~~ guilty or nolo contendere to,
692 misappropriation, conversion, or unlawful withholding of moneys
693 belonging that belong to others, regardless of adjudication ~~and~~
694 ~~were received in the conduct of the business of the money~~
695 ~~transmitter.~~

696 (r)(q) Failure to inform the office in writing within 30
697 15 days after having pled ~~pleading~~ guilty or nolo contendere to,
698 or being convicted ~~or found guilty of~~, any felony or crime

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699 punishable by imprisonment of 1 year or more under the law of
700 any state or ~~of~~ the United States, or ~~of~~ any crime involving
701 fraud, moral turpitude, or dishonest dealing, ~~without regard to~~
702 ~~whether a judgment of conviction has been entered by the court.~~

703 ~~(s)(r)~~ Aiding, assisting, procuring, advising, or abetting
704 any person in violating a provision of this chapter code or any
705 order or rule of the office or commission.

706 ~~(t)(s)~~ Failure to ~~timely~~ pay any fee, charge, or cost
707 imposed or assessed fine under this chapter ~~the code.~~

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

710 ~~(v)(t)~~ Failure to pay any judgment entered by any court
711 within 30 days after the judgment becomes final.

712 ~~(u)~~ ~~Engaging or holding oneself out to be engaged in the~~
713 ~~business of a money transmitter without the proper registration.~~

714 ~~(v)~~ ~~Any action that would be grounds for denial of a~~
715 ~~registration or for revocation, suspension, or restriction of a~~
716 ~~registration previously granted under part III of this chapter.~~

717 ~~(w)~~ ~~Failure to pay any fee, charge, or fine under the~~
718 ~~code.~~

719 (w)(x) Engaging or advertising engagement in the business
720 of a money services business or deferred presentment provider
721 transmitter without a license registration, unless the person is
722 exempted from licensure ~~the registration requirements of the~~
723 ~~code.~~

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

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728 (y) Violations of 31 C.F.R. ss. 103.20, 103.22, 103.23,
729 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and 103.125, and
730 United States Treasury Interpretative Release 2004-1.

731 (z) Any practice or conduct that creates the likelihood of
732 a material loss, insolvency, or dissipation of assets of a money
733 services business or otherwise materially prejudices the
734 interests of its customers.

735 (2) The office may immediately suspend the license of any
736 money services business if the money services business fails to
737 provide to the office, upon written request, any of the records
738 required by ss. 560.123, 560.1235, 560.211, and 560.310. The
739 suspension may be rescinded if the licensee submits the
740 requested records to the office. For purposes of s. 120.60(6),
741 failure to provide any of the above-mentioned records
742 constitutes immediate and serious danger to the public health,
743 safety, and welfare.

744 (3) The office may deny licensure if the applicant or an
745 affiliated party is the subject of a pending criminal
746 prosecution or governmental enforcement action in any
747 jurisdiction until the conclusion of the prosecution or action.

748 (4)-(2) The office may issue a cease and desist order or
749 removal order, suspend or revoke a license any previously issued
750 registration, or take any other action within the authority of
751 the office against a licensee money transmitter based on any
752 fact or condition that exists and that, if it had existed or
753 been known to exist at the time of license application the money
754 transmitter applied for registration, would have been grounds
755 for license denial of registration.

756 (5)-(3) A Each money services business licensed under part
757 II of this chapter transmitter is responsible for any act of its
758 authorized vendors if the money services business transmitter

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759 should have known of the act or had if the money transmitter has
760 actual knowledge that such act is a violation of this chapter,
761 ~~the code~~ and the money services business transmitter willfully
762 allowed the such act to continue. Such responsibility is limited
763 to conduct engaged in by the authorized vendor pursuant to the
764 authority granted to it by the money services business
765 transmitter.

766 (6)(4) If a license registration granted under this
767 chapter code expires or is surrendered by the licensee
768 registrant during the pendency of an administrative action under
769 this code, the proceeding may continue as if the license is
770 registration were still in effect.

771 (7) The office may, in addition to or in lieu of the
772 denial, suspension, or revocation of a license, impose a fine of
773 at least \$1,000 but not more than \$10,000 for each violation of
774 this chapter.

775 (8) In addition to any other provision of this chapter,
776 the office may impose a fine of up to \$1,000 per day for each
777 day that a person engages in the business of a money services
778 business or deferred presentment provider without being
779 licensed.

780 Section 11. Section 560.1141, Florida Statutes, is created
781 to read:

782 560.1141 Disciplinary guidelines.--

783 (1) The commission shall adopt by rule disciplinary
784 guidelines applicable to each ground for disciplinary action
785 that may be imposed by the office.

786 (2) The disciplinary guidelines shall specify a meaningful
787 range of designated penalties based upon the severity and
788 repetition of specific offenses and that distinguish minor
789 violations from those that endanger the public health, safety,

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790 or welfare; that provide reasonable and meaningful notice to the
791 public of likely penalties that may be imposed for proscribed
792 conduct; and that ensure that such penalties are imposed in a
793 consistent manner by the office.

794 (3) The commission shall adopt by rule mitigating and
795 aggravating circumstances that allow the office to impose a
796 penalty other than that provided for in the guidelines, and for
797 variations and a range of penalties permitted under such
798 circumstances.

799 Section 12. Section 560.115, Florida Statutes, is amended
800 to read:

801 560.115 Surrender of license registration.--~~A licensee Any~~
802 ~~money transmitter registered pursuant to the code~~ may
803 voluntarily surrender its license registration at any time by
804 giving written notice to the office.

805 Section 13. Section 560.116, Florida Statutes, is amended
806 to read:

807 560.116 Civil immunity.--Any person having reason to
808 believe that a provision of this chapter ~~the code~~ is being
809 violated, ~~or~~ has been violated, or is about to be violated, may
810 file a complaint with the office setting forth the details of
811 the alleged violation. Such person is immune ~~An Immunity~~ from
812 civil liability ~~is hereby granted to any person who furnishes~~
813 ~~such information,~~ unless the information provided is false and
814 has been provided ~~the person providing the information does so~~
815 with reckless disregard for the truth.

816 Section 14. Section 560.118, Florida Statutes, is amended
817 to read:

818 560.118 ~~Examinations, Reports, and internal audits,~~
819 ~~penalty.~~--

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820 ~~(1) (a) The office may conduct an examination of a money~~
821 ~~transmitter or authorized vendor by providing not less than 15~~
822 ~~days' advance notice to the money transmitter or authorized~~
823 ~~vendor. However, if the office suspects that the money~~
824 ~~transmitter or authorized vendor has violated any provisions of~~
825 ~~this code or any criminal laws of this state or of the United~~
826 ~~States or is engaging in an unsafe and unsound practice, the~~
827 ~~office may, at any time without advance notice, conduct an~~
828 ~~examination of all affairs, activities, transactions, accounts,~~
829 ~~business records, and assets of any money transmitter or any~~
830 ~~money transmitter affiliated party for the protection of the~~
831 ~~public. For the purpose of examinations, the office may~~
832 ~~administer oaths and examine a money transmitter or any of its~~
833 ~~affiliated parties concerning their operations and business~~
834 ~~activities and affairs. The office may accept an audit or~~
835 ~~examination from any appropriate regulatory agency or from an~~
836 ~~independent third party with respect to the operations of a~~
837 ~~money transmitter or an authorized vendor. The office may also~~
838 ~~make a joint or concurrent examination with any state or federal~~
839 ~~regulatory agency. The office may furnish a copy of all~~
840 ~~examinations made of such money transmitter or authorized vendor~~
841 ~~to the money transmitter and any appropriate regulatory agency~~
842 ~~provided that such agency agrees to abide by the confidentiality~~
843 ~~provisions as set forth in chapter 119.~~

844 ~~(b) Persons subject to this chapter who are examined shall~~
845 ~~make available to the office or its examiners the accounts,~~
846 ~~records, documents, files, information, assets, and matters~~
847 ~~which are in their immediate possession or control and which~~
848 ~~relate to the subject of the examination. Those accounts,~~
849 ~~records, documents, files, information, assets, and matters not~~
850 ~~in their immediate possession shall be made available to the~~

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851 ~~office or the office's examiners within 10 days after actual~~
852 ~~notice is served on such persons.~~

853 ~~(c) The audit of a money transmitter required under this~~
854 ~~section may be performed by an independent third party that has~~
855 ~~been approved by the office or by a certified public accountant~~
856 ~~authorized to do business in the United States. The examination~~
857 ~~of a money transmitter or authorized vendor required under this~~
858 ~~section may be performed by an independent third party that has~~
859 ~~been approved by the office or by a certified public accountant~~
860 ~~authorized to do business in the United States. The cost of such~~
861 ~~an independent examination or audit shall be directly borne by~~
862 ~~the money transmitter or authorized vendor.~~

863 ~~(2)(a) Annual financial audit reports must that are~~
864 ~~required to be filed with the office pursuant to this chapter or~~
865 ~~related rules under the code or any rules adopted thereunder~~
866 ~~must be audited by an independent third party that has been~~
867 ~~approved by the office or by a certified public accountant~~
868 ~~authorized to do business in the United States. The licensee~~
869 ~~money transmitter or authorized vendor shall directly bear the~~
870 ~~cost of the audit. This paragraph does not apply to any seller~~
871 ~~of payment instruments who can prove to the satisfaction of the~~
872 ~~office that it has a combined total of fewer than 50 employees~~
873 ~~and authorized vendors or that its annual payment instruments~~
874 ~~issued from its activities as a payment instrument seller are~~
875 ~~less than \$200,000.~~

876 ~~(2)(b) Each licensee must submit The commission may, by~~
877 ~~rule, require each money transmitter or authorized vendor to~~
878 ~~submit quarterly reports to the office in a format and include~~
879 ~~information as specified by rule. The rule commission may~~
880 ~~require the that each report to contain a declaration by an~~
881 ~~officer, or any other responsible person authorized to make such~~

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882 declaration, that the report is true and correct to the best of
883 her or his knowledge and belief. ~~Such report must include such~~
884 ~~information as the commission by rule requires for that type of~~
885 ~~money transmitter.~~

886 ~~(c) The office may levy an administrative fine of up to~~
887 ~~\$100 per day for each day the report is past due, unless it is~~
888 ~~excused for good cause. In excusing any such administrative~~
889 ~~fine, the office may consider the prior payment history of the~~
890 ~~money transmitter or authorized vendor.~~

891 ~~(3) Any person who willfully violates this section or~~
892 ~~fails to comply with any lawful written demand or order of the~~
893 ~~office made under this section commits a felony of the third~~
894 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
895 ~~775.084.~~

896 Section 15. Section 560.119, Florida Statutes, is
897 transferred, renumbered as section 560.144, Florida Statutes,
898 and amended to read:

899 560.144 ~~560.119~~ Deposit of fees and assessments.--License
900 ~~The~~ application fees, license registration renewal fees, late
901 payment penalties, civil penalties, administrative fines, and
902 other fees, costs, or penalties provided for in this chapter the
903 ~~code shall, in all cases,~~ be paid directly to the office, which
904 shall deposit such proceeds into the Regulatory Trust Fund, and
905 use the proceeds to pay the costs of the office as necessary to
906 carry out its responsibilities under this chapter. ~~Each year,~~
907 ~~the Legislature shall appropriate from the trust fund to the~~
908 ~~office sufficient moneys to pay the office's costs for~~
909 ~~administration of the code. The Regulatory Trust Fund is subject~~
910 ~~to the service charge imposed pursuant to chapter 215.~~

911 Section 16. Section 560.121, Florida Statutes, is amended
912 to read:

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913 560.121 Access to records; record retention; penalties
914 ~~limited restrictions upon public access.--~~

915 (1)(a) Orders of courts or of administrative law judges
916 for the production of confidential records or information must
917 ~~shall~~ provide for inspection in camera by the court or the
918 administrative law judge; and, if ~~after~~ the court or
919 administrative law judge determines ~~has made a determination~~
920 that the documents requested are relevant or would likely lead
921 to the discovery of admissible evidence, ~~said documents shall be~~
922 ~~subject to further orders by~~ the court or the administrative law
923 judge must issue further orders to protect the confidentiality
924 of the documents thereof. Any order directing the release of
925 information is ~~shall be~~ immediately reviewable, and a petition
926 by the office for review of the ~~such~~ order shall automatically
927 stay further proceedings in the trial court or the
928 administrative hearing until the disposition of the ~~such~~
929 petition by the reviewing court. ~~If any other party files such A~~
930 petition for review of the order filed by any other party shall,
931 ~~it will~~ operate as a stay of the ~~such~~ proceedings only upon
932 order of the reviewing court.

933 (2)(b) Confidential records and information furnished
934 pursuant to a legislative subpoena must ~~shall~~ be kept
935 confidential ~~by the legislative body or committee which receives~~
936 ~~the records or information,~~ except in cases ~~a case~~ involving the
937 investigation of charges against a public official subject to
938 impeachment or removal, and then disclosure of such information
939 shall be only to the extent determined to be necessary by the
940 legislative body or committee ~~to be necessary~~.

941 (3)(2) ~~The commission may prescribe by rule the minimum~~
942 ~~information that must be shown in the books, accounts, records,~~
943 ~~and documents of licensees for purposes of enabling the office~~

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944 ~~to determine the licensee's compliance with this chapter. In~~
945 ~~addition, the commission may prescribe by rule requirements for~~
946 ~~the destruction of books, accounts, records, and documents~~
947 ~~retained by the licensee after completion of the time period~~
948 ~~specified in this subsection. Examination reports, investigatory~~
949 ~~records, applications, and related information compiled by the~~
950 ~~office, or photographic copies thereof, must shall be retained~~
951 ~~by the office for a period of at least 5 3 years after following~~
952 ~~the date that the examination or investigation ceases to be~~
953 ~~active. Application records, and related information compiled by~~
954 ~~the office, or photographic copies thereof, must shall be~~
955 ~~retained by the office for a period of at least 5 2 years after~~
956 ~~following the date that the license registration ceases to be~~
957 ~~active.~~

958 ~~(3) A copy of any document on file with the office which~~
959 ~~is certified by the office as being a true copy may be~~
960 ~~introduced in evidence as if it were the original. The~~
961 ~~commission shall establish a schedule of fees for preparing true~~
962 ~~copies of documents.~~

963 (4) Any person who willfully discloses information made
964 confidential by this section commits a felony of the third
965 degree, punishable as provided in s. 775.082, s. 775.083, or s.
966 775.084.

967 Section 17. Section 560.123, Florida Statutes, is amended
968 to read:

969 560.123 Florida Control of Money Laundering in ~~the Money~~
970 ~~Services Business Act Transmitters' Code; reports of~~
971 ~~transactions involving currency or monetary instruments; when~~
972 ~~required; purpose; definitions; penalties; corpus delicti.--~~

973 (1) This section may be cited as the "Florida Control of
974 Money Laundering in Money Services Business Transmitters Act."

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975 (2) ~~It is~~ The purpose of this section is to require the
976 ~~submission to the office of reports and the~~ maintenance of
977 certain records of transactions involving currency or payment
978 monetary instruments in order to which reports and records deter
979 the use of a money services business money transmitters to
980 conceal proceeds from criminal activity and to ensure the
981 availability of such records for are useful in criminal, tax, or
982 regulatory investigations or proceedings.

983 (3)(a) A Every money services business must transmitter
984 ~~shall~~ keep a record of every each financial transaction
985 ~~occurring in this state known to it~~ which occurs in this state;
986 involves to involve currency or other payment monetary
987 instrument, as prescribed the commission prescribes by rule,
988 having of a value greater than in excess of \$10,000; and
989 involves, to involve the proceeds of specified unlawful
990 activity, or is to be designed to evade the reporting
991 requirements of this section or chapter 896. The money services
992 business must and shall maintain appropriate procedures to
993 ensure compliance with this section and chapter 896.

994 (a)(b) Multiple financial transactions shall be treated as
995 a single transaction if the money services business transmitter
996 has knowledge that they are made by or on behalf of any one
997 person and result in ~~either~~ cash in or cash out totaling more
998 than \$10,000 during any day.

999 (b)(c) A Any money services business transmitter may keep
1000 a record of any financial transaction occurring in this state,
1001 regardless of the value, if it suspects that the transaction
1002 involves the proceeds of specified unlawful activity.

1003 (c) The money services business must file a report with
1004 the office of any records required by this subsection, at such
1005 time and containing such information as required by rule. The

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1006 timely filing of the report required by 31 U.S.C. s. 5313 with
1007 the appropriate federal agency shall be deemed compliance with
1008 the reporting requirements of this subsection unless the reports
1009 are not regularly and comprehensively transmitted by the federal
1010 agency to the office.

1011 (d) A money services business transmitter, or officer,
1012 employee, or agent thereof, that files a report in good faith
1013 pursuant to this section is not liable to any person for loss or
1014 damage caused in whole or in part by the making, filing, or
1015 governmental use of the report, or any information contained
1016 therein.

1017 ~~(4)(3)~~ A money services business transmitters must comply
1018 with ~~adhere to~~ the money laundering, enforcement, and reporting
1019 provisions of s. 655.50~~7~~ relating to reports of transactions
1020 involving currency transactions and payment monetary
1021 instruments, and of chapter 896~~7~~ concerning offenses relating to
1022 financial transactions.

1023 ~~(5)(4)~~ In enforcing this section, the ~~commission and~~
1024 office shall acknowledge and take into consideration the
1025 requirements of Title 31, United States Code, in order both to
1026 reduce the burden of ~~fulfilling~~ duplicate requirements and to
1027 acknowledge the economic advantage of having similar reporting
1028 and recordkeeping requirements between state and federal
1029 regulatory authorities.

1030 ~~(5)(a)~~ ~~Each money transmitter must file a report with the~~
1031 ~~office of the record required by this section. Each record filed~~
1032 ~~pursuant to this section must be filed at such time and contain~~
1033 ~~such information as the commission requires by rule.~~

1034 ~~(b)~~ ~~The timely filing of the report required by 31 U.S.C.~~
1035 ~~s. 5313, with the appropriate federal agency is deemed~~
1036 ~~compliance with the reporting requirements of this subsection~~

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1037 ~~unless the reports are not regularly and comprehensively~~
1038 ~~transmitted by the federal agency to the office.~~

1039 (6) The office must retain a copy of all reports received
1040 under subsection (3) ~~(5)~~ for a minimum of 5 ~~3~~ calendar years
1041 after receipt of the report. However, if a report or information
1042 contained in a report is known by the office to be the subject
1043 of an existing criminal proceeding, the report must be retained
1044 for a minimum of 10 ~~calendar~~ years after ~~from~~ the date of
1045 receipt.

1046 (7) In addition to any other powers conferred upon the
1047 office to enforce and administer this chapter ~~the code~~, the
1048 office may:

1049 (a) Bring an action in any court of competent jurisdiction
1050 to enforce or administer this section. In such action, the
1051 office may seek award of any civil penalty authorized by law and
1052 any other appropriate relief at law or equity.

1053 (b) Issue and serve upon a person an order requiring the
1054 ~~such~~ person to cease and desist and take corrective action if
1055 ~~whenever~~ the office finds that the ~~such~~ person is violating, has
1056 violated, or is about to violate any provision of this section
1057 or chapter 896; any rule or order adopted under this section or
1058 chapter 896; or any written agreement related to this section or
1059 chapter 896 which is entered into with the office.

1060 (c) Issue and serve upon a person an order suspending or
1061 revoking the ~~such~~ person's money services business license if
1062 ~~transmitter registration whenever~~ the office finds that the ~~such~~
1063 person is violating, has violated, or is about to violate any
1064 provision of this section or chapter 896; any rule or order
1065 adopted under this section or chapter 896; or any written
1066 agreement related to this section or chapter 896 which is
1067 entered into with the office.

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1068 (d) Issue and serve upon any person an order of removal
1069 whenever the office finds that the ~~such~~ person is violating, has
1070 violated, or is about to violate any provision of this section
1071 or chapter 896; any rule or order adopted under this section or
1072 chapter 896; or any written agreement related to this section or
1073 chapter 896 which is entered into with the office.

1074 (e) Impose and collect an administrative fine against any
1075 person found to have violated any provision of this section or
1076 chapter 896; any rule or order adopted under this section or
1077 chapter 896; or any written agreement related to this section or
1078 chapter 896 which is entered into with the office, of up to in
1079 ~~an amount not exceeding~~ \$10,000 per a day for each willful
1080 violation or \$500 per a day for each negligent violation.

1081 (8) (a) Except as provided in paragraph (b), a person who
1082 willfully violates any provision of this section commits a
1083 misdemeanor of the first degree, punishable as provided in s.
1084 775.082 or s. 775.083.

1085 (b) A person who willfully violates any provision of this
1086 section, if the violation involves:

1087 1. Currency or payment instruments exceeding \$300 but less
1088 than \$20,000 in any 12-month period, commits a felony of the
1089 third degree, punishable as provided in s. 775.082, s. 775.083,
1090 or s. 775.084.

1091 2. Currency or payment instruments totaling or exceeding
1092 \$20,000 but less than \$100,000 in any 12-month period, commits a
1093 felony of the second degree, punishable as provided in s.
1094 775.082, s. 775.083, or s. 775.084.

1095 3. Currency or payment instruments totaling or exceeding
1096 \$100,000 in any 12-month period, commits a felony of the first
1097 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1098 775.084.

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1099 (c) In addition to the penalties ~~otherwise~~ authorized by
1100 s. 775.082, s. 775.083, or s. 775.084, a person who has been
1101 convicted of, or entered a plea of ~~who has pleaded~~ guilty or
1102 nolo contendere, regardless of adjudication, to having violated
1103 paragraph (b) may be sentenced to pay a fine of up to not
1104 ~~exceeding~~ \$250,000 or twice the value of the currency or payment
1105 instruments, whichever is greater, except that on a second or
1106 subsequent conviction for or plea of guilty or nolo contendere,
1107 regardless of adjudication, to a violation of paragraph (b), the
1108 fine may be up to \$500,000 or quintuple the value of the
1109 currency or payment instruments, whichever is greater.

1110 (d) A person who violates this section is also liable for
1111 a civil penalty of not more than the greater of the value of the
1112 currency or payment instruments involved or \$25,000.

1113 (9) In any prosecution brought pursuant to this section,
1114 the common law corpus delicti rule does not apply. The
1115 defendant's confession or admission is admissible during trial
1116 without the state having to prove the corpus delicti if the
1117 court finds in a hearing conducted outside the presence of the
1118 jury that the defendant's confession or admission is
1119 trustworthy. Before the court admits the defendant's confession
1120 or admission, the state must prove by a preponderance of the
1121 evidence that there is sufficient corroborating evidence that
1122 tends to establish the trustworthiness of the statement by the
1123 defendant. Hearsay evidence is admissible during the
1124 presentation of evidence at the hearing. In making its
1125 determination, the court may consider all relevant corroborating
1126 evidence, including the defendant's statements.

1127 Section 18. Section 560.1235, Florida Statutes, is created
1128 to read:

1129 560.1235 Anti-money laundering requirements.--

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1130 (1) A licensee and authorized vendor must comply with all
1131 state and federal laws and rules relating to the detection and
1132 prevention of money laundering, including, as applicable, s.
1133 560.123, and 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27.
1134 103.28, 103.29, 103.33, 103.37, and 103.41.

1135 (2) A licensee and authorized vendor must maintain an
1136 anti-money laundering program in accordance with 31 C.F.R. s.
1137 103.125. The program must be reviewed and updated as necessary
1138 to ensure that the program continues to be effective in
1139 detecting and deterring money laundering activities.

1140 (3) A licensee must comply with United States Treasury
1141 Interpretive Release 2004-1.

1142 Section 19. Section 560.124, Florida Statutes, is amended
1143 to read:

1144 560.124 Sharing of information.--

1145 ~~(1) It is not unlawful for~~ Any person may ~~to~~ provide
1146 ~~information~~ to a money services business transmitter, authorized
1147 vendor, law enforcement agency, prosecutorial agency, or
1148 appropriate regulator, or ~~for~~ any money services business
1149 ~~transmitter~~, authorized vendor, law enforcement agency,
1150 prosecutorial agency, or appropriate regulator may ~~to~~ provide
1151 ~~information~~ to any person, information about any ~~other~~ person's
1152 known or suspected involvement in a violation of any state,
1153 federal, or foreign law, rule, or regulation relating to the
1154 business of a money services business or deferred present
1155 provider transmitter which has been reported to state, federal,
1156 or foreign authorities, and is not-

1157 ~~(2) No person shall be liable in any civil action for~~
1158 providing such information.

1159 Section 20. Section 560.125, Florida Statutes, is amended
1160 to read:

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1161 560.125 Unlicensed activity ~~Money transmitter business by~~
1162 ~~unauthorized persons; penalties.--~~

1163 (1) ~~A person other than a registered money transmitter or~~
1164 ~~authorized vendor~~ may not engage in the business of a money
1165 services business or deferred presentment provider transmitter
1166 in this state unless the person is licensed or exempted from
1167 licensure under this chapter ~~from the registration requirements~~
1168 ~~of the code.~~

1169 (2) Only a money services business licensed under part II
1170 of this chapter may appoint an authorized vendor. ~~No person~~
1171 ~~shall act as a vendor of a money transmitter when such money~~
1172 ~~transmitter is subject to registration under the code but has~~
1173 ~~not registered.~~ Any such person acting as a vendor for an
1174 unlicensed money transmitter or payment instrument issuer
1175 becomes the principal thereof, and no longer merely acts as a
1176 vendor, and ~~such person~~ is liable to the holder or remitter as a
1177 principal money transmitter or payment instrument seller.

1178 (3) Any person whose substantial interests are affected by
1179 a proceeding brought by the office pursuant to this chapter ~~the~~
1180 ~~code~~ may, pursuant to s. 560.113, petition any court of
1181 competent jurisdiction to enjoin the person or activity that is
1182 the subject of the proceeding from violating any of the
1183 provisions of this section. For the purpose of this subsection,
1184 any money services business licensed under this chapter
1185 ~~transmitter registered pursuant to the code~~, any person residing
1186 in this state, and any person whose principal place of business
1187 is in this state are presumed to be substantially affected. In
1188 addition, the interests of a trade organization or association
1189 are deemed substantially affected if the interests of any of its
1190 members are ~~so~~ affected.

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1191 (4) The office may issue and serve upon any person who
1192 violates any of the provisions of this section a complaint
1193 seeking a cease and desist order or impose an administrative
1194 fine as provided in s. 560.114 in accordance with the procedures
1195 and in the manner prescribed by s. 560.112. The office may also
1196 impose an administrative fine pursuant to s. 560.117(3) against
1197 any person who violates any of the provisions of this section.

1198 (5) A person who violates this section, if the violation
1199 involves:

1200 (a) Currency or payment instruments exceeding \$300 but
1201 less than \$20,000 in any 12-month period, commits a felony of
1202 the third degree, punishable as provided in s. 775.082, s.
1203 775.083, or s. 775.084.

1204 (b) Currency or payment instruments totaling or exceeding
1205 \$20,000 but less than \$100,000 in any 12-month period, commits a
1206 felony of the second degree, punishable as provided in s.
1207 775.082, s. 775.083, or s. 775.084.

1208 (c) Currency or payment instruments totaling or exceeding
1209 \$100,000 in any 12-month period, commits a felony of the first
1210 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1211 775.084.

1212 (6) In addition to the penalties authorized by s. 775.082,
1213 s. 775.083, or s. 775.084, a person who has been convicted of,
1214 or entered a plea of found guilty of or who has pleaded guilty
1215 or nolo contendere, to having violated this section may be
1216 sentenced to pay a fine of up to not exceeding \$250,000 or twice
1217 the value of the currency or payment instruments, whichever is
1218 greater, except that on a second or subsequent violation of this
1219 section, the fine may be up to \$500,000 or quintuple the value
1220 of the currency or payment instruments, whichever is greater.

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1221 (7) A person who violates this section is also liable for
1222 a civil penalty of not more than the value of the currency or
1223 payment instruments involved or \$25,000, whichever is greater.

1224 (8) In any prosecution brought pursuant to this section,
1225 the common law corpus delicti rule does not apply. The
1226 defendant's confession or admission is admissible during trial
1227 without the state having to prove the corpus delicti if the
1228 court finds in a hearing conducted outside the presence of the
1229 jury that the defendant's confession or admission is
1230 trustworthy. Before the court admits the defendant's confession
1231 or admission, the state must prove by a preponderance of the
1232 evidence that there is sufficient corroborating evidence that
1233 tends to establish the trustworthiness of the statement by the
1234 defendant. Hearsay evidence is admissible during the
1235 presentation of evidence at the hearing. In making its
1236 determination, the court may consider all relevant corroborating
1237 evidence, including the defendant's statements.

1238 Section 21. Section 560.126, Florida Statutes, is amended
1239 to read:

1240 560.126 ~~Significant events; notice~~ Required notice by
1241 licensee.--

1242 (1) A licensee ~~Unless exempted by the office, every money~~
1243 ~~transmitter~~ must provide the office with a written notice sent
1244 by registered mail within 30 days after the occurrence or
1245 knowledge of, whichever period of time is greater, any of the
1246 following events:

1247 (a) The filing of a petition under the United States
1248 Bankruptcy Code for bankruptcy or reorganization by the licensee
1249 ~~money transmitter~~.

1250 (b) The commencement of an administrative or judicial
1251 license ~~any registration~~ suspension or revocation proceeding,

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1252 ~~either administrative or judicial,~~ or the denial of a license
1253 ~~any original registration request or a registration renewal,~~ by
1254 any state, the District of Columbia, any United States
1255 territory, or any foreign country, in which the licensee money
1256 ~~transmitter~~ operates, ~~or plans to operate,~~ or is licensed ~~or has~~
1257 ~~registered~~ to operate.

1258 (c) A felony indictment relating to a the money services
1259 ~~transmission~~ business or deferred presentment provider involving
1260 the licensee, its authorized vendor, or an affiliated money
1261 ~~transmitter or a money transmitter~~ affiliated party ~~of the money~~
1262 ~~transmitter.~~

1263 (d) The felony conviction, guilty plea, or plea of nolo
1264 ~~contendere,~~ regardless of adjudication, of the licensee, its
1265 authorized vendor, or an affiliated ~~if the court adjudicates the~~
1266 ~~nolo contendere pleader guilty, or the adjudication of guilt of~~
1267 ~~a money transmitter or money transmitter~~ affiliated party.

1268 (e) The interruption of any corporate surety bond required
1269 under this chapter ~~by the code.~~

1270 (f) Any suspected criminal act, ~~as defined by the~~
1271 ~~commission by rule,~~ perpetrated in this state relating to
1272 activities regulated under this chapter by an affiliated party
1273 against a money services business ~~transmitter~~ or authorized
1274 vendor.

1275 (g) Notification by a law enforcement or prosecutorial
1276 agency that the licensee or its authorized vendor is under
1277 criminal investigation including, but not limited to, subpoenas
1278 to produce records or testimony and warrants issued by a court
1279 of competent jurisdiction which authorize the search and seizure
1280 of any records relating to a business activity regulated under
1281 this chapter.

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1283 ~~However, a person does not incur liability as a result of making~~
1284 ~~a good faith effort to fulfill this disclosure requirement.~~

1285 (2)(a) A licensee must ~~Each registrant under this code~~
1286 ~~shall~~ report, on a form adopted ~~prescribed~~ by rule of the
1287 ~~commission~~, any change in the information contained in an any
1288 initial license application form, ~~or~~ any amendment to such
1289 application, or the appointment of an authorized vendor within
1290 ~~thereto not later than~~ 30 days after the change is effective.

1291 (3)(b) Each licensee must ~~registrant under the code shall~~
1292 report any change ~~changes~~ in the partners, officers, members,
1293 joint venturers, directors, controlling shareholders, or
1294 responsible persons of the licensee ~~any registrant~~ or changes in
1295 the form of business organization by written amendment in such
1296 form and at such time as specified ~~the commission specifies~~ by
1297 rule.

1298 (a)1. If ~~In~~ any case in which a person ~~or a group of~~
1299 ~~persons~~, directly or indirectly or acting by or through one or
1300 more persons, proposes to purchase or acquire a controlling
1301 interest in a licensee, such person or group must submit an
1302 ~~initial~~ application for licensure ~~registration~~ as a money
1303 services business or deferred presentment provider ~~transmitter~~
1304 before such purchase or acquisition at such time and in such
1305 form as prescribed ~~the commission prescribes~~ by rule.

1306 2. As used in this subsection, the term "controlling
1307 interest" means the same as described in s. 560.127 ~~possession~~
1308 ~~of the power to direct or cause the direction of the management~~
1309 ~~or policies of a company whether through ownership of~~
1310 ~~securities, by contract, or otherwise. Any person who directly~~
1311 ~~or indirectly has the right to vote 25 percent or more of the~~
1312 ~~voting securities of a company or is entitled to 25 percent or~~

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1313 ~~more of its profits is presumed to possess a controlling~~
1314 ~~interest.~~

1315 ~~(b)3.~~ The Any addition of a partner, officer, member,
1316 joint venturer, director, controlling shareholder, or
1317 responsible person of the applicant who does not have a
1318 controlling interest and who has not previously complied with
1319 the applicable provisions of ss. 560.140 and 560.141 is ss.
1320 ~~560.205 and 560.306 shall be~~ subject to such provisions unless
1321 ~~required to file an initial application in accordance with~~
1322 ~~subparagraph 1.~~ If the office determines that the licensee
1323 ~~registrant~~ does not continue to meet the licensure registration
1324 requirements, the office may bring an administrative action in
1325 accordance with s. 560.114 to enforce the provisions of this
1326 chapter code.

1327 ~~(c)4.~~ The commission shall adopt rules pursuant to ~~ss.~~
1328 ~~120.536(1) and 120.54~~ providing for the waiver of the license
1329 application required by this subsection if the person or group
1330 of persons proposing to purchase or acquire a controlling
1331 interest in a licensee registrant has previously complied with
1332 the applicable provisions of ss. 560.140 and 560.141 under ss.
1333 ~~560.205 and 560.306~~ with the same legal entity or is currently
1334 licensed registered with the office under this chapter code. For
1335 purposes of this subsection, upon approval of an application
1336 filed after April 1, 2008, as a result of a change in
1337 controlling interest of a money service business, the active
1338 appointment of all authorized vendors and active licenses of all
1339 branch offices affiliated with the affected money service
1340 business shall be transferred to the new license without
1341 necessitating the filing of new applications and fees on behalf
1342 of such authorized vendors and branch offices.

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1343 Section 22. Section 560.127, Florida Statutes, is amended
1344 to read:

1345 560.127 Control of a money services business
1346 ~~transmitter.~~--A person has a controlling interest in control
1347 ~~over~~ a money services business transmitter if the person:

1348 (1) ~~The individual, partnership, corporation, trust, or~~
1349 ~~other organization~~ Possesses the power, directly or indirectly,
1350 to direct the management or policies of the money services
1351 business a company, whether through ownership ~~of securities~~, by
1352 contract, or otherwise; ~~A person is presumed to control a~~
1353 ~~company if, with respect to a particular company, that person:~~

1354 ~~(a) Is a director, general partner, or officer exercising~~
1355 ~~executive responsibility or having similar status or functions;~~

1356 (2)(b) Directly or indirectly may vote 25 percent or more
1357 of a class of a voting security or sell or direct the sale of 25
1358 percent or more of a class of voting securities; or

1359 (3)(e) In the case of a partnership, may receive upon
1360 dissolution or has contributed 25 percent or more of the
1361 capital.

1362 ~~(2) The office determines, after notice and opportunity~~
1363 ~~for hearing, that the person directly or indirectly exercises a~~
1364 ~~controlling influence over the activities of the money~~
1365 ~~transmitter.~~

1366 Section 23. Section 560.128, Florida Statutes, is amended
1367 to read:

1368 560.128 Customer contacts; license display Consumer
1369 disclosure.--

1370 (1) A money services business and authorized vendor must
1371 provide each customer with ~~Every money transmitter and~~
1372 ~~authorized vendor shall provide each consumer of a money~~
1373 ~~transmitter transaction~~ a toll-free telephone number for the

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1374 purpose of contacting the money services business or authorized
1375 vendor or, consumer contacts; However, in lieu of a such toll-
1376 free telephone number, ~~the money transmitter or authorized~~
1377 ~~vendor may provide~~ the address and telephone number of the
1378 office may be provided and ~~the Division of Consumer Services of~~
1379 ~~the Department of Financial Services.~~

1380 (2) The commission may by rule require a licensee every
1381 ~~money transmitter~~ to display its license registration at each
1382 location, ~~including the location of each person designated by~~
1383 ~~the registrant as an authorized vendor,~~ where the licensee the
1384 ~~money transmitter~~ engages in the activities authorized by the
1385 license registration.

1386 Section 24. Section 560.129, Florida Statutes, is amended
1387 to read:

1388 560.129 Confidentiality.--

1389 (1)~~(a)~~ Except as otherwise provided in this section, all
1390 information concerning an investigation or examination conducted
1391 by the office pursuant to this chapter, including any customer
1392 ~~consumer~~ complaint received by the office or the Department of
1393 Financial Services, is confidential and exempt from s. 119.07(1)
1394 and s. 24(a), Art. I of the State Constitution until the
1395 investigation or examination ceases to be active. For purposes
1396 of this section, an investigation or examination is considered
1397 "active" so long as the office or any other administrative,
1398 regulatory, or law enforcement agency of any jurisdiction is
1399 proceeding with reasonable dispatch and has a reasonable good
1400 faith belief that action may be initiated by the office or other
1401 administrative, regulatory, or law enforcement agency.

1402 (2)~~(b)~~ ~~Notwithstanding paragraph (a),~~ All information
1403 obtained by the office in the course of its investigation or
1404 examination which is a trade secret, as defined in s. 688.002,

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1405 or which is personal financial information shall remain
1406 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1407 of the State Constitution. If any administrative, civil, or
1408 criminal proceeding against a the money services business, its
1409 authorized vendor, transmitter or an affiliated a money
1410 ~~transmitter-affiliated~~ party is initiated and the office seeks
1411 to use matter that a licensee registrant believes to be a trade
1412 secret or personal financial information, such records shall be
1413 subject to an in camera review by the administrative law judge,
1414 if the matter is before the Division of Administrative Hearings,
1415 or a judge of any court of this state, any other state, or the
1416 United States, as appropriate, for the purpose of determining if
1417 the matter is a trade secret or is personal financial
1418 information. If it is determined that the matter is a trade
1419 secret, the matter shall remain confidential. If it is
1420 determined that the matter is personal financial information,
1421 the matter shall remain confidential unless the administrative
1422 law judge or judge determines that, in the interests of justice,
1423 the matter should become public.

1424 (3)-(e) If an any administrative, civil, or criminal
1425 proceeding against a the money services business, its authorized
1426 vendor, transmitter or an affiliated a money transmitter-
1427 ~~affiliated~~ party results in an acquittal or the dismissal of all
1428 of the allegations ~~against the money transmitter or a money~~
1429 ~~transmitter-affiliated party~~, upon the request of any party, the
1430 administrative law judge or the judge may order all or a portion
1431 of the record of the proceeding to be sealed, and it shall
1432 thereafter be confidential and exempt from s. 119.07(1) and s.
1433 24(a), Art. I of the State Constitution.

1434 (4)-(d) Except as necessary for the office or any other
1435 administrative, regulatory, or law enforcement agency of any

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1436 jurisdiction to enforce the provisions of this chapter or the
1437 law of any other state or the United States, a consumer
1438 complaint and other information concerning an investigation or
1439 examination shall remain confidential and exempt from s.
1440 119.07(1) and s. 24(a), Art. I of the State Constitution after
1441 the investigation or examination ceases to be active to the
1442 extent that disclosure would:

1443 ~~(a)1-~~ Jeopardize the integrity of another active
1444 investigation;

1445 ~~(b)2-~~ Reveal personal financial information;

1446 ~~(c)3-~~ Reveal the identity of a confidential source; or

1447 ~~(d)4-~~ Reveal investigative techniques or procedures.

1448 ~~(5)-2-~~ This section does not prevent or restrict:

1449 (a) Furnishing records or information to any appropriate
1450 regulatory, prosecutorial, agency or law enforcement agency if
1451 such agency adheres to the confidentiality provisions of this
1452 chapter ~~the code~~;

1453 (b) Furnishing records or information to an appropriate
1454 regulator or independent third party ~~or a certified public~~
1455 ~~accountant~~ who has been approved by the office to conduct an
1456 examination under s. 560.1091 ~~s. 560.118(1)(b)~~, if the
1457 independent third party ~~or certified public accountant~~ adheres
1458 to the confidentiality provisions of this chapter ~~the code~~; or

1459 (c) Reporting any suspicious ~~suspected criminal~~ activity,
1460 with supporting documents and information, to appropriate
1461 regulatory, law enforcement, or prosecutorial agencies.

1462 ~~(6)-3-~~ All quarterly reports submitted ~~by a money~~
1463 ~~transmitter~~ to the office under s. 560.118(2) ~~s. 560.118(2)(b)~~
1464 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
1465 I of the State Constitution.

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1466 ~~(4) Examination reports, investigatory records,~~
1467 ~~applications, and related information compiled by the office, or~~
1468 ~~photographic copies thereof, shall be retained by the office for~~
1469 ~~a period of at least 3 years following the date that the~~
1470 ~~examination or investigation ceases to be active. Application~~
1471 ~~records, and related information compiled by the office, or~~
1472 ~~photographic copies thereof, shall be retained by the office for~~
1473 ~~a period of at least 2 years following the date that the~~
1474 ~~registration ceases to be active.~~

1475 ~~(7)~~(5) Any person who willfully discloses information made
1476 confidential by this section commits a felony of the third
1477 degree, punishable as provided in s. 775.082 or s. 775.083.

1478 Section 25. Section 560.140, Florida Statutes, is created
1479 to read:

1480 560.140 Licensing standards.--To qualify for licensure as
1481 a money services business under this chapter, an applicant must:

1482 (1) Demonstrate to the office the character and general
1483 fitness necessary to command the confidence of the public and
1484 warrant the belief that the money services business or deferred
1485 presentment provider shall be operated lawfully and fairly.

1486 (2) Be legally authorized to do business in this state.

1487 (3) Be registered as a money services business with the
1488 Financial Crimes Enforcement Network as required by 31 C.F.R. s.
1489 103.41, if applicable.

1490 (4) Have an anti-money laundering program in place which
1491 meets the requirements of 31 C.F.R. s. 103.125.

1492 (5) Provide the office with all the information required
1493 under this chapter and related rules.

1494 Section 26. Section 560.141, Florida Statutes, is created
1495 to read:

1496 560.141 License application.--

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1497 (1) To apply for a license as a money services business
1498 under this chapter the applicant must:

1499 (a) Submit an application to the office on forms
1500 prescribed by rule which includes the following information:

1501 1. The legal name and address of the applicant, including
1502 any fictitious or trade names used by the applicant in the
1503 conduct of its business.

1504 2. The date of the applicant's formation and the state in
1505 which the applicant was formed, if applicable.

1506 3. The name, social security number, alien identification
1507 or taxpayer identification number, business and residence
1508 addresses, and employment history for the past 5 years for each
1509 officer, director, responsible person, the compliance officer,
1510 each controlling shareholder, any other person who has a
1511 controlling interest in the money services business as provided
1512 in s. 560.127.

1513 4. A description of the organizational structure of the
1514 applicant, including the identity of any parent or subsidiary of
1515 the applicant, and the disclosure of whether any parent or
1516 subsidiary is publicly traded.

1517 5. The applicant's history of operations in other states
1518 if applicable and a description of the money services business
1519 or deferred presentment provider activities proposed to be
1520 conducted by the applicant in this state.

1521 6. If the applicant or its parent is a publicly traded
1522 company, copies of all filings made by the applicant with the
1523 United States Securities and Exchange Commission, or with a
1524 similar regulator in a country other than the United States,
1525 within the preceding year.

1526 7. The location at which the applicant proposes to
1527 establish its principal place of business and any other

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1528 location, including branch offices and authorized vendors
1529 operating in this state. For each branch office identified and
1530 each authorized vendor appointed, the applicant shall include
1531 the nonrefundable fee required by s. 560.143.

1532 8. The name and address of the clearing financial
1533 institution or financial institutions through which the
1534 applicant's payment instruments are drawn or through which the
1535 payment instruments are payable.

1536 9. The history of the applicant's material litigation,
1537 criminal convictions, pleas of nolo contendere, and cases of
1538 adjudication withheld.

1539 10. The history of material litigation, arrests, criminal
1540 convictions, pleas of nolo contendere, and cases of adjudication
1541 withheld for each executive officer, director, controlling
1542 shareholder, and responsible person.

1543 11. The name of the registered agent in this state for
1544 service of process unless the applicant is a sole proprietor.

1545 12. Any other information specified in this chapter or by
1546 rule.

1547 (b) In addition to the application form, submit:

1548 1. A nonrefundable application fee as provided in s.
1549 560.143.

1550 2. A fingerprint card for each of the persons listed in
1551 subparagraph (a)3. unless the applicant is a publicly traded
1552 corporation, or is exempted from this chapter under s.
1553 560.104(1). The fingerprints must be taken by an authorized law
1554 enforcement agency. The office shall submit the fingerprints to
1555 the Department of Law Enforcement for state processing and the
1556 Department of Law Enforcement shall forward the fingerprints to
1557 the Federal Bureau of Investigations for federal processing. The
1558 cost of the fingerprint processing may be borne by the office,

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1559 the employer, or the person subject to the criminal records
1560 background check. The office shall screen the background results
1561 to determine if the applicant meets licensure requirements. As
1562 used in this section, the term "publicly traded" means a stock
1563 is currently traded on a national securities exchange registered
1564 with the federal Securities and Exchange Commission or traded on
1565 an exchange in a country other than the United States regulated
1566 by a regulator equivalent to the Securities and Exchange
1567 Commission and the disclosure and reporting requirements of such
1568 regulator are substantially similar to those of the commission.

1569 3. A copy of the applicant's written anti-money laundering
1570 program required under 31 C.F.R. s. 103.125.

1571 4. Within the time allotted by rule, any information
1572 needed to resolve any deficiencies found in the application.

1573 (2) If the office determines that the applicant meets the
1574 qualifications and requirements of this chapter, the office
1575 shall issue a license to the applicant. A license may not be
1576 issued for more than 2 years.

1577 (a) A license issued under part II of this chapter shall
1578 expire on April 30 of the second year following the date of
1579 issuance of the license unless during such period the license is
1580 surrendered, suspended, or revoked.

1581 (b) A license issued under part III of this chapter shall
1582 expire on December 31 of the second year following the date of
1583 issuance of the license unless during such period the license is
1584 surrendered, suspended, or revoked.

1585 Section 27. Section 560.142, Florida Statutes, is created
1586 to read:

1587 560.142 License renewal.--

1588 (1) A license may be renewed for a subsequent 2-year
1589 period by furnishing such application as required by rule,

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1590 together with the payment of a nonrefundable renewal fee as
1591 provided under s. 560.143, on or before the license expiration
1592 date, or for the remainder of any such period without proration
1593 following the date of license expiration.

1594 (2) In addition to the renewal fee, each part II licensee
1595 must pay a 2-year nonrefundable renewal fee as provided in s.
1596 560.143 for each authorized vendor or location operating within
1597 this state.

1598 (3) A licensee who has on file with the office a
1599 declaration of intent to engage in deferred presentment
1600 transactions may renew a declaration upon license renewal by
1601 submitting a nonrefundable deferred presentment provider renewal
1602 fee as provided in s. 560.143.

1603 (4) If a license or declaration of intent to engage in
1604 deferred presentment transactions expires, the license or
1605 declaration of intent may be reinstated only if a renewal
1606 application or declaration of intent, all required renewal fees,
1607 and any applicable late fees are received by the office within
1608 60 days after expiration. If not submitted within 60 days, the
1609 license or declaration on intent expires and a new license
1610 application or declaration of intent must be filed with the
1611 office pursuant to this chapter.

1612 (5) The commission may adopt rules to administer this
1613 section.

1614 Section 28. Section 560.143, Florida Statutes, is created
1615 to read:

1616 560.143 Fees.--

1617 (1) LICENSE APPLICATION FEES.--The applicable non-
1618 refundable fees must accompany an application for licensure:

1619 (a) Under part II \$375.

1620 (b) Part III \$188.

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1621 (c) Per branch office \$38.

1622 (d) For each appointment of an authorized vendor \$38.

1623 (e) Declaration as a deferred presentment provider \$1,000.

1624 (f) Fingerprint fees as prescribed by rule.

1625 (2) LICENSE RENEWAL FEES.--The applicable non-refundable
1626 license renewal fees must accompany a renewal of licensure:

1627 (a) Part II \$750.

1628 (b) Part III \$375.

1629 (c) Per branch office \$38.

1630 (d) For each appointment of an authorized vendors \$38.

1631 (e) Declaration as a deferred presentment provider \$1,000.

1632 (f) Renewal fees for branch offices and authorized vendors

1633 are limited to \$20,000 biennially.

1634 (3) LATE LICENSE RENEWAL FEES.--

1635 (a) Part II \$500.

1636 (b) Part III \$250.

1637 (c) Declaration as a deferred presentment provider \$500.

1638 Section 29. Section 560.203, Florida Statutes, is amended
1639 to read:

1640 560.203 Exemptions from licensure.--Authorized vendors of
1641 a licensee registrant acting within the scope of authority
1642 conferred by the licensee ~~are registrant shall be exempt from~~
1643 licensure but are having to register pursuant to the code but
1644 ~~shall otherwise be subject to the its provisions of this~~
1645 chapter.

1646 Section 30. Section 560.204, Florida Statutes, is amended
1647 to read:

1648 560.204 License required ~~Requirement of registration.~~--

1649 (1) Unless exempted, a No person may not shall engage in
1650 ~~for consideration, or nor~~ in any manner advertise that they
1651 engage, in, the selling or issuing of payment instruments or in

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1652 the activity of a money funds transmitter, for compensation,
1653 without first obtaining a license registration under the
1654 provisions of this part. For purposes of this section,
1655 "compensation" includes profit or loss on the exchange of
1656 currency.

1657 (2) A licensee under this part person registered pursuant
1658 to this part is permitted to engage in the activities authorized
1659 by this part. A person registered pursuant to this part may also
1660 engage in the activities authorized under part III of this
1661 chapter without the imposition of any additional licensing fees
1662 and is exempt from the registration fee required by s. 560.307.

1663 Section 31. Section 560.205, Florida Statutes, is amended
1664 to read:

1665 560.205 Additional license application requirements
1666 Qualifications of applicant for registration; contents.--In
1667 addition to the license application requirements under part I of
1668 this chapter, an applicant seeking a license under this part
1669 must also submit to the office:

1670 (1) A sample authorized vendor contract, if applicable.

1671 (2) A sample form of payment instrument, if applicable.

1672 (3) Documents demonstrating that the net worth and bonding
1673 requirements specified in s. 560.209 have been fulfilled.

1674 (4) A copy of the applicant's financial audit report for
1675 the most recent fiscal year. If the applicant is a wholly owned
1676 subsidiary of another corporation, the financial audit report on
1677 the parent corporation's financial statements shall satisfy this
1678 requirement.

1679 ~~(1) To qualify for registration under this part, an~~
1680 ~~applicant must demonstrate to the office such character and~~
1681 ~~general fitness as to command the confidence of the public and~~
1682 ~~warrant the belief that the registered business will be operated~~

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1683 ~~lawfully and fairly. The office may investigate each applicant~~
1684 ~~to ascertain whether the qualifications and requirements~~
1685 ~~prescribed by this part have been met. The office's~~
1686 ~~investigation may include a criminal background investigation of~~
1687 ~~all controlling shareholders, principals, officers, directors,~~
1688 ~~members, and responsible persons of a funds transmitter and a~~
1689 ~~payment instrument seller and all persons designated by a funds~~
1690 ~~transmitter or payment instrument seller as an authorized~~
1691 ~~vendor. Each controlling shareholder, principal, officer,~~
1692 ~~director, member, and responsible person of a funds transmitter~~
1693 ~~or payment instrument seller, unless the applicant is a publicly~~
1694 ~~traded corporation as defined by the commission by rule, a~~
1695 ~~subsidiary thereof, or a subsidiary of a bank or bank holding~~
1696 ~~company organized and regulated under the laws of any state or~~
1697 ~~the United States, shall file a complete set of fingerprints. A~~
1698 ~~fingerprint card submitted to the office must be taken by an~~
1699 ~~authorized law enforcement agency. The office shall submit the~~
1700 ~~fingerprints to the Department of Law Enforcement for state~~
1701 ~~processing, and the Department of Law Enforcement shall forward~~
1702 ~~the fingerprints to the Federal Bureau of Investigation for~~
1703 ~~state and federal processing. The cost of the fingerprint~~
1704 ~~processing may be borne by the office, the employer, or the~~
1705 ~~person subject to the background check. The Department of Law~~
1706 ~~Enforcement shall submit an invoice to the office for the~~
1707 ~~fingerprints received each month. The office shall screen the~~
1708 ~~background results to determine if the applicant meets licensure~~
1709 ~~requirements. The commission may waive by rule the requirement~~
1710 ~~that applicants file a set of fingerprints or the requirement~~
1711 ~~that such fingerprints be processed by the Department of Law~~
1712 ~~Enforcement or the Federal Bureau of Investigation.~~

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1713 ~~(2) Each application for registration must be submitted~~
1714 ~~under oath to the office on such forms as the commission~~
1715 ~~prescribes by rule and must be accompanied by a nonrefundable~~
1716 ~~application fee. Such fee may not exceed \$500 for each payment~~
1717 ~~instrument seller or funds transmitter and \$50 for each~~
1718 ~~authorized vendor or location operating within this state. The~~
1719 ~~application must contain such information as the commission~~
1720 ~~requires by rule, including, but not limited to:~~

1721 ~~(a) The name and address of the applicant, including any~~
1722 ~~fictitious or trade names used by the applicant in the conduct~~
1723 ~~of its business.~~

1724 ~~(b) The history of the applicant's material litigation,~~
1725 ~~criminal convictions, pleas of nolo contendere, and cases of~~
1726 ~~adjudication withheld.~~

1727 ~~(c) A description of the activities conducted by the~~
1728 ~~applicant, the applicant's history of operations, and the~~
1729 ~~business activities in which the applicant seeks to engage in~~
1730 ~~this state.~~

1731 ~~(d) A sample authorized vendor contract, if applicable.~~

1732 ~~(e) A sample form of payment instrument, if applicable.~~

1733 ~~(f) The name and address of the clearing financial~~
1734 ~~institution or financial institutions through which the~~
1735 ~~applicant's payment instruments will be drawn or through which~~
1736 ~~such payment instruments will be payable.~~

1737 ~~(g) Documents revealing that the net worth and bonding~~
1738 ~~requirements specified in s. 560.209 have been or will be~~
1739 ~~fulfilled.~~

1740 ~~(3) Each application for registration by an applicant that~~
1741 ~~is a corporation shall contain such information as the~~
1742 ~~commission requires by rule, including, but not limited to:~~

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1743 ~~(a) The date of the applicant's incorporation and state of~~
1744 ~~incorporation.~~

1745 ~~(b) A certificate of good standing from the state or~~
1746 ~~country in which the applicant was incorporated.~~

1747 ~~(c) A description of the corporate structure of the~~
1748 ~~applicant, including the identity of any parent or subsidiary of~~
1749 ~~the applicant, and the disclosure of whether any parent or~~
1750 ~~subsidiary is publicly traded on any stock exchange.~~

1751 ~~(d) The name, social security number, business and~~
1752 ~~residence addresses, and employment history for the past 5 years~~
1753 ~~for each executive officer, each director, each controlling~~
1754 ~~shareholder, and the responsible person who will be in charge of~~
1755 ~~all the applicant's business activities in this state.~~

1756 ~~(e) The history of material litigation and criminal~~
1757 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
1758 ~~withheld for each officer, each director, each controlling~~
1759 ~~shareholder, and the responsible person who will be in charge of~~
1760 ~~the applicant's registered activities.~~

1761 ~~(f) Copies of the applicant's audited financial statements~~
1762 ~~for the current year and, if available, for the immediately~~
1763 ~~preceding 2 year period. In cases where the applicant is a~~
1764 ~~wholly owned subsidiary of another corporation, the parent's~~
1765 ~~consolidated audited financial statements may be submitted to~~
1766 ~~satisfy this requirement. An applicant who is not required to~~
1767 ~~file audited financial statements may satisfy this requirement~~
1768 ~~by filing unaudited financial statements verified under penalty~~
1769 ~~of perjury, as provided by the commission by rule.~~

1770 ~~(g) An applicant who is not required to file audited~~
1771 ~~financial statements may file copies of the applicant's~~
1772 ~~unconsolidated, unaudited financial statements for the current~~

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1773 ~~year and, if available, for the immediately preceding 2-year~~
1774 ~~period.~~

1775 ~~(h) If the applicant is a publicly traded company, copies~~
1776 ~~of all filings made by the applicant with the United States~~
1777 ~~Securities and Exchange Commission, or with a similar regulator~~
1778 ~~in a country other than the United States, within the year~~
1779 ~~preceding the date of filing of the application.~~

1780 ~~(4) Each application for registration submitted to the~~
1781 ~~office by an applicant that is not a corporation shall contain~~
1782 ~~such information as the commission requires by rule, including,~~
1783 ~~but not limited to:~~

1784 ~~(a) Evidence that the applicant is registered to do~~
1785 ~~business in this state.~~

1786 ~~(b) The name, business and residence addresses, personal~~
1787 ~~financial statement and employment history for the past 5 years~~
1788 ~~for each individual having a controlling ownership interest in~~
1789 ~~the applicant, and each responsible person who will be in charge~~
1790 ~~of the applicant's registered activities.~~

1791 ~~(c) The history of material litigation and criminal~~
1792 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
1793 ~~withheld for each individual having a controlling ownership~~
1794 ~~interest in the applicant and each responsible person who will~~
1795 ~~be in charge of the applicant's registered activities.~~

1796 ~~(d) Copies of the applicant's audited financial statements~~
1797 ~~for the current year, and, if available, for the preceding 2~~
1798 ~~years. An applicant who is not required to file audited~~
1799 ~~financial statements may satisfy this requirement by filing~~
1800 ~~unaudited financial statements verified under penalty of~~
1801 ~~perjury, as provided by the commission by rule.~~

1802 ~~(5) Each applicant shall designate and maintain an agent~~
1803 ~~in this state for service of process.~~

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1804 Section 32. Section 560.208, Florida Statutes, is amended
1805 to read:

1806 560.208 Conduct of business.--In addition to the
1807 requirements specified in s. 560.140, a licensee under this
1808 part:

1809 (1) ~~A registrant~~ May conduct its business at one or more
1810 locations within this state through branches or by means of
1811 authorized vendors, as designated by the licensee registrant,
1812 including the conduct of business through electronic transfer,
1813 such as by the telephone or the Internet.

1814 (2) Notwithstanding and without violating s. 501.0117, a
1815 ~~registrant~~ may charge a different price for a money transmitter
1816 ~~funds transmission~~ service based on the mode of transmission
1817 used in the transaction ~~as, so~~ long as the price charged for a
1818 service paid for with a credit card is not more ~~greater~~ than the
1819 price charged when the ~~that~~ service is paid for with currency or
1820 other similar means accepted within the same mode of
1821 transmission.

1822 (3) Is responsible for the acts of its authorized vendors
1823 in accordance with the terms of its written contract with the
1824 vendor.

1825 (4) Shall place assets that are the property of a customer
1826 in a segregated account in a federally insured financial
1827 institution and shall maintain separate accounts for operating
1828 capital and the clearing of customer funds.

1829 (5) Shall, in the normal course of business, ensure that
1830 money transmitted is available to the designated recipient
1831 within 10 business days after receipt.

1832 (6) Shall immediately upon receipt of currency or payment
1833 instrument provide a confirmation or sequence number to the
1834 customer verbally, by paper, or electronically.

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1835 ~~(2) Within 60 days after the date a registrant either~~
1836 ~~opens a location within this state or authorizes an authorized~~
1837 ~~vendor to operate on the registrant's behalf within this state,~~
1838 ~~the registrant shall notify the office on a form prescribed by~~
1839 ~~the commission by rule. The notification shall be accompanied by~~
1840 ~~a nonrefundable \$50 fee for each authorized vendor or location.~~
1841 ~~Each notification shall also be accompanied by a financial~~
1842 ~~statement demonstrating compliance with s. 560.209(1), unless~~
1843 ~~compliance has been demonstrated by a financial statement filed~~
1844 ~~with the registrant's quarterly report in compliance with s.~~
1845 ~~560.118(2). The financial statement must be dated within 90 days~~
1846 ~~of the date of designation of the authorized vendor or location.~~
1847 ~~This subsection shall not apply to any authorized vendor or~~
1848 ~~location that has been designated by the registrant before~~
1849 ~~October 1, 2001.~~

1850 ~~(3) Within 60 days after the date a registrant closes a~~
1851 ~~location within this state or withdraws authorization for an~~
1852 ~~authorized vendor to operate on the registrant's behalf within~~
1853 ~~this state, the registrant shall notify the office on a form~~
1854 ~~prescribed by the commission by rule.~~

1855 Section 33. Section 560.2085, Florida Statutes, is created
1856 to read:

1857 560.2085 Authorized vendors.--A licensee under this part
1858 shall:

1859 (1) Within 60 days after an authorized vendor commences
1860 business, file with the office such information as prescribed by
1861 rule together with the nonrefundable appointment fee as provided
1862 by s. 560.143. This requirement applies to vendors who are also
1863 terminated within the 60-day period.

1864 (2) Enter into a written contract, signed by the licensee
1865 and the authorized vendor, which:

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- 1866 (a) Sets forth the nature and scope of the relationship
1867 between the licensee and the authorized vendor, including the
1868 respective rights and responsibilities of the parties; and
1869 (b) Includes contract provisions that require the
1870 authorized vendor to:
1871 1. Report to the licensee, immediately upon discovery, the
1872 theft or loss of currency received for a transmission or payment
1873 instrument;
1874 2. Display a notice to the public, in such form as
1875 prescribed by rule, that the vendor is the authorized vendor of
1876 the licensee;
1877 3. Remit all amounts owed to the licensee for all
1878 transmissions accepted and all payment instruments sold in
1879 accordance with the contract between the licensee and the
1880 authorized vendor;
1881 4. Hold in trust all currency or payment instruments
1882 received for transmissions or for the purchase of payment
1883 instruments from the time of receipt by the licensee or
1884 authorized vendor until the time the transmission obligation is
1885 completed;
1886 5. Not commingle the money received for transmissions
1887 accepted or payment instruments sold on behalf of the licensee
1888 with the money or property of the authorized vendor, except for
1889 making change in the ordinary course of the vendor's business,
1890 and ensure that the money is accounted for at the end of the
1891 business day;
1892 6. Consent to examination or investigation by the office;
1893 7. Adhere to the applicable state and federal laws and
1894 rules pertaining to a money services business; and
1895 8. Provide such other information or disclosure as may be
1896 required by rule.

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1897 (3) Develop and implement written policies and procedures
1898 to monitor compliance with applicable state and federal law by
1899 its authorized vendors.

1900 Section 34. Section 560.209, Florida Statutes, is amended
1901 to read:

1902 560.209 Net worth; corporate surety bond; collateral
1903 deposit in lieu of bond.--

1904 (1) A licensee must ~~Any person engaging in a registered~~
1905 ~~activity shall~~ have a net worth of at least \$100,000 ~~computed~~
1906 ~~according to generally accepted accounting principles. A~~
1907 licensee operating in ~~Applicants proposing to conduct registered~~
1908 ~~activities at more than one location must shall~~ have an
1909 additional net worth of \$10,000 ~~\$50,000~~ per location in this
1910 state, up as applicable, to a maximum of \$2 million ~~\$500,000~~.
1911 The required net worth must be maintained at all times.

1912 (2) A licensee must obtain an annual financial audit
1913 report, which must be submitted to the office within 120 days
1914 after the end of the licensee's fiscal year end, as disclosed to
1915 the office. If the applicant is a wholly owned subsidiary of
1916 another corporation, the financial audit report on the parent
1917 corporation's financial statements shall satisfy this
1918 requirement.

1919 (3)~~(2)~~ Before the office may issue a license under this
1920 part registration, the applicant must provide to the office a
1921 corporate surety bond, issued by a bonding company or insurance
1922 company authorized to do business in this state.

1923 (a) The corporate surety bond shall be in an such amount
1924 as specified may be determined by ~~commission~~ rule, but may shall
1925 not be less than \$50,000 or exceed \$2 million ~~\$250,000~~. The rule
1926 shall provide allowances for the financial condition, number of
1927 locations, and anticipated volume of the licensee. However, the

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1928 ~~commission and office may consider extraordinary circumstances,~~
1929 ~~such as the registrant's financial condition, the number of~~
1930 ~~locations, and the existing or anticipated volume of outstanding~~
1931 ~~payment instruments or funds transmitted, and require an~~
1932 ~~additional amount above \$250,000, up to \$500,000.~~

1933 (b) The corporate surety bond must ~~shall~~ be in a form
1934 satisfactory to the office and shall run to the state for the
1935 benefit of any claimants in this state against the applicant or
1936 its authorized vendors to secure the faithful performance of the
1937 obligations of the applicant and its ~~authorized~~ vendors with
1938 respect to the receipt, handling, transmission, and payment of
1939 funds. The aggregate liability of the corporate surety bond may
1940 not ~~in no event shall~~ exceed the principal sum of the bond. ~~Such~~
1941 Claimants against the applicant or its authorized vendors may
1942 ~~themselves~~ bring suit directly on the corporate surety bond, or
1943 the Department of Legal Affairs may bring suit ~~thereon~~ on behalf
1944 of the such claimants, ~~in either one action or in successive~~
1945 ~~actions.~~

1946 (c) The A corporate surety bond ~~filed with the office for~~
1947 ~~purposes of compliance with this section~~ may not be canceled by
1948 either the licensee registrant or the corporate surety except
1949 upon written notice to the office by registered ~~or certified~~
1950 mail ~~with return receipt requested~~. A cancellation may shall not
1951 take effect until less than 30 days after receipt by the office
1952 of the such written notice.

1953 (d) The corporate surety must, within 10 days after it
1954 pays any claim ~~to any claimant~~, give written notice to the
1955 office by registered ~~or certified~~ mail of such payment with
1956 details sufficient to identify the claimant and the claim or
1957 judgment ~~so~~ paid.

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1958 (e) ~~If Whenever~~ the principal sum of the such bond is
1959 reduced by one or more recoveries or payments, the licensee
1960 ~~registrant~~ must furnish a new or additional bond so that the
1961 total or aggregate principal sum of the such bond equals the sum
1962 required pursuant to paragraph (a) ~~by the commission~~.
1963 Alternatively, a licensee registrant may furnish an endorsement
1964 executed by the corporate surety reinstating the bond to the
1965 required principal sum ~~thereof~~.

1966 ~~(4)(3)~~ In lieu of a a such corporate surety bond, or of any
1967 portion of the principal sum ~~thereof~~ required by this section,
1968 the applicant may deposit collateral cash, securities, or
1969 alternative security devices as provided by rule ~~approved by the~~
1970 ~~commission~~, with a any federally insured financial institution.

1971 (a) Acceptable collateral deposit items ~~in lieu of a bond~~
1972 include cash and interest-bearing stocks and bonds, notes,
1973 debentures, or other obligations of the United States or any
1974 agency or instrumentality thereof, or guaranteed by the United
1975 States, or of this state.

1976 (b) The collateral deposit must be in an aggregate amount,
1977 based upon principal amount or market value, whichever is lower,
1978 of at least ~~not less than~~ the amount of the required corporate
1979 surety bond or portion thereof.

1980 (c) Collateral deposits must ~~made under this subsection~~
1981 ~~shall~~ be pledged to the office and held by the insured financial
1982 institution to secure the same obligations as ~~would~~ the
1983 corporate surety bond, but the depositor is entitled to receive
1984 any all interest and dividends thereon and may, with the
1985 approval of the office, substitute other securities or deposits
1986 for those deposited. The principal amount of the deposit shall
1987 be released only on written authorization of the office or on
1988 the order of a court of competent jurisdiction.

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1989 ~~(5)(4)~~ A licensee registrant must at all times have and
1990 maintain the bond or collateral deposit in the required amount
1991 ~~prescribed by the commission~~. If the office at any time
1992 reasonably determines that the bond or elements of the
1993 collateral deposit are insecure, deficient in amount, or
1994 exhausted in whole or in part, the office may, by written order,
1995 require the filing of a new or supplemental bond or the deposit
1996 of new or additional collateral deposit items.

1997 ~~(6)(5)~~ The bond and collateral deposit shall remain in
1998 place for 5 years after the licensee registrant ceases licensed
1999 ~~registered~~ operations in this state. The office may allow ~~permit~~
2000 the bond or collateral deposit to be reduced or eliminated prior
2001 to that time to the extent that the amount of the licensee's
2002 ~~registrant's~~ outstanding payment instruments or money funds
2003 transmitted in this state are reduced. The office may also allow
2004 a licensee ~~permit a registrant~~ to substitute a letter of credit
2005 or ~~such~~ other form of acceptable security for the bond or
2006 collateral deposit at the time the licensee registrant ceases
2007 licensed ~~money transmission~~ operations in this state.

2008 ~~(6)~~ ~~The office may waive or reduce a registrant's net~~
2009 ~~worth or bond or collateral deposit requirement. Such waiver or~~
2010 ~~modification must be requested by the applicant or registrant,~~
2011 ~~and may be granted upon a showing by the applicant or registrant~~
2012 ~~to the satisfaction of the office that:~~

2013 ~~(a) The existing net worth, bond, or collateral deposit~~
2014 ~~requirement is sufficiently in excess of the registrant's~~
2015 ~~highest potential level of outstanding payment instruments or~~
2016 ~~money transmissions in this state;~~

2017 ~~(b) The direct and indirect cost of meeting the net worth,~~
2018 ~~bond, or collateral deposit requirement will restrict the~~

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2019 ~~ability of the money transmitter to effectively serve the needs~~
2020 ~~of its customers and the public; or~~

2021 ~~(c) The direct and indirect cost of meeting the net worth,~~
2022 ~~bond, or collateral requirement will not only have a negative~~
2023 ~~impact on the money transmitter but will severely hinder the~~
2024 ~~ability of the money transmitter to participate in and promote~~
2025 ~~the economic progress and welfare of this state or the United~~
2026 ~~States.~~

2027 Section 35. Section 560.210, Florida Statutes, is amended
2028 to read:

2029 560.210 Permissible investments.--

2030 (1) A licensee must ~~registrant shall~~ at all times possess
2031 permissible investments with an aggregate market value,
2032 calculated in accordance with ~~United States~~ generally accepted
2033 accounting principles, of at least ~~not less than~~ the aggregate
2034 face amount of all outstanding money funds transmissions and
2035 payment instruments issued or sold by the licensee ~~registrant~~ or
2036 an authorized vendor in the United States. As used in this
2037 section,

2038 ~~(2) Acceptable~~ permissible investments include:

2039 (a) Cash.

2040 (b) Certificates of deposit or other deposit liabilities
2041 of a domestic or foreign financial institution, ~~either domestic~~
2042 ~~or foreign.~~

2043 (c) Bankers' acceptances eligible for purchase by member
2044 banks of the Federal Reserve System.

2045 (d) An investment bearing a rating of one of the three
2046 highest grades as defined by a nationally recognized rating
2047 service of such securities.

2048 (e) Investment securities that are obligations of the
2049 United States, its agencies or instrumentalities, or obligations

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2050 that are guaranteed fully as to principal and interest by the
2051 United States, or any obligations of any state or municipality,
2052 or any political subdivision thereof.

2053 (f) Shares in a money market mutual fund.

2054 (g) A demand borrowing agreement or agreements made to a
2055 corporation or a subsidiary of a corporation whose capital stock
2056 is listed on a national exchange.

2057 (h) Receivables that are due to a licensee registrant from
2058 the licensee's registrant's authorized vendors except those that
2059 are more than 90 ~~30~~ days past due or are doubtful of collection.

2060 (i) Any other investment approved by rule ~~the commission~~.

2061 ~~(2)-(3)~~ Notwithstanding any other provision of this part,
2062 the office, with respect to any particular licensee registrant
2063 or all licensees registrants, may limit the extent to which any
2064 class of permissible investments may be considered a permissible
2065 investment, except for cash and certificates of deposit.

2066 ~~(3)-(4)~~ The office may waive the permissible investments
2067 requirement if the dollar value of a licensee's registrant's
2068 outstanding payment instruments and money funds transmitted do
2069 not exceed the bond or collateral deposit posted by the licensee
2070 registrant under s. 560.209.

2071 Section 36. Section 560.211, Florida Statutes, is amended
2072 to read:

2073 560.211 Required records.--

2074 (1) In addition to the record retention requirements under
2075 s. 560.110, each licensee under this part ~~Each registrant~~ must
2076 make, keep, and preserve the following books, accounts, records,
2077 and documents ~~other records~~ for 5 ~~a period of 3~~ years:

2078 (a) A daily record ~~or records~~ of payment instruments sold
2079 and money funds transmitted.

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2080 (b) A general ledger containing all asset, liability,
2081 capital, income, and expense accounts, which ~~general ledger~~
2082 shall be posted at least monthly.

2083 (c) Daily settlement records sheets received from
2084 authorized vendors.

2085 (d) Monthly financial institution statements and
2086 reconciliation records.

2087 (e) Records of outstanding payment instruments and money
2088 ~~funds~~ transmitted.

2089 (f) Records of each payment instrument paid and money
2090 ~~funds~~ transmission delivered ~~within the 3 year period~~.

2091 (g) A list of the names and addresses of all of the
2092 licensee's registrant's authorized vendors, ~~as well as copies of~~
2093 ~~each authorized vendor contract~~.

2094 (h) Records that document the establishment, monitoring,
2095 and termination of relationships with authorized vendors and
2096 foreign affiliates.

2097 (i) Any additional records, as prescribed by rule,
2098 designed to detect and prevent money laundering.

2099 ~~(2) The records required to be maintained by the code may~~
2100 ~~be maintained by the registrant at any location if the~~
2101 ~~registrant notifies the office in writing of the location of the~~
2102 ~~records in its application or otherwise by amendment as~~
2103 ~~prescribed by commission rule. The registrant shall make such~~
2104 ~~records available to the office for examination and~~
2105 ~~investigation in this state, as permitted by the code, within 7~~
2106 ~~days after receipt of a written request.~~

2107 ~~(3) Registrants and authorized vendors need not preserve~~
2108 ~~or retain any of the records required by this section or copies~~
2109 ~~thereof for a period longer than 3 years unless a longer period~~
2110 ~~is expressly required by the laws of this state or federal law.~~

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2111 ~~A registrant or authorized vendor may destroy any of its records~~
2112 ~~or copies thereof after the expiration of the retention period~~
2113 ~~required by this section.~~

2114 ~~(4) The original of any record of a registrant or~~
2115 ~~authorized vendor includes the data or other information~~
2116 ~~comprising a record stored or transmitted in or by means of any~~
2117 ~~electronic, computerized, mechanized, or other information~~
2118 ~~storage or retrieval or transmission system or device which can~~
2119 ~~upon request generate, regenerate, or transmit the precise data~~
2120 ~~or other information comprising the record; and an original also~~
2121 ~~includes the visible data or other information so generated,~~
2122 ~~regenerated, or transmitted if it is legible or can be made~~
2123 ~~legible by enlargement or other process.~~

2124 ~~(2)(5)~~ Any person who willfully fails to comply with this
2125 section commits a felony of the third degree, punishable as
2126 provided in s. 775.082, s. 775.083, or s. 775.084.

2127 Section 37. Section 560.212, Florida Statutes, is amended
2128 to read:

2129 560.212 Financial liability.--A licensee ~~Each registrant~~
2130 under this part is liable for the payment of all money funds
2131 transmitted and payment instruments that it sells, in whatever
2132 form and whether directly or through an authorized vendor, as
2133 the maker, drawer, or principal thereof, regardless of whether
2134 such item is negotiable or nonnegotiable.

2135 Section 38. Section 560.213, Florida Statutes, is amended
2136 to read:

2137 560.213 Payment instrument information.--Each payment
2138 instrument sold or issued by a licensee ~~registrant~~, directly or
2139 through an authorized vendor, must ~~shall~~ bear the name of the
2140 licensee, and any other information as may be required by rule,
2141 ~~registrant~~ clearly imprinted thereon.

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2142 Section 39. Section 560.303, Florida Statutes, is amended
2143 to read:

2144 560.303 License required ~~Requirement of registration.--~~

2145 (1) A No person may not shall engage in, or in any manner
2146 advertise engagement in, the business of cashing payment
2147 instruments or ~~the~~ exchanging ~~of~~ foreign currency without being
2148 licensed first registering under ~~the provisions of~~ this part.

2149 (2) A person licensed under ~~registered pursuant to~~ this
2150 part may not engage ~~in the activities authorized by~~ this part. ~~A~~
2151 ~~person registered under this part is prohibited from engaging~~
2152 directly in the activities that require a license under ~~are~~
2153 ~~authorized under a registration issued pursuant to part II of~~
2154 this chapter, but may be ~~such person is not prohibited from~~
2155 ~~engaging in an authorized vendor for relationship with a person~~
2156 licensed registered under part II.

2157 (3) A person exempt from licensure under ~~registration~~
2158 ~~pursuant to~~ this part engaging in the business of cashing
2159 payment instruments or the exchanging of foreign currency may
2160 ~~shall~~ not charge fees in excess of those provided in s. 560.309.

2161 Section 40. Section 560.304, Florida Statutes, is amended
2162 to read:

2163 560.304 Exemption from licensure ~~Exceptions to~~
2164 ~~registration.--The requirement for licensure under provisions of~~
2165 this part does ~~do~~ not apply to:

2166 (1) a person cashing payment instruments that have an
2167 aggregate face value of less than \$2,000 per person per day
2168 ~~Authorized vendors of any person registered pursuant to the~~
2169 ~~provisions of the code, acting within the scope of authority~~
2170 ~~conferred by the registrant.~~

2171 (2) ~~Persons engaged in the cashing of payment instruments~~
2172 ~~or the exchanging of foreign currency which is incidental to the~~

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2173 ~~retail sale of goods or services whose compensation for cashing~~
2174 ~~payment instruments or exchanging foreign currency at each site~~
2175 ~~does not exceed 5 percent of the total gross income from the~~
2176 ~~retail sale of goods or services by such person during its most~~
2177 ~~recently completed fiscal year.~~

2178 Section 41. Section 560.309, Florida Statutes, is amended
2179 to read:

2180 560.309 Conduct of business Rules.--

2181 (1) A licensee may transact business under this part only
2182 under the legal name under which the person is licensed. The use
2183 of a fictitious name is allowed if the fictitious name has been
2184 registered with the Department of State and disclosed to the
2185 office as part of an initial license application, or subsequent
2186 amendment to the application, prior to its use. Before a
2187 ~~registrant shall deposit, with any financial institution, a~~
2188 ~~payment instrument that is cashed by a registrant, each such~~
2189 ~~item must be endorsed with the actual name under which such~~
2190 ~~registrant is doing business.~~

2191 (2) At the time a licensee accepts a payment instrument
2192 that is cashed by the licensee, the payment instrument must be
2193 endorsed using the legal name under which the licensee is
2194 licensed. Registrants must comply with all the laws of this
2195 ~~state and any federal laws relating to money laundering,~~
2196 ~~including, as applicable, the provisions of s. 560.123.~~

2197 (3) A licensee under this part must deposit payment
2198 instruments into a commercial account at a federally insured
2199 financial institution or sell payment instruments within 5
2200 business days after the acceptance of the payment instrument.

2201 (4) A licensee may not accept or cash multiple payment
2202 instruments from a person who is not the original payee, unless
2203 the person is licensed to cash payment instruments pursuant to

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2204 this part and all payment instruments accepted are endorsed with
2205 the legal name of the person.

2206 (5) A licensee must report all suspicious activity to the
2207 office in accordance with the criteria set forth in 31 C.F.R. s.
2208 103.20. In lieu of filing such reports, the commission may
2209 prescribe by rule that the licensee may file such reports with
2210 an appropriate regulator.

2211 (6) Each location of a licensee where checks are cashed
2212 must be equipped with a security camera system that is capable
2213 of recording and retrieving an image in order to assist in
2214 identifying and apprehending an offender. The licensee does not
2215 have to install a security camera system if the licensee has
2216 installed a bulletproof or bullet-resistant partition or
2217 enclosure in the area where checks are cashed.

2218 (7)(3) The commission may by rule require a every check
2219 cashier to display its license registration and post a notice
2220 listing containing its charges for cashing payment instruments.

2221 (8)(4) Exclusive of the direct costs of verification which
2222 shall be established by commission rule, a ne check cashier may
2223 not shall:

2224 (a) Charge fees, except as otherwise provided by this
2225 part, in excess of 5 percent of the face amount of the payment
2226 instrument, ~~or 6 percent without the provision of~~
2227 ~~identification,~~ or \$5, whichever is greater;

2228 (b) Charge fees in excess of 3 percent of the face amount
2229 of the payment instrument, ~~or 4 percent without the provision of~~
2230 ~~identification,~~ or \$5, whichever is greater, if such payment
2231 instrument is the payment of any kind of state public assistance
2232 or federal social security benefit payable to the bearer of the
2233 such payment instrument; or

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2234 (c) Charge fees for personal checks or money orders in
2235 excess of 10 percent of the face amount of those payment
2236 instruments, or \$5, whichever is greater.

2237 ~~(d) As used in this subsection, "identification" means,~~
2238 ~~and is limited to, an unexpired and otherwise valid driver~~
2239 ~~license, a state identification card issued by any state of the~~
2240 ~~United States or its territories or the District of Columbia,~~
2241 ~~and showing a photograph and signature, a United States~~
2242 ~~Government Resident Alien Identification Card, a United States~~
2243 ~~passport, or a United States Military identification card.~~

2244 (9) A licensee cashing payment instruments may not assess
2245 the cost of collections, other than fees for insufficient funds
2246 as provided by law, without a judgment from a court of competent
2247 jurisdiction.

2248 (10) If a check is returned to a licensee from a payor
2249 financial institution due to lack of funds, a closed account, or
2250 a stop-payment order, the licensee may seek collection pursuant
2251 to s. 68.065. In seeking collection, the licensee must comply
2252 with the prohibitions against harassment or abuse, false or
2253 misleading representations, and unfair practices in the Fair
2254 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and
2255 1692f. A violation of this subsection is a deceptive and unfair
2256 trade practice and constitutes a violation of the Deceptive and
2257 Unfair Trade Practices Act under part II of chapter 501. In
2258 addition, a licensee must comply with the applicable provisions
2259 of the Consumer Collection Practices Act under part VI of
2260 chapter 559, including s. 559.77.

2261 Section 42. Section 560.310, Florida Statutes, is amended
2262 to read:

2263 560.310 Records of check cashers and foreign currency
2264 exchangers.--

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2265 (1) In addition to the record retention requirements
2266 specified in s. 560.110, a licensee engaged in check cashing
2267 must maintain the following:

2268 (a) Customer files, as prescribed by rule, on all
2269 customers who cash corporate or third-party payment instruments
2270 exceeding \$1,000.

2271 (b) For any payment instrument accepted having a face
2272 value of \$1,000 or more:

2273 1. A copy of the personal identification that bears a
2274 photograph of the customer used as identification and presented
2275 by the customer. Acceptable personal identification is limited
2276 to a valid driver's license; a state identification card issued
2277 by any state of the United States or its territories or the
2278 District of Columbia, and showing a photograph and signature; a
2279 United States Government Resident Alien Identification Card; a
2280 passport; or a United States Military identification card.

2281 2. A thumbprint of the customer taken by the licensee.

2282 (c) A payment instrument log that must be maintained
2283 electronically as prescribed by rule. For purposes of this
2284 paragraph, multiple payment instruments accepted from any one
2285 person on any given day which total \$1,000 or more must be
2286 aggregated and reported on the log. ~~Each registrant must~~
2287 ~~maintain all books, accounts, records, and documents necessary~~
2288 ~~to determine the registrant's compliance with the provisions of~~
2289 ~~the code. Such books, accounts, records, and documents shall be~~
2290 ~~retained for a period of at least 3 years.~~

2291 (2) A licensee under this part may engage the services of
2292 a third party that is not a depository institution for the
2293 maintenance and storage of records required by this section if
2294 all the requirements of this section are met. ~~The records~~
2295 ~~required to be maintained by the code may be maintained by the~~

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2296 ~~registrant at any location if the registrant notifies the~~
2297 ~~office, in writing, of the location of the records in its~~
2298 ~~application or otherwise by amendment as prescribed by~~
2299 ~~commission rule. The registrant shall make such records~~
2300 ~~available to the office for examination and investigation in~~
2301 ~~this state, as permitted by the code, within 7 days after~~
2302 ~~receipt of a written request.~~

2303 ~~(3) Registrants and authorized vendors need not preserve~~
2304 ~~or retain any of the records required by this section or copies~~
2305 ~~thereof for a period longer than 3 years unless a longer period~~
2306 ~~is expressly required by the laws of this state or any federal~~
2307 ~~law. A registrant or authorized vendor may destroy any of its~~
2308 ~~records or copies thereof after the expiration of the retention~~
2309 ~~period required by this section.~~

2310 ~~(4) The original of any record of a registrant or~~
2311 ~~authorized vendor includes the data or other information~~
2312 ~~comprising a record stored or transmitted in or by means of any~~
2313 ~~electronic, computerized, mechanized, or other information~~
2314 ~~storage or retrieval or transmission system or device which can~~
2315 ~~upon request generate, regenerate, or transmit the precise data~~
2316 ~~or other information comprising the record; and an original also~~
2317 ~~includes the visible data or other information so generated,~~
2318 ~~regenerated, or transmitted if it is legible or can be made~~
2319 ~~legible by enlargement or other process.~~

2320 ~~(5) Any person who willfully violates this section or~~
2321 ~~fails to comply with any lawful written demand or order of the~~
2322 ~~office made pursuant to this section commits a felony of the~~
2323 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
2324 ~~or s. 775.084.~~

2325 Section 43. Section 560.402, Florida Statutes, is amended
2326 to read:

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2327 560.402 Definitions.--~~In addition to the definitions~~
2328 ~~provided in ss. 560.103, 560.202, and 560.302 and unless~~
2329 ~~otherwise clearly indicated by the context,~~ For the purposes of
2330 this part, the term:

2331 (1) "Affiliate" means a person who, directly or
2332 indirectly, through one or more intermediaries controls, ~~or~~ is
2333 controlled by, or is under common control with, a deferred
2334 presentment provider.

2335 ~~(2) "Business day" means the hours during a particular day~~
2336 ~~during which a deferred presentment provider customarily~~
2337 ~~conducts business, not to exceed 15 consecutive hours during~~
2338 ~~that day.~~

2339 ~~(3) "Days" means calendar days.~~

2340 ~~(2)-(4)~~ (2) "Deferment period" means the number of days a
2341 deferred presentment provider agrees to defer depositing, ~~or~~
2342 presenting, or redeeming a payment instrument.

2343 ~~(5) "Deferred presentment provider" means a person who~~
2344 ~~engages in a deferred presentment transaction and is registered~~
2345 ~~under part II or part III of the code and has filed a~~
2346 ~~declaration of intent with the office.~~

2347 ~~(3)-(6)~~ (3) "Deferred presentment transaction" means providing
2348 currency or a payment instrument in exchange for a drawer's
2349 person's check and agreeing to hold the ~~that person's~~ check for
2350 a deferment period of time prior to presentment, deposit, ~~or~~
2351 redemption.

2352 ~~(4)-(7)~~ (4) "Drawer" means a customer ~~any person~~ who writes a
2353 personal check and upon whose account the check is drawn.

2354 (5) "Extension of a deferred presentment agreement" means
2355 continuing a deferred presentment transaction past the deferment
2356 period by having the drawer pay additional fees and the deferred

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2357 presentment provider continuing to hold the check for another
2358 deferment period.

2359 ~~(6)(8)~~ "Rollover" means the termination or extension of a
2360 ~~an existing~~ deferred presentment agreement by the payment of an
2361 ~~any~~ additional fee and the continued holding of the check, or
2362 the substitution of a new check ~~drawn~~ by the drawer pursuant to
2363 a new deferred presentment agreement.

2364 ~~(9)~~ ~~"Fee" means the fee authorized for the deferral of the~~
2365 ~~presentation of a check pursuant to this part.~~

2366 ~~(7)(10)~~ "Termination of a an existing deferred presentment
2367 agreement" means that the check that is the basis for the an
2368 agreement is redeemed by the drawer by payment in full in cash,
2369 or is deposited and the deferred presentment provider has
2370 evidence that such check has cleared. A Verification of
2371 sufficient funds in the drawer's account by the deferred
2372 presentment provider is shall not be sufficient evidence to deem
2373 that the existing deferred deposit transaction is to be
2374 terminated.

2375 ~~(11)~~ ~~"Extension of an existing deferred presentment~~
2376 ~~agreement" means that a deferred presentment transaction is~~
2377 ~~continued by the drawer paying any additional fees and the~~
2378 ~~deferred presentment provider continues to hold the check for~~
2379 ~~another period of time prior to deposit, presentment, or~~
2380 ~~redemption.~~

2381 Section 44. Section 560.403, Florida Statutes, is amended
2382 to read:

2383 560.403 ~~Requirements of registration;~~ Declaration of
2384 intent.--

2385 ~~(1)~~ Except for financial institutions as defined in s.
2386 655.005 ~~No person, Unless otherwise exempt from this chapter, a~~
2387 person may not shall engage in a deferred presentment

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2388 transaction unless the person is licensed as a money services
2389 business registered under the provisions of part II or part III
2390 of this chapter and has on file with the office a declaration of
2391 intent to engage in deferred presentment transactions,
2392 regardless of whether such person is exempted from licensure
2393 under any other provision of this chapter. The declaration of
2394 intent must shall be under oath and on such form as prescribed
2395 the commission prescribes by rule. The declaration of intent
2396 must shall be filed together with a nonrefundable filing fee as
2397 provided in s. 560.143 of \$1,000. Any person who is registered
2398 under part II or part III on the effective date of this act and
2399 intends to engage in deferred presentment transactions shall
2400 have 60 days after the effective date of this act to file a
2401 declaration of intent. A declaration of intent expires after 24
2402 months and must be renewed.

2403 ~~(2) A registrant under this part shall renew his or her~~
2404 ~~intent to engage in the business of deferred presentment~~
2405 ~~transactions or to act as a deferred presentment provider upon~~
2406 ~~renewing his or her registration under part II or part III and~~
2407 ~~shall do so by indicating his or her intent by submitting a~~
2408 ~~nonrefundable deferred presentment provider renewal fee of~~
2409 ~~\$1,000, in addition to any fees required for renewal of~~
2410 ~~registration under part II or part III.~~

2411 ~~(3) A registrant under this part who fails to timely renew~~
2412 ~~his or her intent to engage in the business of deferred~~
2413 ~~presentment transactions or to act as a deferred presentment~~
2414 ~~provider shall immediately cease to engage in the business of~~
2415 ~~deferred presentment transactions or to act as a deferred~~
2416 ~~presentment provider.~~

2417 ~~(4) The notice of intent of a registrant under this part~~
2418 ~~who fails to timely renew his or her intent to engage in the~~

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2419 ~~business of deferred presentment transactions or to act as a~~
2420 ~~deferred presentment provider on or before the expiration date~~
2421 ~~of the registration period automatically expires. A renewal fee~~
2422 ~~and a nonrefundable late fee of \$500 must be filed within 60~~
2423 ~~calendar days after the expiration of an existing registration~~
2424 ~~in order for the declaration of intent to be reinstated. The~~
2425 ~~office shall grant a reinstatement of registration if an~~
2426 ~~application is filed during the 60 day period, and the~~
2427 ~~reinstatement is effective upon receipt of the required fees and~~
2428 ~~any information that the commission requires by rule. If the~~
2429 ~~registrant has not filed a reinstatement of a renewal~~
2430 ~~declaration of intent within 60 calendar days after the~~
2431 ~~expiration date of an existing registration, the notice of~~
2432 ~~intent expires and a new declaration of intent must be filed~~
2433 ~~with the office.~~

2434 ~~(5) No person, other than a financial institution as~~
2435 ~~defined in s. 655.005, shall be exempt from registration and~~
2436 ~~declaration if such person engages in deferred presentment~~
2437 ~~transactions, regardless of whether such person is currently~~
2438 ~~exempt from registration under any provision of this code.~~

2439 Section 45. Section 560.404, Florida Statutes, is amended
2440 to read:

2441 560.404 Requirements for deferred presentment
2442 transactions.--

2443 (1) Each ~~Every~~ deferred presentment transaction must ~~shall~~
2444 be documented in a written agreement signed by ~~both~~ the deferred
2445 presentment provider and the drawer.

2446 (2) The deferred presentment transaction agreement must
2447 ~~shall~~ be executed on the day the deferred presentment provider
2448 furnishes currency or a payment instrument to the drawer.

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2449 (3) Each written agreement must ~~shall contain the~~
2450 ~~following information,~~ in addition to any information required
2451 ~~the commission requires by rule, contain the following~~
2452 information:

2453 (a) The name or trade name, address, and telephone number
2454 of the deferred presentment provider and the name and title of
2455 the person who signs the agreement on behalf of the ~~deferred~~
2456 ~~presentment~~ provider.

2457 (b) The date the deferred presentment transaction is ~~was~~
2458 made.

2459 (c) The amount of the drawer's check.

2460 (d) The length of the deferment ~~deferral~~ period.

2461 (e) The last day of the deferment period.

2462 (f) The address and telephone number of the office ~~and the~~
2463 ~~Division of Consumer Services of the Department of Financial~~
2464 ~~Services.~~

2465 (g) A clear description of the drawer's payment
2466 obligations under the deferred presentment transaction.

2467 (h) The transaction number assigned by the office's
2468 database.

2469 (4) The ~~Every~~ deferred presentment provider must ~~shall~~
2470 ~~furnish to the drawer~~ a copy of the deferred presentment
2471 transaction agreement to the drawer.

2472 (5) The face amount of a check taken for deferred
2473 presentment may not exceed \$500 exclusive of the fees allowed
2474 under ~~by~~ this part.

2475 (6) A ~~No~~ deferred presentment provider or its affiliate
2476 may not ~~shall~~ charge fees that exceed ~~in excess of~~ 10 percent of
2477 the currency or payment instrument provided. However, a
2478 verification fee may be charged as provided in s. 560.309(7) ~~in~~
2479 ~~accordance with s. 560.309(4) and the rules adopted pursuant to~~

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2480 ~~the code~~. The 10-percent fee may not be applied to the
2481 verification fee. A deferred presentment provider may charge
2482 only those fees specifically authorized in this section.

2483 (7) The fees authorized by this section may not be
2484 collected before the drawer's check is presented or redeemed.

2485 (8) A ~~No~~ deferred presentment agreement may not shall be
2486 for a term longer than ~~in excess of~~ 31 days or less than 7 days.

2487 (9) A ~~No~~ deferred presentment provider may not shall
2488 require a drawer person to provide any additional security for
2489 the deferred presentment transaction or any extension or require
2490 the drawer a person to provide any additional guaranty from
2491 another person.

2492 (10) A deferred presentment provider may shall not include
2493 any of the following provisions in a deferred provider any
2494 written agreement:

2495 (a) A hold harmless clause.†

2496 (b) A confession of judgment clause.†

2497 (c) Any assignment of or order for payment of wages or
2498 other compensation for services.†

2499 (d) A provision in which the drawer agrees not to assert
2500 any claim or defense arising out of the agreement.† or

2501 (e) A waiver of any provision of this part.

2502 (11) A ~~Each~~ deferred presentment provider shall
2503 immediately provide the drawer with the full amount of any check
2504 to be held, less only the fees allowed ~~permitted~~ under this
2505 section.

2506 (12) The deferred presentment agreement and the drawer's
2507 check must shall bear the same date, and the number of days of
2508 the deferment period shall be calculated from that ~~this~~ date.
2509 The ~~No~~ deferred presentment provider and the drawer or person

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2510 may not alter or delete the date on any written agreement or
2511 check held by the deferred presentment provider.

2512 (13) For each deferred presentment transaction, the
2513 deferred presentment provider must comply with the disclosure
2514 requirements of 12 C.F.R., part 226, relating to the federal
2515 Truth-in-Lending Act, and Regulation Z of the Board of Governors
2516 of the Federal Reserve Board. A copy of the disclosure must be
2517 provided to the drawer at the time the deferred presentment
2518 transaction is initiated.

2519 (14) A ~~No~~ deferred presentment provider or its affiliate
2520 may not accept or hold an undated check or a check dated on a
2521 date other than the date on which the deferred presentment
2522 provider agreed to hold the check and signed the deferred
2523 presentment transaction agreement.

2524 (15) A ~~Every~~ deferred presentment provider must ~~shall~~ hold
2525 the drawer's check for the agreed number of days, unless the
2526 drawer chooses to redeem the check before the ~~agreed~~ presentment
2527 date.

2528 (16) Proceeds in a deferred presentment transaction may be
2529 made to the drawer in the form of the deferred presentment
2530 provider's payment instrument if the deferred presentment
2531 provider is registered under part II; however, an ~~no~~ additional
2532 fee may not be charged by a deferred presentment provider or its
2533 affiliate for issuing or cashing the deferred presentment
2534 provider's payment instrument.

2535 (17) A ~~No~~ deferred presentment provider may not require
2536 the drawer to accept its payment instrument in lieu of currency.

2537 (18) A ~~No~~ deferred presentment provider or its affiliate
2538 may not engage in the rollover of a ~~any~~ deferred presentment
2539 agreement. A deferred presentment provider may ~~shall~~ not redeem,
2540 extend, or otherwise consolidate a deferred presentment

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2541 agreement with the proceeds of another deferred presentment
2542 transaction made by the same or an affiliate ~~affiliated deferred~~
2543 ~~presentment provider~~.

2544 (19) A deferred presentment provider may not enter into a
2545 deferred presentment transaction with a drawer ~~person~~ who has an
2546 outstanding deferred presentment transaction with that provider
2547 or with any other deferred presentment provider, or with a
2548 person whose previous deferred presentment transaction with that
2549 provider or with any other provider has been terminated for less
2550 than 24 hours. The deferred presentment provider must verify
2551 such information as follows:

2552 (a) The deferred presentment provider shall maintain a
2553 common database and shall verify whether the ~~that deferred~~
2554 ~~presentment~~ provider or an affiliate has an outstanding deferred
2555 presentment transaction with a particular person or has
2556 terminated a transaction with that person within the previous 24
2557 hours.

2558 (b) The deferred presentment provider shall access the
2559 office's database established pursuant to subsection (23) and
2560 shall verify whether any other deferred presentment provider has
2561 an outstanding deferred presentment transaction with a
2562 particular person or has terminated a transaction with that
2563 person within the previous 24 hours. If a provider has not
2564 established ~~Prior to the time that the office has implemented~~
2565 ~~such~~ a database, the deferred presentment provider may rely upon
2566 the written verification of the drawer as provided in subsection
2567 (20).

2568 (20) A deferred presentment provider shall provide the
2569 following notice in a prominent place on each deferred
2570 presentment agreement in at least 14-point type in substantially

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2571 the following form and must obtain the signature of the drawer
2572 where indicated:

2573

2574 NOTICE

2575

2576 1. STATE LAW PROHIBITS YOU FROM HAVING MORE THAN ONE DEFERRED
2577 PRESENTMENT AGREEMENT AT ANY ONE TIME. STATE LAW ALSO PROHIBITS
2578 YOU FROM ENTERING INTO A DEFERRED PRESENTMENT AGREEMENT WITHIN
2579 24 HOURS AFTER ~~OF~~ TERMINATING ANY PREVIOUS DEFERRED PRESENTMENT
2580 AGREEMENT. FAILURE TO OBEY THIS LAW COULD CREATE SEVERE
2581 FINANCIAL HARDSHIP FOR YOU AND YOUR FAMILY.

2582

2583 YOU MUST SIGN THE FOLLOWING STATEMENT:

2584

2585 I DO NOT HAVE AN OUTSTANDING DEFERRED PRESENTMENT AGREEMENT WITH
2586 ANY DEFERRED PRESENTMENT PROVIDER AT THIS TIME. I HAVE NOT
2587 TERMINATED A DEFERRED PRESENTMENT AGREEMENT WITHIN THE PAST 24
2588 HOURS.

2589

2590 (Signature of Drawer)

2591

2592 2. YOU CANNOT BE PROSECUTED IN CRIMINAL COURT FOR A CHECK
2593 WRITTEN UNDER THIS AGREEMENT, BUT ALL LEGALLY AVAILABLE CIVIL
2594 MEANS TO ENFORCE THE DEBT MAY BE PURSUED AGAINST YOU.

2595

2596 3. STATE LAW PROHIBITS A DEFERRED PRESENTMENT PROVIDER (THIS
2597 BUSINESS) FROM ALLOWING YOU TO "ROLL OVER" YOUR DEFERRED
2598 PRESENTMENT TRANSACTION. THIS MEANS THAT YOU CANNOT BE ASKED OR
2599 REQUIRED TO PAY AN ADDITIONAL FEE IN ORDER TO FURTHER DELAY THE
2600 DEPOSIT OR PRESENTMENT OF YOUR CHECK FOR PAYMENT. IF YOU INFORM
2601 THE PROVIDER IN PERSON THAT YOU CANNOT COVER THE CHECK OR PAY IN

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2602 FULL THE AMOUNT OWING AT THE END OF THE TERM OF THIS AGREEMENT,
2603 YOU WILL RECEIVE A GRACE PERIOD EXTENDING THE TERM OF THE
2604 AGREEMENT FOR AN ADDITIONAL 60 DAYS AFTER THE ORIGINAL
2605 TERMINATION DATE, WITHOUT ANY ADDITIONAL CHARGE. THE DEFERRED
2606 PRESENTMENT PROVIDER SHALL REQUIRE THAT YOU, AS A CONDITION OF
2607 OBTAINING THE GRACE PERIOD, COMPLETE CONSUMER CREDIT COUNSELING
2608 PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED
2609 TO YOU BY THIS PROVIDER. YOU MAY ALSO AGREE TO COMPLY WITH AND
2610 ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY. IF YOU DO
2611 NOT COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT
2612 AGENCY, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR PAYMENT AND
2613 PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE THE DEBT AT
2614 THE END OF THE 60-DAY GRACE PERIOD.

2615 (21) The deferred presentment provider may not deposit or
2616 present the drawer's check if the drawer informs the provider in
2617 person that the drawer cannot redeem or pay in full in cash the
2618 amount due and owing the deferred presentment provider. No
2619 additional fees or penalties may be imposed on the drawer by
2620 virtue of any misrepresentation made by the drawer as to the
2621 sufficiency of funds in the drawer's account. ~~In no event shall~~
2622 ~~any~~ Additional fees may not be added to the amounts due and
2623 owing to the deferred presentment provider.

2624 (22)(a) If, by the end of the deferment period, the drawer
2625 informs the deferred presentment provider in person that the
2626 drawer cannot redeem or pay in full in cash the amount due and
2627 owing the deferred presentment provider, the deferred
2628 presentment provider shall provide a grace period extending the
2629 term of the agreement for an additional 60 days after the
2630 original termination date, without any additional charge.

2631 (a) The provider shall require that as a condition of
2632 providing a ~~this~~ grace period, that ~~within the first 7 days of~~

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2633 ~~the grace period~~ the drawer make an appointment with a consumer
2634 credit counseling agency within 7 days after the end of the
2635 deferment period and complete the counseling by the end of the
2636 grace period. The drawer may agree to, comply with, and adhere
2637 to a repayment plan approved by the counseling agency. If the
2638 drawer agrees to comply with and adhere to a repayment plan
2639 approved by the counseling agency, the provider must ~~is~~ also
2640 ~~required to~~ comply with and adhere to that repayment plan. The
2641 deferred presentment provider may not deposit or present the
2642 drawer's check for payment before the end of the 60-day grace
2643 period unless the drawer fails to comply with such conditions or
2644 the drawer fails to notify the provider of such compliance.
2645 Before each deferred presentment transaction, the provider may
2646 verbally advise the drawer of the availability of the grace
2647 period consistent with ~~the provisions of~~ the written notice in
2648 subsection (20), and may ~~shall~~ not discourage the drawer from
2649 using the grace period.

2650 (b) At the commencement of the grace period, the deferred
2651 presentment provider shall provide the drawer:

2652 1. Verbal notice of the availability of the grace period
2653 consistent with the written notice in subsection (20).

2654 2. A list of approved consumer credit counseling agencies
2655 prepared by the office. The office list shall include nonprofit
2656 consumer credit counseling agencies affiliated with the National
2657 Foundation for Credit Counseling which provide credit counseling
2658 services to state Florida residents in person, by telephone, or
2659 through the Internet. The office list must include phone numbers
2660 for the agencies, the counties served by the agencies, and
2661 indicate the agencies that provide telephone counseling and
2662 those that provide Internet counseling. The office shall update
2663 the list at least once each year.

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2664 3. The following notice in at least 14-point type in
2665 substantially the following form:

2666
2667 AS A CONDITION OF OBTAINING A GRACE PERIOD EXTENDING THE TERM OF
2668 YOUR DEFERRED PRESENTMENT AGREEMENT FOR AN ADDITIONAL 60 DAYS,
2669 UNTIL [DATE], WITHOUT ANY ADDITIONAL FEES, YOU MUST COMPLETE
2670 CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE
2671 LIST THAT WILL BE PROVIDED TO YOU BY THIS PROVIDER. YOU MAY ALSO
2672 AGREE TO COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY
2673 THE AGENCY. THE COUNSELING MAY BE IN PERSON, BY TELEPHONE, OR
2674 THROUGH THE INTERNET. YOU MUST NOTIFY US WITHIN 7 ~~SEVEN (7)~~
2675 DAYS, BY [DATE], THAT YOU HAVE MADE AN APPOINTMENT WITH SUCH A
2676 CONSUMER CREDIT COUNSELING AGENCY. YOU MUST ALSO NOTIFY US
2677 WITHIN 60 ~~SIXTY (60)~~ DAYS, BY [DATE], THAT YOU HAVE COMPLETED
2678 THE CONSUMER CREDIT COUNSELING. WE MAY VERIFY THIS INFORMATION
2679 WITH THE AGENCY. IF YOU FAIL TO PROVIDE ~~EITHER~~ THE 7-DAY OR 60-
2680 DAY NOTICE, OR IF YOU HAVE NOT MADE THE APPOINTMENT OR COMPLETED
2681 THE COUNSELING WITHIN THE TIME REQUIRED, WE MAY DEPOSIT OR
2682 PRESENT YOUR CHECK FOR PAYMENT AND PURSUE ALL LEGALLY AVAILABLE
2683 CIVIL MEANS TO ENFORCE THE DEBT.

2684 (c) If a drawer completes an approved payment plan, the
2685 deferred presentment provider shall pay one-half of the drawer's
2686 fee for the deferred presentment agreement to the consumer
2687 credit counseling agency.

2688 (23) The office shall implement a common database with
2689 real-time access through an Internet connection for deferred
2690 presentment providers, as provided in this subsection. The
2691 database must be accessible to the office and the deferred
2692 presentment providers in order to verify whether any deferred
2693 presentment transactions are outstanding for a particular
2694 person. Deferred presentment providers shall submit such data

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2695 before entering into each deferred presentment transaction in
2696 such format as required ~~the commission shall require~~ by rule,
2697 including the drawer's name, social security number or
2698 employment authorization alien number, address, driver's license
2699 number, amount of the transaction, date of transaction, the date
2700 that the transaction is closed, and such additional information
2701 as is required by rule ~~the commission~~. The commission may by
2702 rule impose a fee of up to not to exceed \$1 per transaction for
2703 data that must ~~required to~~ be submitted by a deferred
2704 presentment provider. A deferred presentment provider may rely
2705 on the information contained in the database as accurate and is
2706 not subject to any administrative penalty or civil liability due
2707 to ~~as a result of~~ relying on inaccurate information contained in
2708 the database. A deferred presentment provider must notify the
2709 office, in a manner as prescribed by rule, within 15 business
2710 days after ceasing operations or no longer holding a license
2711 under part II or part III of this chapter. Such notification
2712 must include a reconciliation of all open transactions. If the
2713 provider fails to provide notice, the office shall take action
2714 to administratively release all open and pending transactions in
2715 the database after the office becomes aware of the closure. This
2716 section does not affect the rights of the provider to enforce
2717 the contractual provisions of the deferred presentment
2718 agreements through any civil action allowed by law. The
2719 commission may adopt rules to administer ~~and enforce the~~
2720 ~~provisions of this subsection section~~ and to ensure ~~assure~~ that
2721 the database is used by deferred presentment providers in
2722 accordance with this section.

2723 (24) A deferred presentment provider may not accept more
2724 than one check or authorization to initiate more than one
2725 automated clearinghouse transaction to collect on a deferred

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2726 presentment transaction for a single deferred presentment
2727 transaction.

2728 Section 46. Section 560.405, Florida Statutes, is amended
2729 to read:

2730 560.405 Deposit; redemption.--

2731 (1) The deferred presentment provider or its affiliate may
2732 ~~shall~~ not present the drawer's check before the end of the
2733 deferment period ~~prior to the agreed upon date of presentment,~~
2734 as reflected in the deferred presentment transaction agreement.

2735 (2) Before a deferred presentment provider presents the
2736 drawer's check, the check must ~~shall~~ be endorsed with the ~~actual~~
2737 name under which the deferred presentment provider is doing
2738 business.

2739 (3) Notwithstanding ~~the provisions of~~ subsection (1), in
2740 lieu of presentment, a deferred presentment provider may allow
2741 the check to be redeemed at any time upon payment ~~to the~~
2742 ~~deferred presentment provider in the amount~~ of the face amount
2743 of the drawer's check. However, payment may not be made in the
2744 form of a personal check. Upon redemption, the deferred
2745 presentment provider shall return the drawer's check ~~that was~~
2746 ~~being held~~ and provide a signed, dated receipt showing that the
2747 drawer's check has been redeemed.

2748 (4) A ~~No~~ drawer may not ~~can~~ be required to redeem his or
2749 her check before ~~prior to~~ the agreed-upon date; however, the
2750 drawer may choose to redeem the check before the agreed-upon
2751 presentment date.

2752 Section 47. Section 560.406, Florida Statutes, is amended
2753 to read:

2754 560.406 Worthless checks.--

2755 (1) If a check is returned to a deferred presentment
2756 provider from a payor financial institution due to lack of

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2757 funds, a closed account, or a stop-payment order, the deferred
_158 presentment provider may seek collection pursuant to s. 68.065,
2759 except a deferred presentment provider may ~~shall not be entitled~~
2760 ~~to~~ collect treble damages pursuant ~~s. 68.065~~. The notice sent by
2761 ~~the~~ a deferred deposit provider may ~~pursuant to s. 68.065~~ shall
2762 not include any references to treble damages and must clearly
2763 state that the deferred presentment provider is not entitled to
2764 recover such damages. Except as otherwise provided in this part,
2765 an individual who issues a personal check to a deferred
2766 presentment provider under a deferred presentment agreement is
2767 not subject to criminal penalty.

2768 (2) If a check is returned to a deferred presentment
2769 provider from a payor financial institution due to insufficient
2770 funds, a closed account, or a stop-payment order, the deferred
2771 presentment provider may pursue all legally available civil
2772 remedies to collect the check, including, but not limited to,
_173 the imposition of all charges imposed on the deferred
2774 presentment provider by the ~~any~~ financial institution. In its
2775 collection practices, a deferred presentment provider must ~~shall~~
2776 comply with the prohibitions against harassment or abuse, false
2777 or misleading representations, and unfair practices that ~~which~~
2778 are contained in ~~ss. 806, 807, and 808~~ of the Fair Debt
2779 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, 1692f. A
2780 violation of this act is a deceptive and unfair trade practice
2781 and constitutes a violation of the Deceptive and Unfair Trade
2782 Practices Act under, part II of chapter 501. In addition, a
2783 deferred presentment provider must ~~shall~~ comply with the
2784 applicable provisions of ~~part VI of chapter 559~~, the Consumer
2785 Collection Practices Act under part VI of chapter 559,
2786 ~~including, but not limited to, the provisions of s. 559.77.~~

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2787 (3) A deferred presentment provider may not assess the
2788 cost of collection, other than charges for insufficient funds as
2789 allowed by law, without a judgment from a court of competent
2790 jurisdiction.

2791 Section 48. Subsection (7) of section 499.005, Florida
2792 Statutes, is amended to read:

2793 499.005 Prohibited acts.--It is unlawful for a person to
2794 perform or cause the performance of any of the following acts in
2795 this state:

2796 (7) The purchase or sale of prescription drugs for
2797 wholesale distribution in exchange for currency, as defined in
2798 s. 560.103 ~~s. 560.103(6)~~.

2799 Section 49. Paragraph (i) of subsection (2) of section
2800 499.0691, Florida Statutes, is amended to read:

2801 499.0691 Criminal punishment for violations related to
2802 drugs; dissemination of false advertisement.--

2803 (2) Any person who violates any of the following
2804 provisions commits a felony of the third degree, punishable as
2805 provided in s. 775.082, s. 775.083, or s. 775.084, or as
2806 otherwise provided in ss. 499.001-499.081.

2807 (i) The purchase or sale of prescription drugs for
2808 wholesale distribution in exchange for currency, as defined in
2809 s. 560.103 ~~s. 560.103(6)~~.

2810 Section 50. Paragraph (b) of subsection (2) of section
2811 501.95, Florida Statutes, is amended to read:

2812 501.95 Gift certificates and credit memos.--

2813 (2)

2814 (b) Paragraph (a) does not apply to a gift certificate or
2815 credit memo sold or issued by a financial institution, as
2816 defined in s. 655.005, or by a money services business

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2817 transmitter, as defined in s. 560.103, if the gift certificate
2818 or credit memo is redeemable by multiple unaffiliated merchants.

2819 Section 51. Paragraph (n) of subsection (2) of section
2820 538.03, Florida Statutes, is amended to read:

2821 538.03 Definitions; applicability.--

2822 (2) This chapter does not apply to:

2823 (n) A business that contracts with other persons or
2824 entities to offer its secondhand goods for sale, purchase,
2825 consignment, or trade via an Internet website, and that
2826 maintains a shop, store, or other business premises for this
2827 purpose, if all of the following apply:

2828 1. The secondhand goods must be available on the website
2829 for viewing by the public at no charge;

2830 2. The records of the sale, purchase, consignment, or
2831 trade must be maintained for at least 2 years;

2832 3. The records of the sale, purchase, consignment, or
2833 trade, and the description of the secondhand goods as listed on
2834 the website, must contain the serial number of each item, if
2835 any;

2836 4. The secondhand goods listed on the website must be
2837 searchable based upon the state or zip code;

2838 5. The business must provide the appropriate law
2839 enforcement agency with the name or names under which it
2840 conducts business on the website;

2841 6. The business must allow the appropriate law enforcement
2842 agency to inspect its business premises at any time during
2843 normal business hours;

2844 7. Any payment by the business resulting from such a sale,
2845 purchase, consignment, or trade must be made to the person or
2846 entity with whom the business contracted to offer the goods and

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2847 must be made by check or via a money services business
2848 ~~transmitter~~ licensed under part II of chapter 560; and
2849 8.a. At least 48 hours after the estimated time of
2850 contracting to offer the secondhand goods, the business must
2851 verify that any item having a serial number is not stolen
2852 property by entering the serial number of the item into the
2853 Department of Law Enforcement's stolen article database located
2854 at the Florida Crime Information Center's public access system
2855 website. The business shall record the date and time of such
2856 verification on the contract covering the goods. If such
2857 verification reveals that an item is stolen property, the
2858 business shall immediately remove the item from any website on
2859 which it is being offered and notify the appropriate law
2860 enforcement agency; or

2861 b. The business must provide the appropriate law
2862 enforcement agency with an electronic copy of the name, address,
2863 phone number, driver's license number, and issuing state of the
2864 person with whom the business contracted to offer the goods, as
2865 well as an accurate description of the goods, including make,
2866 model, serial number, and any other unique identifying marks,
2867 numbers, names, or letters that may be on an item, in a format
2868 agreed upon by the business and the appropriate law enforcement
2869 agency. This information must be provided to the appropriate law
2870 enforcement agency within 24 hours after entering into the
2871 contract unless other arrangements are made between the business
2872 and the law enforcement agency.

2873 Section 52. Subsection (10) of section 896.101, Florida
2874 Statutes, is amended to read:

2875 896.101 Florida Money Laundering Act; definitions;
2876 penalties; injunctions; seizure warrants; immunity.--

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2877 (10) Any financial institution, licensed money services
2878 business transmitter, or other person served with and complying
2879 with the terms of a warrant, temporary injunction, or other
2880 court order, including any subpoena issued under ~~the authority~~
2881 ~~granted by~~ s. 16.56 or s. 27.04, obtained in furtherance of an
2882 investigation of any crime in this section, including any crime
2883 listed as specified unlawful activity under this section or any
2884 felony violation of chapter 560, has immunity from criminal
2885 liability and is ~~shall~~ not be liable to any person for any
2886 lawful action taken in complying with the warrant, temporary
2887 injunction, or other court order, including any subpoena issued
2888 under ~~the authority granted by~~ s. 16.56 or s. 27.04. If any
2889 subpoena issued under ~~the authority granted by~~ s. 16.56 or s.
2890 27.04 contains a nondisclosure provision, any financial
2891 institution, licensed money services business transmitter,
2892 employee or officer of a financial institution or licensed money
2893 services business transmitter, or any other person may not
2894 notify, directly or indirectly, any customer of that financial
2895 institution or ~~licensed money services business transmitter~~
2896 whose records are being sought by the subpoena, or any other
2897 person named in the subpoena, about the existence or the
2898 contents of that subpoena or about information that has been
2899 furnished to the state attorney or statewide prosecutor who
2900 issued the subpoena or other law enforcement officer named in
2901 the subpoena in response to the subpoena.

2902 Section 53. Subsection (5) of section 896.104, Florida
2903 Statutes, is amended to read:

2904 896.104 Structuring transactions to evade reporting or
2905 registration requirements prohibited.--

2906 (5) INFERENCE.--Proof that a person engaged for monetary
2907 consideration in the business of a money funds transmitter, as

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2908 defined in s. 560.103, ~~s. 560.103(10)~~ and who is transporting
 2909 more than \$10,000 in currency, or the foreign equivalent,
 2910 without being licensed ~~registered~~ as a money transmitter or
 2911 designated as an authorized vendor under ~~the provisions of~~
 2912 chapter 560, gives rise to an inference that the transportation
 2913 was done with knowledge of the licensure ~~registration~~
 2914 requirements of chapter 560 and the reporting requirements of
 2915 this chapter.

2916 Section 54. Paragraph (g) of subsection (3) of section
 2917 921.0022, Florida Statutes, is amended to read:

2918 921.0022 Criminal Punishment Code; offense severity
 2919 ranking chart.--

2920 (3) OFFENSE SEVERITY RANKING CHART

2921 (g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for

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			safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2925	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
2926	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2927	409.920(2)	3rd	Medicaid provider fraud.
2928	456.065(2)	3rd	Practicing a health care profession without a license.
2929			

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	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2930			
	458.327 (1)	3rd	Practicing medicine without a license.
2931			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
2932			
	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2933			
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2934			
	462.17	3rd	Practicing naturopathy without a license.
2935			
	463.015 (1)	3rd	Practicing optometry without a license.
2936			
	464.016 (1)	3rd	Practicing nursing

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2937			without a license.
	465.015(2)	3rd	Practicing pharmacy without a license.
2938			
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
2939			
	467.201	3rd	Practicing midwifery without a license.
2940			
	468.366	3rd	Delivering respiratory care services without a license.
2941			
	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
2942			
	483.901(9)	3rd	Practicing medical physics without a license.
2943			
	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
2944			

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2945	484.053	3rd	Dispensing hearing aids without a license.
2946	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2947	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by <u>a money services business transmitter</u> .
2948	560.125(5)(a)	3rd	<u>Money services transmitter</u> business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

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2949	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
2950	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
2951	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
2952	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
	782.051(3)	2nd	Attempted felony murder of a person by a person other

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than the perpetrator
or the perpetrator
of an attempted
felony.

2953

782.07(1)

2nd

Killing of a human
being by the act,
procurement, or
culpable negligence
of another
(manslaughter).

2954

782.071

2nd

Killing of a human
being or viable
fetus by the
operation of a motor
vehicle in a
reckless manner
(vehicular
homicide).

2955

782.072

2nd

Killing of a human
being by the
operation of a
vessel in a reckless
manner (vessel
homicide).

2956

784.045(1)(a)1.

2nd

Aggravated battery;
intentionally
causing great bodily

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			harm or disfigurement.
2957	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
2958	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2959	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2960	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2961	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2962	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2963	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

2964	784.081(1)	1st	Aggravated battery on specified official or employee.
2965	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
2966	784.083(1)	1st	Aggravated battery on code inspector.
2967	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
2968	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
2969	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2970	790.165(3)	2nd	Possessing, displaying, or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

2971	790.166(3)	2nd	threatening to use any hoax bomb while committing or attempting to commit a felony.
2972	790.166(4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2973	794.08(4)	3rd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
2974	796.03	2nd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
			Procuring any person under 16 years for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

prostitution.

2975

800.04 (5) (c) 1. 2nd

Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

2976

800.04 (5) (c) 2. 2nd

Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.

2977

806.01 (2) 2nd

Maliciously damage structure by fire or explosive.

2978

810.02 (3) (a) 2nd

Burglary of occupied dwelling; unarmed; no assault or battery.

2979

810.02 (3) (b) 2nd

Burglary of unoccupied dwelling; unarmed; no assault or battery.

2980

810.02 (3) (d) 2nd

Burglary of occupied conveyance; unarmed;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

2981	810.02 (3) (e)	2nd	no assault or battery.
2982	812.014 (2) (a) 1.	1st	Burglary of authorized emergency vehicle.
2983	812.014 (2) (b) 2.	2nd	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
2984	812.014 (2) (b) 3.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2985	812.014 (2) (b) 4.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
			Property stolen, law enforcement equipment from

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

authorized emergency
vehicle.

2986

812.0145(2) (a) 1st

Theft from person 65
years of age or
older; \$50,000 or
more.

2987

812.019(2) 1st

Stolen property;
initiates,
organizes, plans,
etc., the theft of
property and
traffics in stolen
property.

2988

812.131(2) (a) 2nd

Robbery by sudden
snatching.

2989

812.133(2) (b) 1st

Carjacking; no
firearm, deadly
weapon, or other
weapon.

2990

817.234(8) (a) 2nd

Solicitation of
motor vehicle
accident victims
with intent to
defraud.

2991

817.234(9) 2nd

Organizing,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

2992	817.234(11)(c)	1st	planning, or participating in an intentional motor vehicle collision.
2993	817.2341(2)(b) & (3) (b)	1st	Insurance fraud; property value \$100,000 or more. Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
2994	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2995	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

property is valued
at \$20,000 or more,
but less than
\$100,000.

Neglect of a child
causing great bodily
harm, disability, or
disfigurement.

Impregnation of a
child under 16 years
of age by person 21
years of age or
older.

Giving false
information about
alleged capital
felony to a law
enforcement officer.

Bribery.

Unlawful
compensation or
reward for official
behavior.

Unlawful harm to a
public servant.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

3002	838.22	2nd	Bid tampering.
3003	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
3004	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
3005	872.06	2nd	Abuse of a dead human body.
3006	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

community center.

3007

893.13(1)(e)1. 1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

3008

893.13(4)(a) 1st

Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

3009

893.135(1)(a)1. 1st

Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

3010

893.135(1)(b)1.a. 1st

Trafficking in cocaine, more than 28 grams, less than

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

3011	893.135(1)(c)1.a.	1st	200 grams. Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
3012	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
3013	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
3014	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
3015	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
3016	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

less than 5
kilograms.

3017

893.135(1)(j)1.a. 1st

Trafficking in 1,4-
Butanediol, 1
kilogram or more,
less than 5
kilograms.

3018

893.135(1)(k)2.a. 1st

Trafficking in
Phenethylamines, 10
grams or more, less
than 200 grams.

3019

896.101(5)(a) 3rd

Money laundering,
financial
transactions
exceeding \$300 but
less than \$20,000.

3020

896.104(4)(a)1. 3rd

Structuring
transactions to
evade reporting or
registration
requirements,
financial
transactions
exceeding \$300 but
less than \$20,000.

3021

943.0435(4)(c) 2nd

Sexual offender

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

			vacating permanent residence; failure to comply with reporting requirements.
3022	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
3023	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
3024	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3025	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

verification.

3026

944.607(9)

3rd

Sexual offender;
failure to comply
with reporting
requirements.

3027

944.607(10)(a)

3rd

Sexual offender;
failure to submit to
the taking of a
digitized
photograph.

3028

944.607(12)

3rd

Failure to report or
providing false
information about a
sexual offender;
harbor or conceal a
sexual offender.

3029

944.607(13)

3rd

Sexual offender;
failure to report
and reregister;
failure to respond
to address
verification.

3030

985.4815(10)

3rd

Sexual offender;
failure to submit to
the taking of a
digitized

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

photograph.

3031

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

3032

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

3033

3034

Section 55. Sections 560.101, 560.102, 560.106, 560.1073, 560.108, 560.112, 560.117, 560.200, 560.202, 560.206, 560.207, 560.301, 560.302, 560.305, 560.306, 560.307, 560.308, 560.401, and 560.407, Florida Statutes, are repealed.

3035

3036

3037

3038

Section 56. This act shall take effect January 1, 2009.

3039

3040

3041

3042

T I T L E A M E N D M E N T

3043

Remove the entire title and insert:

3044

A bill to be entitled

3045

An act relating to money services businesses; changing the name of money transmitters to money services businesses; requiring licensure rather than registration; amending s. 560.103, F.S.; revising definitions; defining the terms "affiliated party,"

3046

3047

3048

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

3049 "branch office," "cashing," "compliance officer," "electronic
3050 instrument," "financial audit report," "foreign affiliate,"
3051 "licensee," "location," "monetary value," "net worth,"
3052 "outstanding money transmission," and "stored value"; amending
3053 s. 560.104, F.S.; revising provision providing exemptions from
3054 ch. 560, F.S.; amending s. 560.105, F.S.; revising provisions
3055 relating to the powers of the Office of Financial Regulation and
3056 the Financial Services Commission; amending s. 560.109, F.S.;
3057 revising provisions relating to examinations and investigations
3058 conducted by the office; requiring that the office periodically
3059 examine each licensee and each new licensee within 6 months
3060 after issuing a license; requiring the office to report certain
3061 violations to a criminal investigatory agency; requiring that
3062 the office annually report to the Legislature information
3063 concerning investigations and examinations and the total amount
3064 of fines assessed and collected; requiring records in a language
3065 other than English to be translated; creating s. 560.1091, F.S.;
3066 authorizing the office to contract with third parties to conduct
3067 examinations; authorizing the commission to adopt rules relating
3068 to who can conduct examinations and the rates charged; creating
3069 s. 560.1092, F.S.; requiring persons examined to pay the
3070 expenses of examination as set by rule of the commission;
3071 providing for the deposit of funds collected from licensees;
3072 requiring payment for travel expenses and living expenses and
3073 compensation for persons making the examinations from such funds
3074 or from funds budgeted for such purposes; creating s. 560.110,
3075 F.S.; providing for record retention by licensees; amending s.
3076 560.111, F.S.; revising the list of prohibited acts by a money
3077 services business; amending s. 560.113, F.S.; providing for the
3078 establishment of a receivership or the payment of restitution by
3079 a person found to have violated ch. 560, F.S.; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

3080 560.114, F.S.; revising grounds for the disciplinary actions;
3081 creating s. 560.1141, F.S.; authorizing the commission to adopt
3082 disciplinary guidelines for imposing penalties for violations;
3083 providing for mitigating and aggravating circumstances; amending
3084 s. 560.115, F.S.; revising provisions relating to the voluntary
3085 surrender of a license; amending s. 560.116, F.S.; revising
3086 provisions relating to the granting of immunity for providing
3087 information about alleged violations of ch. 560, F.S.; amending
3088 s. 560.118, F.S.; revising provisions relating to required
3089 reports; deleting an exemption from the requirement to file an
3090 annual financial report; transferring, renumbering, and amending
3091 s. 560.119, F.S.; revising provisions providing for the deposit
3092 of fees and assessments; amending s. 560.121, F.S.; revising
3093 restriction on access to records held by a court or the
3094 Legislature; amending s. 560.123, F.S.; revising provisions
3095 relating to the Florida Control of Money Laundering in Money
3096 Services Business; creating s. 560.1235, F.S.; requiring a
3097 licensee to comply with state and federal anti-money laundering
3098 laws and rules; amending s. 560.124, F.S.; revising provisions
3099 relating to sharing reported information; amending s. 560.125,
3100 F.S.; revising provisions relating to unlicensed activity;
3101 amending s. 560.126, F.S.; revising provisions relating to
3102 certain notice requirements by a licensee; providing for
3103 transfer of certain appointments and licenses to a new license
3104 under certain circumstances; amending s. 560.127, F.S.; revising
3105 provisions relating to the control of a money services business;
3106 amending s. 560.128, F.S.; revising provisions relating to
3107 customer contacts and license display; amending s. 560.129,
3108 F.S.; revising provisions relating to the confidentiality of
3109 certain records; creating s. 560.140, F.S.; providing licensing
3110 standards for a money services business; creating s. 560.141,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

3111 F.S.; providing for a license application; creating s. 560.142,
3112 F.S.; providing for license renewal; creating s. 560.143, F.S.;
3113 providing for license fees; amending s. 560.203, F.S.; revising
3114 the exemption from licensure for authorized vendors of a money
3115 services business; amending s. 560.204, F.S.; revising
3116 provisions relating to the requirement for licensure of money
3117 transmitters or sellers of payment instruments under part II of
3118 ch. 560, F.S.; amending s. 560.205, F.S.; providing additional
3119 requirements for a license application; amending s. 560.208,
3120 F.S.; revising provisions relating to the conduct of a licensee;
3121 creating s. 560.2085, F.S.; providing requirements for
3122 authorized vendors; amending s. 560.209, F.S.; revising
3123 provisions relating to a licensee's net worth and the filing of
3124 a corporate surety bond; requiring a financial audit report;
3125 increasing the upper limit of the bond; deleting the option of
3126 waiving the bond; amending s. 560.210, F.S.; revising provisions
3127 relating to permissible investments; amending s. 560.211, F.S.;
3128 revising provisions relating to required recordkeeping under
3129 part II of ch. 560, F.S.; amending s. 560.212, F.S.; revising
3130 provisions relating to licensee liability; amending s. 560.213,
3131 F.S.; revising provisions relating information that must be
3132 printed on a payment instrument; amending s. 560.303, F.S.;
3133 revising provisions relating to the licensure of check cashers
3134 under part II of ch. 560, F.S.; amending s. 560.304, F.S.;
3135 revising provisions relating to exemptions from licensure;
3136 limiting the exemption for the payment of instruments below a
3137 certain value; amending s. 560.309, F.S.; revising provisions
3138 relating to the conduct of check cashers; providing additional
3139 requirements; amending s. 560.310, F.S.; revising requirements
3140 for licensee records; specifying the maintenance of
3141 identification records for certain customers; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

3142 560.402, F.S.; revising definitions relating to deferred
3143 presentment providers; amending s. 560.403, F.S.; revising
3144 provisions relating to the licensing requirements for deferred
3145 presentment providers; amending s. 560.404, F.S.; revising
3146 provisions relating to deferred presentment transactions;
3147 amending s. 560.405, F.S.; revising provisions relating to the
3148 redemption or deposit of a deferred presentment transaction;
3149 amending s. 560.406, F.S.; revising provisions relating to
3150 worthless checks; amending ss. 499.005, 499.0691, 501.95,
3151 538.03, 896.101, 896.104, and 921.0022, F.S.; conforming cross-
3152 references; repealing s. 560.101, F.S., relating to a short
3153 title; repealing s. 560.102, F.S., relating to purpose and
3154 application; repealing s. 560.106, F.S., relating to chapter
3155 constructions; repealing s. 560.1073, F.S., relating to false or
3156 misleading statements or documents; repealing s. 560.108, F.S.,
3157 relating to administrative enforcement guidelines; repealing s.
3158 560.112, F.S., relating to disciplinary action procedures;
3159 repealing s. 560.117, F.S., relating to administrative fines;
3160 repealing s. 560.200, F.S., relating to a short title; repealing
3161 s. 560.202, F.S., relating to definitions; repealing s. 560.206,
3162 F.S., relating to the investigation of applicants; repealing s.
3163 560.207, F.S., relating to registration; repealing s. 560.301,
3164 F.S., relating to a short title; repealing s. 560.302, F.S.,
3165 relating to definitions; repealing s. 560.305, F.S., relating to
3166 application for registration; repealing s. 560.306, F.S.,
3167 relating to standards; repealing s. 560.307, F.S., relating to
3168 fees; repealing s. 560.308, F.S., relating to registration;
3169 repealing s. 560.401, F.S., relating to a short title; repealing
3170 s. 560.407, F.S., relating to required records; providing an
3171 effective date.

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	



1 Council/Committee hearing bill: Jobs & Entrepreneurship Council
2 Representative(s) Richter offered the following:

4 **Amendment to Amendment (24611) by Representative Richter**

5 Remove line(s) 2157-2177 and insert:

7 (3) A person exempt from licensure under registration
8 ~~pursuant to~~ this part engaging in the business of cashing
9 payment instruments or the exchanging of foreign currency may
10 not advertise with signage the offering of check cashing
11 services on the exterior of buildings at their business
12 locations or in a manner that is visible from the exterior of
13 their business location and may ~~shall~~ not charge fees in excess
14 of those provided in s. 560.309.

15 Section 40. Section 560.304, Florida Statutes, is amended
16 to read:

17 560.304 Exemption from licensure ~~Exceptions to~~
18 ~~registration.--The requirement for licensure under provisions of~~
19 this part does ~~do~~ not apply to:

20 (1) a person cashing payment instruments that have an
21 aggregate face value of less than \$2,000 per person per day
22 ~~Authorized vendors of any person registered pursuant to the~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 ~~provisions of the code, acting within the scope of authority~~
24 ~~conferred by the registrant.~~

25 ~~(2) Persons engaged in the cashing of payment instruments~~
26 ~~or the exchanging of foreign currency which is that are~~
27 incidental to the retail sale of goods or services whose
28 compensation for cashing payment instruments ~~or exchanging~~
29 ~~foreign currency~~ at each site does not exceed 5 percent of the
30 total gross income from the retail sale of goods or services by
31 such person during the last 60 days ~~its most recently completed~~
32 ~~fiscal year.~~

33

COUNCIL/COMMITTEE ACTION

5

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER ___

1 Council/Committee hearing bill: Jobs & Entrepreneurship Council
2 Representative(s) Murzin offered the following:

4 **Amendment to Amendment (24611) by Representative Murzin**

5 Remove line(s) 2166-2177 and insert:

7 ~~(1) a person cashing payment instruments that have an~~
8 ~~aggregate face value of less than \$2,000 per person per day~~
9 ~~Authorized vendors of any person registered pursuant to the~~
10 ~~provisions of the code, acting within the scope of authority~~
11 ~~conferred by the registrant.~~

12 ~~(2) Persons engaged in the cashing of payment instruments~~
13 ~~or the exchanging of foreign currency which is that are~~
14 incidental to the retail sale of goods or services whose
15 compensation for cashing payment instruments ~~or exchanging~~
16 ~~foreign currency~~ at each site does not exceed 5 percent of the
17 total gross income from the retail sale of goods or services by
18 such person during the last 60 days ~~its most recently completed~~
19 ~~fiscal year.~~

COUNCIL MEETING REPORT

Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

PCB JEC 08-12 : Department of Business and Professional Regulation

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Oscar Braynon II	X				
Ronald Brisé	X				
Donald Brown	X				
Jennifer Carroll	X				
Charles Chestnut IV	X				
Chris Dorworth	X				
Terry Fields	X				
John Legg	X				
Carlos Lopez-Cantera				X	
Dave Murzin	X				
Ralph Poppell	X				
Curtis Richardson				X	
Garrett Richter	X				
Ron Schultz	X				
Anthony Traviesa				X	
James Waldman	X				
Ron Reagan (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. PCB JEC 08-12

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION ✓ — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER _____

1 Council/Committee hearing bill: Jobs and Entrepreneurship

2 Council

3 Representative(s) Reagan offered the following:

4
5 **Amendment**

6 Remove line(s) 99-109 and insert:

7 balances and renewal schedules, are exempt from paying the
8 unlicensed activity fee imposed under subsection (1):

- 9 (a) Board of Architecture and Interior Design;
10 (b) Florida Board of Auctioneers;
11 (c) Board of Landscape Architects;
12 (d) Board of Pilot Commissioners;
13 (e) Board of Professional Surveyors and Mappers;
14 (f) Florida Real Estate Appraisal Board;
15 (g) Asbestos Unit;
16 (h) Athlete Agents;
17 (i) Community Association Managers;
18 (j) Florida Real Estate Commission; and
19 (k) Board of Employee Leasing Companies.

COUNCIL MEETING REPORT
Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

PCB JEC 08-13 : Mitigation Enhancement

Favorable With Amendments

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Oscar Braynon II	X				
Ronald Brisé	X				
Donald Brown	X				
Jennifer Carroll	X				
Charles Chestnut IV	X				
Chris Dorworth	X				
Terry Fields	X				
John Legg	X				
Carlos Lopez-Cantera				X	
Dave Murzin	X				
Ralph Poppell	X				
Curtis Richardson				X	
Garrett Richter	X				
Ron Schultz				X	
Anthony Traviesa				X	
James Waldman	X				
Ron Reagan (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **PCB JEC 08-13**

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER _____

1 Council/Committee hearing bill: Jobs & Entrepreneurship Council
 2 Representative(s) Reagan offered the following:

Amendment

Remove lines 133-144 and insert:

6 ~~(j) The department shall transfer the amount of \$40~~
 7 ~~million from funds appropriated to the program, including up to~~
 8 ~~5 percent for administrative costs, to Volunteer Florida~~
 9 ~~Foundation, Inc., or other not for profit entity for provision~~
 10 ~~of inspections and grants to low-income homeowners, as defined~~
 11 ~~in s. 420.0004(10), consistent with this section. Volunteer~~
 12 ~~Florida Foundation, Inc., or other not for profit entity shall~~
 13 ~~be responsible for inspections and grants management for low-~~
 14 ~~income homeowners and shall report its activities and account~~
 15 ~~for state funds on a quarterly and annual basis to the Chief~~
 16 ~~Financial Officer, the President of the Senate, and the Speaker~~
 17 ~~of the House of Representatives.~~

COUNCIL MEETING REPORT
Jobs & Entrepreneurship Council

4/8/2008 1:30:00PM

Location: Morris Hall (17 HOB)

Summary:

Jobs & Entrepreneurship Council

Tuesday April 08, 2008 01:30 pm

HB 239	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 253	Favorable	Yeas: 14	Nays: 0
HB 631	Favorable with Council Substitute	Yeas: 12	Nays: 0
HB 727	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 853	Favorable with Council Substitute	Yeas: 13	Nays: 0
HB 937	Favorable with Council Substitute	Yeas: 14	Nays: 0
HB 955	Favorable with Council Substitute	Yeas: 15	Nays: 0
PCB JEC 08-12	Favorable With Amendments	Yeas: 14	Nays: 0
PCB JEC 08-13	Favorable With Amendments	Yeas: 13	Nays: 0

Committee meeting was reported out: Tuesday, April 08, 2008 4:13:34PM