



Committee on Financial Institutions

**Thursday, March 13, 2008
9:00 – 10:45 am
24 House Office Building**

Committee Action

**Marco Rubio
Speaker**

**Jennifer Carroll
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Committee on Financial Institutions

Start Date and Time: Thursday, March 13, 2008 09:00 am

End Date and Time: Thursday, March 13, 2008 10:45 am

Location: 24 HOB

Duration: 1.75 hrs

Consideration of the following bill(s):

HB 727 Firesafety by Gibson, H.

HB 955 Money Services Businesses by Richter

NOTICE FINALIZED on 03/11/2008 16:24 by COCHRAN.MARGARET

COMMITTEE MEETING REPORT
Committee on Financial Institutions

3/13/2008 9:00:00AM

Location: 24 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Jennifer Carroll (Chair)	X		
Thad Altman	X		
Thomas Anderson	X		
Charles Chestnut IV	X		
Paige Kreegel	X		
Garrett Richter	X		
James Waldman	X		
Totals:	7	0	0

Committee meeting was reported out: Thursday, March 13, 2008 10:44:21AM

COMMITTEE MEETING REPORT
Committee on Financial Institutions

3/13/2008 9:00:00AM

Location: 24 HOB
HB 727 : Firesafety

Favorable With Amendments (1) - Strike All

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman	X				
Thomas Anderson	X				
Charles Chestnut IV	X				
Paige Kreegel	X				
Garrett Richter	X				
James Waldman	X				
Jennifer Carroll (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Firesafety
Thomas Hennessy - Proponent
Fire Service
1111 133 St. E.
Bradenton FL 34212
Phone: 941 737 0016

Committee meeting was reported out: Thursday, March 13, 2008 10:44:21AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0727

A

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 WITHDRAWN _____ (Y/N)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: Committee on Financial
 2 Institutions
 3 Representative H. Gibson offered the following:

Amendment(with title amendment)

Remove line(s) 11-32 and insert:

Section 1. This act may be cited as the "Aldridge/Benge Firefighter Safety Act."

Section 2. Section 633.027, Florida Statutes, is created to read:

633.027 Buildings with light-frame truss-type construction; notice requirements; enforcement.--

(1) The owner of any commercial or industrial structure, or any multiunit residential structure of three units or more, that uses light-frame truss-type construction shall mark the structure with a sign or symbol approved by the State Fire Marshal in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of light-frame truss-type construction in the structure.

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20 (2) The State Fire Marshal shall adopt rules necessary to
21 implement the provisions of this section, including, but not
22 limited to:

23 (a) The dimensions and color of such sign or symbol.

24 (b) The time within which commercial, industrial, and
25 multiunit residential structures that use light-frame truss-type
26 construction shall be marked as required by this section.

27 (c) The location on each commercial, industrial, and
28 multiunit residential structure that uses light-frame truss-type
29 construction where such sign or symbol must be posted.

30 (3) The State Fire Marshal, and local fire officials in
31 accordance with s. 633.121, shall enforce the provisions

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

33 Remove line 2 and insert:

34 An act relating to firesafety; providing a short title; creating
35 s. 633.027, F.S.;



Spice

COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. 727 Date 3/13/08
 Name THOMAS HENNESSY
 Title FIRE CHIEF
 Address 1111 133 ST EAST
 City BRADENTON State /Zip 34212
 Phone Number 941 737 0016
 Representing FIRE SERVICE

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent
 *I have been requested to speak: Opponent
 Information

Subject matter: FIRE FIGHTER SAFETY

Council/Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
 Original - Council/Committee/Subcommittee
 Copy - Person requested to appear

COMMITTEE MEETING REPORT
Committee on Financial Institutions

3/13/2008 9:00:00AM

Location: 24 HOB

HB 955 : Money Services Businesses

<input checked="" type="checkbox"/> Favorable With Amendments (1) - Strike All					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thad Altman			X		
Thomas Anderson	X				
Charles Chestnut IV	X				
Paige Kreegel	X				
Garrett Richter	X				
James Waldman	X				
Jennifer Carroll (Chair)	X				
Total Yeas: 6		Total Nays: 0			

Appearances:

Money Services Businesses

Jim Daughton - Proponent

Financial Service Centers of Florida
 215 S. Monroe St.
 Tallahassee FL 32308
 Phone: 850 205 9000

Money Services Businesses

Randy Miller (Lobbyist) - Information Only

FL Retail Federation
 227 S. Adams St.
 Tallahassee FL 32301
 Phone: 850 222 4082

Money Services Businesses

Nick Iarossi (Lobbyist) - Proponent

Dollar Financial
 101 E. Collge Ave., St. 303
 Tallahassee FL 32301
 Phone: 850 222 9075

Money Services Businesses

Andrea Moreland (Lobbyist) (State Employee) - Proponent

Off./Financial Reg.
 200 E. Gaines St.
 Tallahassee FL
 Phone: 850 410 9662

Money Services Businesses

Wade Hopping (Lobbyist) - Proponent

Moneygram
 710 N. Ride Rd.
 Tallahassee FL 32303
 Phone: 850 222 7500

Committee meeting was reported out: Thursday, March 13, 2008 10:44:21AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 955

A

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: Committee on Financial
2 Institutions
3 Representative Richter offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

(2) ~~(1)~~ "Appropriate regulator" means a any state, or federal, or foreign agency that, including the commission or office, which has been granted state or federal statutory authority to enforce state, federal, or foreign laws related to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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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
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.

Amendment No. (for drafter's use only)

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~~
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;

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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,
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.~~

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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 an authorized vendor whose business activity is regulated under
115 this chapter.

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 person who, or a
125 corporation, limited liability company, limited liability
126 partnership, or foreign entity qualified to do business in this
127 state that, receives currency, monetary value, or payment
128 instruments for the purpose of transmitting the same by any
129 means, including transmission by wire, facsimile, electronic
130 transfer, courier, the Internet, or through bill payment

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131 services or other businesses that facilitate such transfer
132 within this country, or to or from this country.

133 (20) "Net worth" means assets minus liabilities,
134 determined in accordance with United States generally accepted
135 accounting principles.

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

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

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.

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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 person who,
168 or a corporation, limited liability company, limited liability
169 partnership, or foreign entity qualified to do business in this
170 state that, 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.~~

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.

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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. Effective January 1, 2009, new subsection (19)
207 and renumbered and amended subsection (26) of section 560.103,
208 Florida Statutes, as amended by this act, are amended to read:

209 560.103 Definitions.--As used in this chapter, the term:

210 (19) "Money transmitter" means a ~~person who, or a~~
211 corporation, limited liability company, limited liability
212 partnership, or foreign entity qualified to do business in this

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213 | state that, receives currency, monetary value, or payment
214 | instruments for the purpose of transmitting the same by any
215 | means, including transmission by wire, facsimile, electronic
216 | transfer, courier, the Internet, or through bill payment
217 | services or other businesses that facilitate such transfer
218 | within this country, or to or from this country.

219 | (26) "Payment instrument seller" means a ~~person who, or a~~
220 | corporation, limited liability company, limited liability
221 | partnership, or foreign entity qualified to do business in this
222 | state that, sells a payment instrument.

223 | Section 3. Section 560.104, Florida Statutes, is amended
224 | to read:

225 | 560.104 Exemptions.--The following entities are exempt
226 | from the provisions of this chapter ~~the code~~:

227 | (1) Banks, credit card banks, credit unions, trust
228 | companies, associations, offices of an international banking
229 | corporation, Edge Act or agreement corporations, or other
230 | financial depository institutions organized under the laws of
231 | any state or the United States, ~~provided that they do not sell~~
232 | ~~payment instruments through authorized vendors who are not such~~
233 | entities.

234 | (2) The United States or any agency or department,
235 | instrumentality, ~~or agency~~ thereof.

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

237 | Section 4. Section 560.105, Florida Statutes, is amended
238 | to read:

239 | 560.105 Supervisory powers; rulemaking.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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

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

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

248 (c) ~~Power to~~ Issue orders and declaratory statements,
249 disseminate information, and otherwise administer and enforce
250 this chapter and all related rules in order ~~exercise its~~
251 ~~discretion~~ to effectuate the purposes, policies, and provisions
252 of this chapter ~~the code~~.

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

256 (a) ~~(3)~~ The commission may adopt rules ~~pursuant to ss.~~
257 ~~120.536(1) and 120.54~~ requiring electronic submission of any
258 forms, documents, or fees required by this chapter, which must
259 ~~code if such rules~~ reasonably accommodate technological or
260 financial hardship. ~~The commission may prescribe by rule~~
261 requirements and provide procedures for obtaining an exemption
262 due to a technological or financial hardship.

263 (b) Rules adopted to regulate money services businesses,
264 including deferred presentment providers, must be responsive to
265 changes in economic conditions, technology, and industry
266 practices.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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267 Section 5. Section 560.109, Florida Statutes, is amended
268 to read:

269 560.109 Examinations and investigations, ~~subpoenas,~~
270 ~~hearings, and witnesses.--~~

271 ~~(1) The office may conduct examinations and make~~
272 ~~investigations or examinations as prescribed in s. 560.118,~~
273 ~~within or outside this state, which it deems necessary in order~~
274 ~~to determine whether a person has violated any provision of this~~
275 ~~chapter and related rules the code, the rules adopted by the~~
276 ~~commission pursuant to the code, or of any practice or conduct~~
277 ~~that creates the likelihood of material loss, insolvency, or~~
278 ~~dissipation of the assets of a money services business or~~
279 ~~otherwise materially prejudices the interests of its customers~~
280 ~~31 C.F.R. ss. 103.20, 103.22, 103.27, 103.28, 103.29, 103.33,~~
281 ~~103.37, 103.41, and 103.125 as they existed on March 31, 2004.~~

282 (1) The office may examine each licensee as often as is
283 warranted for the protection of customers and in the public
284 interest, but at least once every 5 years. The office shall
285 provide at least 15 days' notice to a money services business,
286 its authorized vendor, or license applicant before conducting an
287 examination or investigation. However, the office may conduct an
288 examination or investigation of a money services business,
289 authorized vendor, or affiliated party at any time and without
290 advance notice if the office suspects that the money services
291 business, authorized vendor, or affiliated party has violated or
292 is about to violate any provisions of this chapter or any
293 criminal laws of this state or of the United States.

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294 (2) The office may conduct a joint or concurrent
295 examination with any state or federal regulatory agency and may
296 furnish a copy of all examinations to an appropriate regulator
297 if the regulator agrees to abide by the confidentiality
298 provisions in chapter 119 and this chapter. The office may also
299 accept an examination from any appropriate regulator or,
300 pursuant to s. 560.1091, from an independent third party that
301 has been approved by the office.

302 (3) Persons subject to this chapter who are examined or
303 investigated shall make available to the office, its examiners,
304 or investigators, all books, accounts, documents, files,
305 information, assets, and matters that are in their immediate
306 possession or control and that relate to the subject of the
307 examination or investigation.

308 (a) Records not in their immediate possession must be made
309 available to the office, or the office's examiners or
310 investigators, within 3 days after actual notice is served.

311 (b) Upon notice, the office may require that records
312 written in a language other than English be accompanied by a
313 certified translation at the expense of the licensee. For
314 purposes of this section, the term "certified translation" means
315 a document translated by a person who is currently certified as
316 a translator by the American Translators Association or other
317 organization designated by rule.

318 (4)-(2)-(a) In the course of or in connection with any
319 examination or an investigation conducted by the office:

320 (a) An employee of the office holding the title and
321 position of a pursuant to the provisions of subsection (1) or an

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322 ~~investigation or examination in connection with any application~~
323 ~~to the office for the organization or establishment of a money~~
324 ~~transmitter business, or in connection with an examination or~~
325 ~~investigation of a money transmitter or its authorized vendor,~~
326 ~~the office, or any of its officers holding no lesser title and~~
327 ~~position than~~ financial examiner or analyst, financial
328 investigator, ~~or~~ attorney at law, or higher may:

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

331 (b) The office, or any of its employees ~~officers~~ holding a
332 title of no lesser title than attorney, ~~or~~ area financial
333 manager, or higher may issue, revoke, quash, or modify subpoenas
334 and subpoenas duces tecum under the seal of the office or cause
335 any such subpoena or subpoena duces tecum to be issued by any
336 county court judge or clerk of the circuit court or county court
337 to require persons to appear before the office at a reasonable
338 time and place to be ~~therein~~ named and to bring such books,
339 records, and documents for inspection as may be ~~therein~~
340 designated. Such subpoenas may be served by a representative of
341 the office or ~~may be served~~ as otherwise provided ~~for~~ by law for
342 the service of subpoenas.

343 (c) ~~In connection with any such investigation or~~
344 ~~examination,~~ The office may allow ~~permit~~ a person to file a
345 statement in writing, under oath, or otherwise as the office
346 ~~determines,~~ as to facts and circumstances specified by the
347 office.

348 (5)-(3)-(a) If a person does not comply ~~In the event of~~
349 ~~noncompliance~~ with a subpoena issued or caused to be issued by

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350 the office pursuant to this section, the office may petition a
351 court of competent jurisdiction ~~the circuit court of the county~~
352 ~~in which the person subpoenaed resides or has its principal~~
353 ~~place of business~~ for an order requiring the subpoenaed person
354 to appear and testify and to produce such ~~books, records, and~~
355 ~~documents~~ as are specified in the such subpoena duces tecum. The
356 office is entitled to the summary procedure provided in s.
357 51.011, and the court shall advance the cause on its calendar.

358 (a)-(b) A copy of the petition shall be served upon the
359 person subpoenaed by any person authorized by this section to
360 serve subpoenas, who shall make and file with the court an
361 affidavit showing the time, place, and date of service.

362 (b)-(e) At a any hearing on the any such petition, the
363 person subpoenaed, or any person whose interests are ~~will be~~
364 substantially affected by the investigation, examination, or
365 subpoena, may appear and object to the subpoena and to the
366 granting of the petition. The court may make any order that
367 justice requires ~~in order~~ to protect a party or other person and
368 her or his personal and property rights, including, but not
369 limited to, protection from ~~annoyance, embarrassment,~~
370 oppression, ~~or~~ undue burden, or expense.

371 (c)-(d) Failure to comply with an order granting, in whole
372 or in part, a petition for enforcement of a subpoena is a
373 contempt of the court.

374 (6)-(4) Witnesses are entitled to the same fees and mileage
375 ~~to which they would be entitled by law for attending as~~
376 witnesses in the circuit court, except that ~~no~~ fees or mileage

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

379 ~~(7)(5)~~ Reasonable and necessary costs incurred by the
380 office or third parties authorized by the office in connection
381 ~~and payable to persons involved with examinations or~~
382 investigations may be assessed against any person subject to
383 this chapter on the basis of actual costs incurred. Assessable
384 expenses include, but are not limited to, ~~+~~ expenses for:
385 interpreters; certified translations of documents into the
386 English language required by this chapter or related rules;
387 ~~expenses for~~ communications; ~~expenses for~~ legal representation;
388 ~~expenses for~~ economic, legal, or other research, analyses, and
389 testimony; and fees and expenses for witnesses. The failure to
390 reimburse the office is a ground for denial of a license the
391 ~~registration~~ application, denial of a license renewal, or for
392 revocation of any approval thereof. Except for examinations
393 authorized under this section, No such costs may not shall be
394 assessed against a person unless the office determines ~~has~~
395 ~~determined~~ that the person has operated or is operating in
396 violation of this chapter ~~the code~~.

397 (8) The office shall report any violation of law that may
398 be a felony to the appropriate criminal investigatory agency
399 having jurisdiction with respect to such violation.

400 (9) The office shall prepare and submit a report to the
401 President of the Senate and the Speaker of the House of
402 Representatives by January 1 of each year which includes:

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

406 (b) The total number of initial referrals received from
407 another state or federal agency, the total number of
408 examinations and investigations opened as a result of referrals,
409 and the disposition of each of those cases.

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

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

416 (e) This subsection is repealed December 31, 2013.

417 Section 6. Section 560.1091, Florida Statutes, is created
418 to read:

419 560.1091 Contracted examinations.--The office may contract
420 with third parties to conduct examinations under this chapter.

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

425 (2) An examination under this section may be conducted by
426 an independent certified public accountant, information
427 technology specialist, or other specialist specified by rule who
428 meets criteria specified by rule. The rules shall also provide
429 that:

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430 (a) The rates charged to the licensee examined are
431 consistent with rates charged by other firms in similar
432 professions and are comparable with the rates charged for
433 comparable examinations.

434 (b) The licensee make payment for the examination pursuant
435 to s. 560.1092 and in accordance with the rates and terms
436 established by the office and the person or firm performing the
437 examination.

438 Section 7. Section 560.1092, Florida Statutes, is created
439 to read:

440 560.1092 Examination expenses.--

441 (1) Each licensee examined shall pay to the office the
442 expenses of the examination at the rates adopted by the office
443 by rule. Such expenses shall include actual travel expenses, a
444 reasonable living expense allowance, compensation of the
445 examiner or other person making the examination, and necessary
446 attendant administrative costs of the office directly related to
447 the examination. Travel expense and living expense allowances
448 are limited to those expenses incurred on account of the
449 examination and shall be paid by the examined licensee together
450 with compensation upon presentation by the office to the
451 licensee of a detailed account of the charges and expenses after
452 a detailed statement has been filed by the examiner and approved
453 by the office.

454 (2) All moneys collected from licensees for examinations
455 shall be deposited into the Regulatory Trust Fund, and the
456 office may make deposits from time to time into such fund from
457 moneys appropriated for the operation of the office.

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458 (3) Notwithstanding s. 112.061, the office may pay to the
459 examiner or person making the examination from the trust fund
460 the actual travel expenses, reasonable living expense allowance,
461 and compensation in accordance with the statement filed with the
462 office by the examiner or other person, as provided in
463 subsection (1) upon approval by the office.

464 (4) When not examining a licensee, the travel expenses,
465 per diem, and compensation for the examiners and other persons
466 employed to make examinations, if approved, shall be paid out of
467 moneys budgeted for such purpose as regular employees, and
468 reimbursement for travel expenses and per diem shall be at rates
469 as provided in s. 112.061.

470 Section 8. Section 560.110, Florida Statutes, is created
471 to read:

472 560.110 Records retention.--Each licensee and its
473 authorized vendors must maintain all books, accounts, documents,
474 files, and information necessary for determining compliance with
475 this chapter and related rules for 5 years unless a longer
476 period is required by other state or federal law.

477 (1) The records required under this chapter may be
478 maintained by the licensee at any location identified in its
479 license application or by amendment to the application. The
480 licensee must make such records available to the office for
481 examination and investigation in this state within 3 business
482 days after receipt of a written request.

483 (2) The original of any record of a licensee or authorized
484 vendor includes a record stored or transmitted by electronic,
485 computerized, mechanized, or other information storage or

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486 retrieval or transmission system or device that can generate,
487 regenerate, or transmit the precise data or other information
488 comprising the record. An original also includes the visible
489 data or other information so generated, regenerated, or
490 transmitted if it is legible or can be made legible by
491 enlargement or other process.

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

496 (4) Any person who willfully fails to comply with this
497 section, s. 560.211, or s. 560.310 commits a felony of the third
498 degree, punishable as provided in s. 775.082, s. 775.083, or s.
499 775.084.

500 Section 9. Section 560.111, Florida Statutes, is amended
501 to read:

502 560.111 Prohibited acts ~~and practices.~~--

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

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

511 (b) Embezzle, abstract, or misapply any money, property,
512 or thing of value belonging to the money services business, its
513 authorized vendor, or customer ~~of the money transmitter or~~

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514 ~~authorized vendor with intent to deceive or defraud. such money~~
515 ~~transmitter or authorized vendor;~~

516 (c) Make any false entry in its books, accounts, reports,
517 files, or documents ~~any book, report, or statement of such money~~
518 ~~transmitter or authorized vendor~~ with intent to deceive or
519 defraud ~~such money transmitter, authorized vendor, or another~~
520 person, or with intent to deceive the office, any appropriate
521 regulator ~~other state or federal regulatory agency,~~ or any
522 authorized third party representative appointed by the office to
523 examine or investigate the affairs of the money services
524 business or its authorized vendor. ~~such money transmitter or~~
525 ~~authorized vendor;~~

526 (d) Engage in an act that violates 18 U.S.C. s. 1956, 18
527 U.S.C. s. 1957, 18 U.S.C. s. 1960, 31 U.S.C. s. 5324, or any
528 other law, rule, or regulation of another state or of the United
529 States relating to a money services business, deferred
530 presentment provider, ~~the business of money transmission or~~
531 usury which may cause the denial or revocation of a money
532 services business or deferred presentment provider transmitter
533 license or the equivalent registration in that such
534 jurisdiction.

535 (e) File with the office, sign as a duly authorized
536 representative, or deliver or disclose, by any means, to the
537 office or any of its employees any examination report, report of
538 condition, report of income and dividends, audit, account,
539 statement, file, or document known by it to be fraudulent or
540 false as to any material matter. ~~or~~

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541 (f) Place among the assets of a money services business or
542 its authorized vendor ~~such money transmitter or authorized~~
543 ~~vendor~~ any note, obligation, or security that the money services
544 business or its authorized vendor ~~transmitter or authorized~~
545 ~~vendor~~ does not own or is known to be ~~that to the person's~~
546 ~~knowledge is~~ fraudulent or otherwise worthless, or ~~for any such~~
547 ~~person~~ to represent to the office that any note, obligation, or
548 security ~~carried as an asset of such money transmitter or~~
549 ~~authorized vendor~~ is the property of the money services business
550 or its authorized vendor ~~transmitter or authorized vendor~~ and is
551 genuine if it is known to be ~~such person that such~~
552 ~~representation is false or that such note, obligation, or~~
553 ~~security is~~ fraudulent or otherwise worthless.

554 (2) ~~A~~ It is unlawful for any person ~~may not~~ ~~to~~ knowingly
555 execute, or attempt to execute, a scheme or artifice to defraud
556 a money services business or its authorized vendor ~~transmitter~~
557 ~~or authorized vendor~~, or ~~to~~ obtain any of the moneys, funds,
558 credits, assets, securities, or other property owned by, or
559 under the custody or control of, a money services business or
560 its authorized vendor ~~transmitter or authorized vendor~~, by means
561 of false or fraudulent pretenses, representations, or promises.

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

565 (4) Any person who willfully violates any provision of s.
566 560.403, s. 560.404, or s. 560.405, ~~or s. 560.407~~ commits a
567 felony of the third degree, punishable as provided in s.
568 775.082, s. 775.083, or s. 775.084.

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569 Section 10. Section 560.113, Florida Statutes, is amended
570 to read:

571 560.113 Injunctions; receiverships; restitution.~~Whenever~~
572 ~~a violation of the code is threatened or impending and such~~
573 ~~violation will cause substantial injury to any person, the~~
574 ~~circuit court has jurisdiction to hear any complaint filed by~~
575 ~~the office and, upon proper showing, to issue an injunction~~
576 ~~restraining such violation or granting other such appropriate~~
577 ~~relief.~~

578 (1) If the office determines that any person has engaged
579 in or is about to engage in any action that is a violation of
580 this chapter or related rules, the office may, in addition to or
581 in lieu of other remedies, bring an action on behalf of the
582 state in the circuit court against the person and any other
583 person acting in concert with such person to enjoin such person
584 from engaging in such act. The office may apply for, and on due
585 showing be entitled to have issued, the court's subpoena
586 requiring the appearance of the person and her or his employees,
587 associated persons, or agents and the production of any
588 documents, books, or records that may appear necessary for the
589 hearing of the petition, and to testify or give evidence
590 concerning the acts complained of.

591 (2) In addition to, or in lieu of, the enforcement of a
592 temporary restraining order, temporary injunction, or permanent
593 injunction against the person, the court may, upon application
594 of the office, impound and appoint a receiver or administrator
595 for the property, assets, and business of the defendant,
596 including, but not limited to, any related books, records,

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597 documents, or papers. The receiver or administrator shall have
598 all powers and duties conferred by the court as to the custody,
599 collection, administration, winding up, and liquidation of the
600 property and business. The court may issue orders and decrees
601 staying all pending suits and enjoining any further suits
602 affecting the receiver's or administrator's custody or
603 possession of the property, assets, and business or may, with
604 the consent of the presiding judge of the circuit, require that
605 all such suits be assigned to the judge appointing the receiver
606 or administrator.

607 (3) In addition to, or in lieu of, any other remedies
608 provided under this chapter, the office may apply to the court
609 hearing the matter for an order directing the defendant to make
610 restitution of those sums shown by the office to have been
611 obtained in violation of this chapter. Such restitution shall,
612 at the option of the court, be payable to the administrator or
613 receiver appointed under this section or directly to the persons
614 whose assets were obtained in violation of this chapter.

615 Section 11. Section 560.114, Florida Statutes, is amended
616 to read:

617 560.114 Disciplinary actions; penalties.--

618 (1) The following actions by a money services business,
619 authorized vendor, or affiliated party transmitter or money
620 transmitter-affiliated party are violations of the code and
621 constitute grounds for the issuance of a cease and desist order,
622 the issuance of a removal order, the denial, ~~of a registration~~
623 application or the suspension, or revocation of a license any
624 registration previously issued pursuant to the code, or the

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625 taking ~~of~~ any other action within the authority of the office
626 pursuant to this chapter ~~the code~~:

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

630 (b) Fraud, misrepresentation, deceit, or gross negligence
631 in any transaction by a involving money services business
632 ~~transmission~~, regardless of reliance thereon by, or damage to, a
633 ~~money transmitter~~ customer.

634 (c) Fraudulent misrepresentation, circumvention, or
635 concealment of any matter that must ~~required to~~ be stated or
636 furnished to a ~~money transmitter~~ customer pursuant to this
637 chapter ~~the code~~, regardless of reliance thereon by, or damage
638 to, such customer.

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

640 (e) Failure to maintain, preserve, and keep available for
641 examination, and produce all books, accounts, files, or other
642 documents required by this chapter or related rules or orders
643 ~~the code~~, by any rule or order adopted pursuant to the code, by
644 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29,
645 103.33, 103.37, 103.41, and 103.125 ~~as they existed on March 31,~~
646 ~~2004~~, or by any agreement entered into with the office.

647 (f) Refusing to allow ~~Refusal to permit~~ the examination or
648 inspection of books, accounts, files, or other documents and
649 ~~records in an investigation or examination~~ by the office,
650 pursuant to this chapter ~~the provisions of the code~~, or to
651 comply with a subpoena issued by the office.

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

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

658 (i) ~~Insolvency or operating in an unsafe and unsound~~
659 ~~manner.~~

660 (j) Failure by a money services business transmitter to
661 remove an affiliated ~~a money transmitter-affiliated~~ party after
662 the office has issued and served upon the money services
663 business transmitter a final order setting forth a finding that
664 the affiliated ~~money transmitter-affiliated~~ party has violated a
665 any provision of this chapter the code.

666 (k) Making a any material misstatement, ~~or~~
667 misrepresentation, or omission ~~or committing any fraud~~ in an
668 ~~initial or renewal~~ application for licensure, any amendment to
669 such application, or application for the appointment of an
670 authorized vendor registration.

671 (l) Committing any act that results ~~resulting in a license~~
672 ~~an application for registration, or a registration~~ or its
673 equivalent, to practice any profession or occupation being
674 denied, suspended, revoked, or otherwise acted against by a
675 licensing registering authority in any jurisdiction ~~or a finding~~
676 ~~by an appropriate regulatory body of engaging in unlicensed~~
677 ~~activity as a money transmitter within any jurisdiction.~~

678 (m) Being the subject of final agency action or its
679 equivalent, issued by an appropriate regulator, for engaging in

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680 unlicensed activity as a money services business or deferred
681 presentment provider in any jurisdiction.

682 ~~(n)(m)~~ Committing any act resulting in a license
683 ~~registration~~ or its equivalent, ~~or an application for~~
684 ~~registration,~~ to practice any profession or occupation being
685 denied, suspended, revoked, or otherwise acted against by a
686 licensing registering authority in any jurisdiction for a
687 violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s.
688 1960, 31 U.S.C. s. 5324, or any other law or, rule, ~~or~~
689 ~~regulation~~ of another state or of the United States relating to
690 a money services business, deferred presentment provider, the
691 ~~business of money transmission~~ or usury that which may cause the
692 denial, suspension, or revocation of a money services business
693 or deferred presentment provider transmitter license or its
694 equivalent ~~or registration~~ in such jurisdiction.

695 ~~(o)(n)~~ Having been convicted of ~~or found guilty of,~~ or
696 entered a plea of ~~having pleaded~~ guilty or nolo contendere to,
697 any felony or crime punishable by imprisonment of 1 year or more
698 under the law of any state or ~~of~~ the United States which
699 involves fraud, moral turpitude, or dishonest dealing,
700 regardless of adjudication ~~without regard to whether a judgment~~
701 ~~of conviction has been entered by the court.~~

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

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707 ~~(q)(p)~~ Having been convicted of ~~or found guilty of~~, or
708 entered a plea of having pleaded guilty or nolo contendere to,
709 misappropriation, conversion, or unlawful withholding of moneys
710 belonging that belong to others, regardless of adjudication and
711 ~~were received in the conduct of the business of the money~~
712 ~~transmitter.~~

713 ~~(r)(q)~~ Failure to inform the office in writing within 30
714 ~~15~~ days after having pled pleading guilty or nolo contendere to,
715 or being convicted ~~or found guilty of~~, any felony or crime
716 punishable by imprisonment of 1 year or more under the law of
717 any state or ~~of~~ the United States, or ~~of~~ any crime involving
718 fraud, moral turpitude, or dishonest dealing, ~~without regard to~~
719 ~~whether a judgment of conviction has been entered by the court.~~

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

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

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

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

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

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

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

736 ~~(w)~~~~(x)~~ Engaging or advertising engagement in the business
737 of a money services business or deferred presentment provider
738 ~~transmitter~~ without a license registration, unless the person is
739 exempted from licensure the registration requirements of the
740 code.

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

745 (y) Violations of 31 C.F.R. ss. 103.20, 103.22, 103.23,
746 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and 103.125 and
747 United States Treasury Interpretive Release 2004-1.

748 (z) Any practice or conduct that creates the likelihood of
749 a material loss, insolvency, or dissipation of assets of a money
750 services business or otherwise materially prejudices the
751 interests of its customers.

752 (2) The office may deny licensure if the applicant or an
753 affiliated party is the subject of a pending criminal
754 prosecution or governmental enforcement action in any
755 jurisdiction until the conclusion of the prosecution or action.

756 (3)~~(2)~~ The office may issue a cease and desist order or
757 removal order, suspend or revoke a license ~~any previously issued~~
758 ~~registration~~, or take any other action within the authority of
759 the office against a licensee ~~money transmitter~~ based on any
760 fact or condition that exists and that, if it had existed or
761 been known to exist at the time of license application ~~the money~~

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762 ~~transmitter applied for registration, would have been grounds~~
763 ~~for license denial of registration.~~

764 ~~(4)-(3) A Each money services business licensed under part~~
765 ~~II of this chapter transmitter is responsible for any act of its~~
766 ~~authorized vendors if the money services business transmitter~~
767 ~~should have known of the act or had if the money transmitter has~~
768 ~~actual knowledge that such act is a violation of this chapter,~~
769 ~~the code and the money services business transmitter willfully~~
770 ~~allowed the such act to continue. Such responsibility is limited~~
771 ~~to conduct engaged in by the authorized vendor pursuant to the~~
772 ~~authority granted to it by the money services business~~
773 ~~transmitter.~~

774 ~~(5)-(4) If a license registration granted under this~~
775 ~~chapter code expires or is surrendered by the licensee~~
776 ~~registrant during the pendency of an administrative action under~~
777 ~~this code, the proceeding may continue as if the license is~~
778 ~~registration were still in effect.~~

779 ~~(6) The office may, in addition to or in lieu of the~~
780 ~~denial, suspension, or revocation of a license, impose a fine of~~
781 ~~up to \$10,000 for each violation of this chapter.~~

782 ~~(7) In addition to any other provision of this chapter,~~
783 ~~the office may impose a fine of up to \$1,000 per day for each~~
784 ~~day that a person engages in the business of a money services~~
785 ~~business or deferred presentment provider without being~~
786 ~~licensed.~~

787 ~~(8) In imposing any administrative remedy or penalty under~~
788 ~~this chapter, the office shall take into account the~~
789 ~~appropriateness of the penalty with respect to the gravity of~~

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790 the violation, the history of previous violations, and other
791 matters as justice may require.

792 Section 12. Section 560.115, Florida Statutes, is amended
793 to read:

794 560.115 Surrender of license registration.--A licensee ~~Any~~
795 ~~money transmitter registered pursuant to the code~~ may
796 voluntarily surrender its license registration at any time by
797 giving written notice to the office.

798 Section 13. Section 560.116, Florida Statutes, is amended
799 to read:

800 560.116 Civil immunity.--Any person having reason to
801 believe that a provision of this chapter ~~the code~~ is being
802 violated, ~~or~~ has been violated, or is about to be violated, may
803 file a complaint with the office setting forth the details of
804 the alleged violation. Such person is immune ~~An Immunity~~ from
805 civil liability ~~is hereby granted to any person who furnishes~~
806 ~~such information,~~ unless the information provided is false and
807 has been provided ~~the person providing the information does so~~
808 with reckless disregard for the truth.

809 Section 14. Section 560.118, Florida Statutes, is amended
810 to read:

811 560.118 ~~Examinations, Reports, and internal audits,~~
812 ~~penalty.--~~

813 ~~(1) (a) The office may conduct an examination of a money~~
814 ~~transmitter or authorized vendor by providing not less than 15~~
815 ~~days' advance notice to the money transmitter or authorized~~
816 ~~vendor. However, if the office suspects that the money~~
817 ~~transmitter or authorized vendor has violated any provisions of~~

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818 ~~this code or any criminal laws of this state or of the United~~
819 ~~States or is engaging in an unsafe and unsound practice, the~~
820 ~~office may, at any time without advance notice, conduct an~~
821 ~~examination of all affairs, activities, transactions, accounts,~~
822 ~~business records, and assets of any money transmitter or any~~
823 ~~money transmitter affiliated party for the protection of the~~
824 ~~public. For the purpose of examinations, the office may~~
825 ~~administer oaths and examine a money transmitter or any of its~~
826 ~~affiliated parties concerning their operations and business~~
827 ~~activities and affairs. The office may accept an audit or~~
828 ~~examination from any appropriate regulatory agency or from an~~
829 ~~independent third party with respect to the operations of a~~
830 ~~money transmitter or an authorized vendor. The office may also~~
831 ~~make a joint or concurrent examination with any state or federal~~
832 ~~regulatory agency. The office may furnish a copy of all~~
833 ~~examinations made of such money transmitter or authorized vendor~~
834 ~~to the money transmitter and any appropriate regulatory agency~~
835 ~~provided that such agency agrees to abide by the confidentiality~~
836 ~~provisions as set forth in chapter 119.~~

837 ~~(b) Persons subject to this chapter who are examined shall~~
838 ~~make available to the office or its examiners the accounts,~~
839 ~~records, documents, files, information, assets, and matters~~
840 ~~which are in their immediate possession or control and which~~
841 ~~relate to the subject of the examination. Those accounts,~~
842 ~~records, documents, files, information, assets, and matters not~~
843 ~~in their immediate possession shall be made available to the~~
844 ~~office or the office's examiners within 10 days after actual~~
845 ~~notice is served on such persons.~~

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846 ~~(c) The audit of a money transmitter required under this~~
847 ~~section may be performed by an independent third party that has~~
848 ~~been approved by the office or by a certified public accountant~~
849 ~~authorized to do business in the United States. The examination~~
850 ~~of a money transmitter or authorized vendor required under this~~
851 ~~section may be performed by an independent third party that has~~
852 ~~been approved by the office or by a certified public accountant~~
853 ~~authorized to do business in the United States. The cost of such~~
854 ~~an independent examination or audit shall be directly borne by~~
855 ~~the money transmitter or authorized vendor.~~

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

869 ~~(2)(b) Each licensee must submit The commission may, by~~
870 ~~rule, require each money transmitter or authorized vendor to~~
871 ~~submit quarterly reports to the office in a format and include~~
872 ~~information as specified by rule. The rule commission may~~
873 ~~require the that each report to contain a declaration by an~~

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874 officer, or any other responsible person authorized to make such
875 declaration, that the report is true and correct to the best of
876 her or his knowledge and belief. ~~Such report must include such~~
877 ~~information as the commission by rule requires for that type of~~
878 ~~money transmitter.~~

879 ~~(c) The office may levy an administrative fine of up to~~
880 ~~\$100 per day for each day the report is past due, unless it is~~
881 ~~excused for good cause. In excusing any such administrative~~
882 ~~fine, the office may consider the prior payment history of the~~
883 ~~money transmitter or authorized vendor.~~

884 ~~(3) Any person who willfully violates this section or~~
885 ~~fails to comply with any lawful written demand or order of the~~
886 ~~office made under this section commits a felony of the third~~
887 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
888 ~~775.084.~~

889 Section 15. Section 560.119, Florida Statutes, is
890 transferred, renumbered as section 560.144, Florida Statutes,
891 and amended to read:

892 560.144 560.119 Deposit of fees and assessments.--License
893 The application fees, license registration renewal fees, late
894 payment penalties, civil penalties, administrative fines, and
895 other fees, costs, or penalties provided for in this chapter the
896 ceeds shall, in all cases, be paid directly to the office, which
897 shall deposit such proceeds into the Regulatory Trust Fund and
898 use the proceeds to pay the costs of the office as necessary to
899 carry out its responsibilities under this chapter. Each year,
900 ~~the Legislature shall appropriate from the trust fund to the~~
901 ~~office sufficient moneys to pay the office's costs for~~

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902 ~~administration of the code. The Regulatory Trust Fund is subject~~
903 ~~to the service charge imposed pursuant to chapter 215.~~

904 Section 16. Section 560.121, Florida Statutes, is amended
905 to read:

906 560.121 Access to records; record retention; penalties
907 ~~limited restrictions upon public access.--~~

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

926 (2)~~(b)~~ Confidential records and information furnished
927 pursuant to a legislative subpoena must ~~shall~~ be kept
928 confidential ~~by the legislative body or committee which receives~~
929 ~~the records or information,~~ except in cases ~~a case~~ involving the

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930 investigation of charges against a public official subject to
931 impeachment or removal, and then disclosure of such information
932 shall be only to the extent determined to be necessary by the
933 legislative body or committee ~~to be necessary~~.

934 ~~(3)(2) The commission may prescribe by rule the minimum~~
935 ~~information that must be shown in the books, accounts, records,~~
936 ~~and documents of licensees for purposes of enabling the office~~
937 ~~to determine the licensee's compliance with this chapter. In~~
938 ~~addition, the commission may prescribe by rule requirements for~~
939 ~~the destruction of books, accounts, records, and documents~~
940 ~~retained by the licensee after completion of the time period~~
941 ~~specified in this subsection. Examination reports, investigatory~~
942 ~~records, applications, and related information compiled by the~~
943 ~~office, or photographic copies thereof, must shall be retained~~
944 ~~by the office for a period of at least 5 3 years after following~~
945 ~~the date that the examination or investigation ceases to be~~
946 ~~active. Application records, and related information compiled by~~
947 ~~the office, or photographic copies thereof, must shall be~~
948 ~~retained by the office for a period of at least 5 2 years after~~
949 ~~following the date that the license registration ceases to be~~
950 ~~active.~~

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

956 (4) Any person who willfully discloses information made
957 confidential by this section commits a felony of the third

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958 degree, punishable as provided in s. 775.082, s. 775.083, or s.
959 775.084.

960 Section 17. Section 560.123, Florida Statutes, is amended
961 to read:

962 560.123 Florida Control of Money Laundering in the Money
963 Services Business Act Transmitters' Code; reports of
964 transactions involving currency or monetary instruments; when
965 required; purpose; definitions; penalties; corpus delicti.--

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

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

976 (3)(a) A Every money services business must transmitter
977 ~~shall~~ keep a record of every each financial transaction
978 ~~occurring in this state known to it that occurs in this state;~~
979 involves to involve currency or other payment monetary
980 instrument, as prescribed the commission prescribes by rule,
981 having of a value greater than in excess of \$10,000; and
982 involves, to involve the proceeds of specified unlawful
983 activity, or is to be designed to evade the reporting
984 requirements of this section or chapter 896. The money services

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985 business must ~~and shall~~ maintain appropriate procedures to
986 ensure compliance with this section and chapter 896.

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

992 ~~(b)-(e)~~ A Any money services business transmitter may keep
993 a record of any financial transaction occurring in this state,
994 regardless of the value, if it suspects that the transaction
995 involves the proceeds of ~~specified~~ unlawful activity.

996 (c) The money services business must file a report with
997 the office of any records required by this subsection, at such
998 time and containing such information as required by rule. The
999 timely filing of the report required by 31 U.S.C. s. 5313 with
1000 the appropriate federal agency shall be deemed compliance with
1001 the reporting requirements of this subsection unless the reports
1002 are not regularly and comprehensively transmitted by the federal
1003 agency to the office.

1004 (d) A money services business transmitter, or officer,
1005 employee, or agent thereof, that files a report in good faith
1006 pursuant to this section is not liable to any person for loss or
1007 damage caused in whole or in part by the making, filing, or
1008 governmental use of the report, or any information contained
1009 therein.

1010 ~~(4)-(3)~~ A money services business transmitters must comply
1011 with ~~adhere to~~ the money laundering, enforcement, and reporting
1012 provisions of s. 655.50~~7~~ relating to reports of transactions

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1013 involving currency transactions and payment monetary
1014 instruments, and of chapter 896, concerning offenses relating to
1015 financial transactions.

1016 ~~(5)(4)~~ In enforcing this section, the ~~commission and~~
1017 office shall acknowledge and take into consideration the
1018 requirements of Title 31, United States Code, in order both to
1019 reduce the burden of ~~fulfilling~~ duplicate requirements and to
1020 acknowledge the economic advantage of having similar reporting
1021 and recordkeeping requirements between state and federal
1022 regulatory authorities.

1023 ~~(5)(a) Each money transmitter must file a report with the~~
1024 ~~office of the record required by this section. Each record filed~~
1025 ~~pursuant to this section must be filed at such time and contain~~
1026 ~~such information as the commission requires by rule.~~

1027 ~~(b) The timely filing of the report required by 31 U.S.C.~~
1028 ~~s. 5313, with the appropriate federal agency is deemed~~
1029 ~~compliance with the reporting requirements of this subsection~~
1030 ~~unless the reports are not regularly and comprehensively~~
1031 ~~transmitted by the federal agency to the office.~~

1032 (6) The office must retain a copy of all reports received
1033 under subsection (3) ~~(5)~~ for a minimum of 5 ~~3~~ calendar years
1034 after receipt of the report. However, if a report or information
1035 contained in a report is known by the office to be the subject
1036 of an existing criminal proceeding, the report must be retained
1037 for a minimum of 10 ~~calendar~~ years after ~~from~~ the date of
1038 receipt.

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1039 (7) In addition to any other powers conferred upon the
1040 office to enforce and administer this chapter ~~the code~~, the
1041 office may:

1042 (a) Bring an action in any court of competent jurisdiction
1043 to enforce or administer this section. In such action, the
1044 office may seek award of any civil penalty authorized by law and
1045 any other appropriate relief at law or equity.

1046 (b) Issue and serve upon a person an order requiring the
1047 ~~such~~ person to cease and desist and take corrective action if
1048 ~~whenever~~ the office finds that the ~~such~~ person is violating, has
1049 violated, or is about to violate any provision of this section
1050 or chapter 896; any rule or order adopted under this section or
1051 chapter 896; or any written agreement related to this section or
1052 chapter 896 which is entered into with the office.

1053 (c) Issue and serve upon a person an order suspending or
1054 revoking the ~~such~~ person's money services business license if
1055 ~~transmitter registration whenever~~ the office finds that the ~~such~~
1056 person is violating, has violated, or is about to violate any
1057 provision of this section or chapter 896; any rule or order
1058 adopted under this section or chapter 896; or any written
1059 agreement related to this section or chapter 896 which is
1060 entered into with the office.

1061 (d) Issue and serve upon any person an order of removal
1062 whenever the office finds that the ~~such~~ person is violating, has
1063 violated, or is about to violate any provision of this section
1064 or chapter 896; any rule or order adopted under this section or
1065 chapter 896; or any written agreement related to this section or
1066 chapter 896 which is entered into with the office.

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1067 (e) Impose and collect an administrative fine against any
1068 person found to have violated any provision of this section or
1069 chapter 896; any rule or order adopted under this section or
1070 chapter 896; or any written agreement related to this section or
1071 chapter 896 which is entered into with the office, of up to ~~in~~
1072 ~~an amount not exceeding~~ \$10,000 per a day for each willful
1073 violation or \$500 per a day for each negligent violation.

1074 (8) (a) Except as provided in paragraph (b), a person who
1075 willfully violates any provision of this section commits a
1076 misdemeanor of the first degree, punishable as provided in s.
1077 775.082 or s. 775.083.

1078 (b) A person who willfully violates any provision of this
1079 section, if the violation involves:

1080 1. Currency or payment instruments exceeding \$300 but less
1081 than \$20,000 in any 12-month period, commits a felony of the
1082 third degree, punishable as provided in s. 775.082, s. 775.083,
1083 or s. 775.084.

1084 2. Currency or payment instruments totaling or exceeding
1085 \$20,000 but less than \$100,000 in any 12-month period, commits a
1086 felony of the second degree, punishable as provided in s.
1087 775.082, s. 775.083, or s. 775.084.

1088 3. Currency or payment instruments totaling or exceeding
1089 \$100,000 in any 12-month period, commits a felony of the first
1090 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1091 775.084.

1092 (c) In addition to the penalties otherwise authorized by
1093 s. 775.082, s. 775.083, or s. 775.084, a person who has been
1094 convicted of, or entered a plea of ~~who has pleaded~~ guilty or

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1095 nolo contendere, regardless of adjudication, to having violated
1096 paragraph (b) may be sentenced to pay a fine of up to not
1097 ~~exceeding~~ \$250,000 or twice the value of the currency or payment
1098 instruments, whichever is greater, except that on a second or
1099 subsequent conviction for or plea of guilty or nolo contendere,
1100 regardless of adjudication, to a violation of paragraph (b), the
1101 fine may be up to \$500,000 or quintuple the value of the
1102 currency or payment instruments, whichever is greater.

1103 (d) A person who violates this section is also liable for
1104 a civil penalty of not more than the greater of the value of the
1105 currency or payment instruments involved or \$25,000.

1106 (9) In any prosecution brought pursuant to this section,
1107 the common law corpus delicti rule does not apply. The
1108 defendant's confession or admission is admissible during trial
1109 without the state having to prove the corpus delicti if the
1110 court finds in a hearing conducted outside the presence of the
1111 jury that the defendant's confession or admission is
1112 trustworthy. Before the court admits the defendant's confession
1113 or admission, the state must prove by a preponderance of the
1114 evidence that there is sufficient corroborating evidence that
1115 tends to establish the trustworthiness of the statement by the
1116 defendant. Hearsay evidence is admissible during the
1117 presentation of evidence at the hearing. In making its
1118 determination, the court may consider all relevant corroborating
1119 evidence, including the defendant's statements.

1120 Section 18. Section 560.1235, Florida Statutes, is created
1121 to read:

1122 560.1235 Anti-money laundering requirements.--

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1123 (1) A licensee and an authorized vendor must comply with
1124 all state and federal laws and rules relating to the detection
1125 and prevention of money laundering, including, as applicable, s.
1126 560.123 and 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27,
1127 103.28, 103.29, 103.33, 103.37, and 103.41.

1128 (2) A licensee and an authorized vendor must maintain an
1129 anti-money laundering program in accordance with 31 C.F.R. s.
1130 103.125. The program must be reviewed and updated as necessary
1131 to ensure that the program continues to be effective in
1132 detecting and deterring money laundering activities.

1133 (3) A licensee must comply with United States Treasury
1134 Interpretive Release 2004-1.

1135 Section 19. Section 560.124, Florida Statutes, is amended
1136 to read:

1137 560.124 Sharing of information.--

1138 ~~(1) It is not unlawful for~~ Any person may ~~to~~ provide
1139 ~~information~~ to a money services business, its transmitter,
1140 authorized vendor, law enforcement agency, prosecutorial agency,
1141 or appropriate regulator, or for any money services business,
1142 its transmitter, authorized vendor, law enforcement agency,
1143 prosecutorial agency, or appropriate regulator may ~~to~~ provide
1144 ~~information~~ to any person, information about any ~~other~~ person's
1145 known or suspected involvement in a violation of any state,
1146 federal, or foreign law, rule, or regulation relating to the
1147 business of a money services business or deferred present
1148 provider transmitter which has been reported to state, federal,
1149 or foreign authorities, and is not-

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1150 ~~(2) No person shall be~~ liable in any civil action for
1151 providing such information.

1152 Section 20. Section 560.125, Florida Statutes, is amended
1153 to read:

1154 560.125 Unlicensed activity ~~Money transmitter business by~~
1155 ~~unauthorized persons; penalties.--~~

1156 (1) A person ~~other than a registered money transmitter or~~
1157 ~~authorized vendor~~ may not engage in the business of a money
1158 services business or deferred presentment provider transmitter
1159 in this state unless the person is licensed or exempted from
1160 licensure under this chapter ~~from the registration requirements~~
1161 ~~of the code.~~

1162 (2) Only a money services business licensed under part II
1163 of this chapter may appoint an authorized vendor. ~~No person~~
1164 ~~shall act as a vendor of a money transmitter when such money~~
1165 ~~transmitter is subject to registration under the code but has~~
1166 ~~not registered.~~ Any ~~such~~ person acting as the vendor of an
1167 unlicensed money transmitter or payment instrument issuer
1168 becomes the principal thereof, and no longer merely acts as a
1169 vendor, and ~~such person~~ is liable to the holder or remitter as a
1170 principal money transmitter or payment instrument seller.

1171 (3) Any person whose substantial interests are affected by
1172 a proceeding brought by the office pursuant to this chapter ~~the~~
1173 ~~code~~ may, pursuant to s. 560.113, petition any court of
1174 competent jurisdiction to enjoin the person or activity that is
1175 the subject of the proceeding from violating any of the
1176 provisions of this section. For the purpose of this subsection,
1177 any money services business licensed under this chapter

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1178 ~~transmitter registered pursuant to the code,~~ any person residing
1179 in this state, and any person whose principal place of business
1180 is in this state are presumed to be substantially affected. In
1181 addition, the interests of a trade organization or association
1182 are deemed substantially affected if the interests of any of its
1183 members are ~~se~~ affected.

1184 (4) The office may issue and serve upon any person who
1185 violates any of the provisions of this section a complaint
1186 seeking a cease and desist order or impose an administrative
1187 fine as provided in s. 560.114 ~~in accordance with the procedures~~
1188 ~~and in the manner prescribed by s. 560.112. The office may also~~
1189 ~~impose an administrative fine pursuant to s. 560.117(3) against~~
1190 ~~any person who violates any of the provisions of this section.~~

1191 (5) A person who violates this section, if the violation
1192 involves:

1193 (a) Currency or payment instruments exceeding \$300 but
1194 less than \$20,000 in any 12-month period, commits a felony of
1195 the third degree, punishable as provided in s. 775.082, s.
1196 775.083, or s. 775.084.

1197 (b) Currency or payment instruments totaling or exceeding
1198 \$20,000 but less than \$100,000 in any 12-month period, commits a
1199 felony of the second degree, punishable as provided in s.
1200 775.082, s. 775.083, or s. 775.084.

1201 (c) Currency or payment instruments totaling or exceeding
1202 \$100,000 in any 12-month period, commits a felony of the first
1203 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1204 775.084.

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1205 (6) In addition to the penalties authorized by s. 775.082,
1206 s. 775.083, or s. 775.084, a person who has been convicted of,
1207 or entered a plea of found guilty of or who has pleaded guilty
1208 or nolo contendere, to having violated this section may be
1209 sentenced to pay a fine of up to not-exceeding \$250,000 or twice
1210 the value of the currency or payment instruments, whichever is
1211 greater, except that on a second or subsequent violation of this
1212 section, the fine may be up to \$500,000 or quintuple the value
1213 of the currency or payment instruments, whichever is greater.

1214 (7) A person who violates this section is also liable for
1215 a civil penalty of not more than the value of the currency or
1216 payment instruments involved or \$25,000, whichever is greater.

1217 (8) In any prosecution brought pursuant to this section,
1218 the common law corpus delicti rule does not apply. The
1219 defendant's confession or admission is admissible during trial
1220 without the state having to prove the corpus delicti if the
1221 court finds in a hearing conducted outside the presence of the
1222 jury that the defendant's confession or admission is
1223 trustworthy. Before the court admits the defendant's confession
1224 or admission, the state must prove by a preponderance of the
1225 evidence that there is sufficient corroborating evidence that
1226 tends to establish the trustworthiness of the statement by the
1227 defendant. Hearsay evidence is admissible during the
1228 presentation of evidence at the hearing. In making its
1229 determination, the court may consider all relevant corroborating
1230 evidence, including the defendant's statements.

1231 Section 21. Section 560.126, Florida Statutes, is amended
1232 to read:

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1233 560.126 ~~Significant events; notice~~ Required notice by
1234 licensee.--

1235 (1) A licensee ~~Unless exempted by the office, every money~~
1236 ~~transmitter~~ must provide the office with a written notice sent
1237 by registered mail within 30 days after the occurrence or
1238 knowledge of, whichever period of time is greater, any of the
1239 following events:

1240 (a) The filing of a petition under the United States
1241 Bankruptcy Code for bankruptcy or reorganization by the licensee
1242 ~~money transmitter.~~

1243 (b) The commencement of an administrative or judicial
1244 license any registration suspension or revocation proceeding,
1245 ~~either administrative or judicial,~~ or the denial of a license
1246 ~~any original registration~~ request or ~~a registration~~ renewal, by
1247 any state, the District of Columbia, any United States
1248 territory, or any foreign country, in which the licensee money
1249 ~~transmitter~~ operates, ~~or~~ plans to operate, or is licensed or has
1250 ~~registered~~ to operate.

1251 (c) A felony indictment relating to a the money services
1252 ~~transmission~~ business or deferred presentment provider involving
1253 the licensee, its authorized vendor, or an affiliated money
1254 ~~transmitter or a money transmitter-affiliated party of the money~~
1255 ~~transmitter.~~

1256 (d) The felony conviction, guilty plea, or plea of nolo
1257 contendere, regardless of adjudication, of the licensee, its
1258 authorized vendor, or an affiliated ~~if the court adjudicates the~~
1259 ~~nolo contendere pleader guilty, or the adjudication of guilt of~~
1260 ~~a money transmitter or money transmitter-affiliated party.~~

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1261 (e) The interruption of any corporate surety bond required
1262 under this chapter by the code.

1263 (f) Any suspected criminal act, ~~as defined by the~~
1264 ~~commission by rule,~~ perpetrated in this state relating to
1265 activities regulated under this chapter by an affiliated party
1266 against a money services business or its transmitter or
1267 authorized vendor.

1268 (g) Notification by a law enforcement or prosecutorial
1269 agency that the licensee or its authorized vendor is under
1270 criminal investigation, including, but not limited to, subpoenas
1271 to produce records or testimony and warrants issued by a court
1272 of competent jurisdiction which authorize the search and seizure
1273 of any records relating to a business activity regulated under
1274 this chapter.

1275
1276 ~~However, a person does not incur liability as a result of making~~
1277 ~~a good faith effort to fulfill this disclosure requirement.~~

1278 (2)(a) A licensee must ~~Each registrant under this code~~
1279 ~~shall~~ report, on a form adopted ~~prescribed~~ by rule ~~of the~~
1280 ~~commission,~~ any change in the information contained in an any
1281 initial license application form, or any amendment to such
1282 application, or the appointment of an authorized vendor within
1283 ~~thereto not later than 30 days after the change is effective.~~

1284 (3)(b) Each licensee must ~~registrant under the code shall~~
1285 report any change ~~changes~~ in the partners, officers, members,
1286 joint venturers, directors, controlling shareholders, or
1287 responsible persons of the licensee ~~any registrant~~ or changes in
1288 the form of business organization by written amendment in such

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1289 form and at such time as specified ~~the commission specifies~~ by
1290 rule.

1291 (a)1. ~~If in any case in which a person or a group of~~
1292 ~~persons,~~ directly or indirectly or acting by or through one or
1293 more persons, proposes to purchase or acquire a controlling
1294 interest in a licensee, such person or group must submit an
1295 ~~initial~~ application for licensure registration as a money
1296 services business or deferred presentment provider transmitter
1297 before such purchase or acquisition at such time and in such
1298 form as prescribed ~~the commission prescribes~~ by rule.

1299 2. As used in this subsection, the term "controlling
1300 interest" means the same as described in s. 560.127 ~~possession~~
1301 ~~of the power to direct or cause the direction of the management~~
1302 ~~or policies of a company whether through ownership of~~
1303 ~~securities, by contract, or otherwise. Any person who directly~~
1304 ~~or indirectly has the right to vote 25 percent or more of the~~
1305 ~~voting securities of a company or is entitled to 25 percent or~~
1306 ~~more of its profits is presumed to possess a controlling~~
1307 ~~interest.~~

1308 (b)3. ~~The~~ Any addition of a partner, officer, member,
1309 joint venturer, director, controlling shareholder, or
1310 responsible person of the applicant who does not have a
1311 controlling interest and who has not previously complied with
1312 the applicable provisions of ss. 560.140 and 560.141 ~~is ss.~~
1313 ~~560.205 and 560.306 shall be subject to such provisions unless~~
1314 ~~required to file an initial application in accordance with~~
1315 ~~subparagraph 1.~~ If the office determines that the licensee
1316 ~~registrant~~ does not continue to meet the licensure registration

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1317 requirements, the office may bring an administrative action in
1318 accordance with s. 560.114 to enforce the provisions of this
1319 chapter code.

1320 (c)4. The commission shall adopt rules ~~pursuant to ss.~~
1321 ~~120.536(1) and 120.54~~ providing for the waiver of the license
1322 application required by this subsection if the person or group
1323 of persons proposing to purchase or acquire a controlling
1324 interest in a licensee registrant has previously complied with
1325 the applicable provisions of ss. 560.140 and 560.141 under ss.
1326 ~~560.205 and 560.306~~ with the same legal entity or is currently
1327 licensed registered with the office under this chapter code.

1328 Section 22. Section 560.127, Florida Statutes, is amended
1329 to read:

1330 560.127 Control of a money services business
1331 ~~transmitter~~.--A person has a controlling interest in control
1332 ~~over~~ a money services business transmitter if the person+

1333 ~~(1) the individual, partnership, corporation, trust, or~~
1334 ~~other organization~~ possesses the power, directly or indirectly,
1335 to direct the management or policies of the money services
1336 business a company, whether through ownership ~~of securities~~, by
1337 contract, or otherwise. A person is presumed to have control a
1338 ~~company~~ if the, with respect to a particular company, that
1339 person:

1340 (1)(a) Is a director, general partner, managing member, or
1341 officer ~~exercising executive responsibility or having similar~~
1342 ~~status or functions~~;

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1343 ~~(2)-(b)~~ Directly or indirectly may vote 25 percent or more
1344 of a class of a voting security or sell or direct the sale of 25
1345 percent or more of a class of voting securities; or

1346 ~~(3)-(e)~~ In the case of a partnership, may receive upon
1347 dissolution or has contributed 25 percent or more of the
1348 capital.

1349 ~~(2) The office determines, after notice and opportunity~~
1350 ~~for hearing, that the person directly or indirectly exercises a~~
1351 ~~controlling influence over the activities of the money~~
1352 ~~transmitter.~~

1353 Section 23. Section 560.128, Florida Statutes, is amended
1354 to read:

1355 560.128 Customer contacts; license display Consumer
1356 disclosure.--

1357 (1) A money services business or its authorized vendor
1358 must provide each customer with Every money transmitter and
1359 authorized vendor shall provide each consumer of a money
1360 transmitter transaction a toll-free telephone number for the
1361 purpose of contacting the money services business or its
1362 authorized vendor or, consumer contacts; However, in lieu of a
1363 such toll-free telephone number, the money transmitter or
1364 authorized vendor may provide the address and telephone number
1365 of the office may be provided and the Division of Consumer
1366 Services of the Department of Financial Services.

1367 (2) The commission may by rule require a licensee every
1368 money transmitter to display its license registration at each
1369 location, including the location of each person designated by
1370 the registrant as an authorized vendor, where the licensee the

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1371 ~~money transmitter~~ engages in the activities authorized by the
1372 license registration.

1373 Section 24. Section 560.129, Florida Statutes, is amended
1374 to read:

1375 560.129 Confidentiality.--

1376 (1) ~~(a)~~ Except as otherwise provided in this section, all
1377 information concerning an investigation or examination conducted
1378 by the office pursuant to this chapter, including any customer
1379 ~~consumer~~ complaint received by the office, the commission, or
1380 the Department of Financial Services, is confidential and exempt
1381 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
1382 until the investigation or examination ceases to be active. For
1383 purposes of this section, an investigation or examination is
1384 considered "active" so long as the office or any other
1385 administrative, regulatory, or law enforcement agency of any
1386 jurisdiction is proceeding with reasonable dispatch and has a
1387 reasonable good faith belief that action may be initiated by the
1388 office or other administrative, regulatory, or law enforcement
1389 agency.

1390 (2) ~~(b) Notwithstanding paragraph (a),~~ All information
1391 obtained by the office in the course of its investigation or
1392 examination which is a trade secret, as defined in s. 688.002,
1393 or which is personal financial information shall remain
1394 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1395 of the State Constitution. If any administrative, civil, or
1396 criminal proceeding against a the money services business, its
1397 authorized vendor, transmitter or an affiliated a-money
1398 ~~transmitter-affiliated~~ party is initiated and the office seeks

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1399 to use matter that a licensee ~~registrant~~ believes to be a trade
1400 secret or personal financial information, such records shall be
1401 subject to an in camera review by the administrative law judge,
1402 if the matter is before the Division of Administrative Hearings,
1403 or a judge of any court of this state, any other state, or the
1404 United States, as appropriate, for the purpose of determining if
1405 the matter is a trade secret or is personal financial
1406 information. If it is determined that the matter is a trade
1407 secret, the matter shall remain confidential. If it is
1408 determined that the matter is personal financial information,
1409 the matter shall remain confidential unless the administrative
1410 law judge or judge determines that, in the interests of justice,
1411 the matter should become public.

1412 (3)-(e) If an ~~any~~ administrative, civil, or criminal
1413 proceeding against a the money services business, its authorized
1414 vendor, transmitter or an affiliated ~~a money transmitter-~~
1415 ~~affiliated~~ party results in an acquittal or the dismissal of all
1416 of the allegations ~~against the money transmitter or a money~~
1417 ~~transmitter-affiliated party~~, upon the request of any party, the
1418 administrative law judge or the judge may order all or a portion
1419 of the record of the proceeding to be sealed, and it shall
1420 thereafter be confidential and exempt from s. 119.07(1) and s.
1421 24(a), Art. I of the State Constitution.

1422 (4)-(d) Except as necessary for the office or any other
1423 administrative, regulatory, or law enforcement agency of any
1424 jurisdiction to enforce the provisions of this chapter or the
1425 law of any other state or the United States, a consumer
1426 complaint and other information concerning an investigation or

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1427 examination shall remain confidential and exempt from s.
1428 119.07(1) and s. 24(a), Art. I of the State Constitution after
1429 the investigation or examination ceases to be active to the
1430 extent that disclosure would:

1431 (a)~~1~~. Jeopardize the integrity of another active
1432 investigation;

1433 (b)~~2~~. Reveal personal financial information;

1434 (c)~~3~~. Reveal the identity of a confidential source; or

1435 (d)~~4~~. Reveal investigative techniques or procedures.

1436 (5)~~(2)~~ This section does not prevent or restrict:

1437 (a) Furnishing records or information to any appropriate
1438 regulatory, prosecutorial, ~~agency~~ or law enforcement agency if
1439 such agency adheres to the confidentiality provisions of this
1440 chapter ~~the code~~;

1441 (b) Furnishing records or information to an appropriate
1442 regulator or independent third party ~~or a certified public~~
1443 ~~accountant~~ who has been approved by the office to conduct an
1444 examination under s. 560.1091 ~~s. 560.118(1)(b)~~, if the
1445 independent third party ~~or certified public accountant~~ adheres
1446 to the confidentiality provisions of this chapter ~~the code~~; or

1447 (c) Reporting any suspicious ~~suspected criminal~~ activity,
1448 with supporting documents and information, to appropriate
1449 regulatory, law enforcement, or prosecutorial agencies.

1450 (6)~~(3)~~ All quarterly reports submitted ~~by a money~~
1451 ~~transmitter~~ to the office under s. 560.118(2) ~~s. 560.118(2)(b)~~
1452 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
1453 I of the State Constitution.

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1454 ~~(4) Examination reports, investigatory records,~~
1455 ~~applications, and related information compiled by the office, or~~
1456 ~~photographic copies thereof, shall be retained by the office for~~
1457 ~~a period of at least 3 years following the date that the~~
1458 ~~examination or investigation ceases to be active. Application~~
1459 ~~records, and related information compiled by the office, or~~
1460 ~~photographic copies thereof, shall be retained by the office for~~
1461 ~~a period of at least 2 years following the date that the~~
1462 ~~registration ceases to be active.~~

1463 (7)-(5) Any person who willfully discloses information made
1464 confidential by this section commits a felony of the third
1465 degree, punishable as provided in s. 775.082 or s. 775.083.

1466 Section 25. Section 560.140, Florida Statutes, is created
1467 to read:

1468 560.140 Licensing standards.--To qualify for licensure as
1469 a money services business under this chapter, an applicant must:

1470 (1) Demonstrate to the office the character and general
1471 fitness necessary to command the confidence of the public and
1472 warrant the belief that the money services business or deferred
1473 presentment provider shall be operated lawfully and fairly.

1474 (2) Be legally authorized to do business in this state.

1475 (3) Be registered as a money services business with the
1476 Financial Crimes Enforcement Network as required by 31 C.F.R. s.
1477 103.41, if applicable.

1478 (4) Have an anti-money laundering program in place which
1479 meets the requirements of 31 C.F.R. s. 103.125.

1480 (5) Provide the office with all the information required
1481 under this chapter and related rules.

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1482 Section 26. Section 560.141, Florida Statutes, is created
1483 to read:

1484 560.141 License application.--

1485 (1) To apply for a license as a money services business
1486 under this chapter, the applicant must:

1487 (a) Submit an application to the office, on forms
1488 prescribed by rule, which includes the following information:

1489 1. The legal name and address of the applicant, including
1490 any fictitious or trade names used by the applicant in the
1491 conduct of its business.

1492 2. The date of the applicant's formation and the state in
1493 which the applicant was formed, if applicable.

1494 3. The name, social security number, alien identification
1495 or taxpayer identification number, business and residence
1496 addresses, and employment history for the past 5 years for each
1497 officer, director, responsible person, the compliance officer,
1498 each controlling shareholder, any other person who has a
1499 controlling interest in the money services business as provided
1500 in s. 560.127.

1501 4. A description of the organizational structure of the
1502 applicant, including the identity of any parent or subsidiary of
1503 the applicant, and the disclosure of whether any parent or
1504 subsidiary is publicly traded.

1505 5. The applicant's history of operations in other states,
1506 if applicable, and a description of the money services business
1507 or deferred presentment provider activities proposed to be
1508 conducted by the applicant in this state.

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1509 6. If the applicant or its parent is a publicly traded
1510 company, copies of all filings made by the applicant with the
1511 United States Securities and Exchange Commission, or with a
1512 similar regulator in a country other than the United States,
1513 within the preceding year.

1514 7. The location at which the applicant proposes to
1515 establish its principal place of business and any other
1516 location, including branch offices and authorized vendors
1517 operating in this state. For each branch office identified and
1518 each authorized vendor appointed, the applicant shall include
1519 the nonrefundable fee required by s. 560.143.

1520 8. The name and address of the clearing financial
1521 institution or financial institutions through which the
1522 applicant's payment instruments are drawn or through which the
1523 payment instruments are payable.

1524 9. The history of the applicant's material litigation,
1525 criminal convictions, pleas of nolo contendere, and cases of
1526 adjudication withheld.

1527 10. The history of material litigation, arrests, criminal
1528 convictions, pleas of nolo contendere, and cases of adjudication
1529 withheld for each executive officer, director, controlling
1530 shareholder, and responsible person.

1531 11. The name of the registered agent in this state for
1532 service of process unless the applicant is a sole proprietor.

1533 12. Any other information specified in this chapter or by
1534 rule.

1535 (b) In addition to the application form, submit:

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1536 1. A nonrefundable application fee as provided in s.
1537 560.143.

1538 2. A fingerprint card for each of the persons listed in
1539 subparagraph (a)3., unless the applicant is a publicly traded
1540 corporation or is exempted from this chapter under s.

1541 560.104(1). The fingerprints must be taken by an authorized law
1542 enforcement agency. The office shall submit the fingerprints to
1543 the Department of Law Enforcement for state processing, and the
1544 Department of Law Enforcement shall forward the fingerprints to
1545 the Federal Bureau of Investigations for federal processing. The
1546 cost of the fingerprint processing may be borne by the office,
1547 the employer, or the person subject to the criminal records
1548 background check. The office shall screen the background results
1549 to determine if the applicant meets licensure requirements. As
1550 used in this section, the term "publicly traded" means a stock
1551 is currently traded on a national securities exchange registered
1552 with the federal Securities and Exchange Commission or traded on
1553 an exchange in a country other than the United States regulated
1554 by a regulator equivalent to the Securities and Exchange
1555 Commission and the disclosure and reporting requirements of such
1556 regulator are substantially similar to those of the commission.

1557 3. A copy of the applicant's written anti-money laundering
1558 program required under 31 C.F.R. s. 103.125.

1559 4. Within the time allotted by rule, any information
1560 needed to resolve any deficiencies found in the application.

1561 (2) If the office determines that the applicant meets the
1562 qualifications and requirements of this chapter, the office

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1563 shall issue a license to the applicant. A license may not be
1564 issued for more than 2 years.

1565 (a) A license issued under part II of this chapter shall
1566 expire on April 30 of the second year following the date of
1567 issuance of the license unless during such period the license is
1568 surrendered, suspended, or revoked.

1569 (b) A license issued under part III of this chapter shall
1570 expire on December 31 of the second year following the date of
1571 issuance of the license unless during such period the license is
1572 surrendered, suspended, or revoked.

1573 Section 27. Section 560.142, Florida Statutes, is created
1574 to read:

1575 560.142 License renewal.--

1576 (1) A license may be renewed for a subsequent 2-year
1577 period by furnishing such application as required by rule,
1578 together with the payment of a nonrefundable renewal fee as
1579 provided under s. 560.143, on or before the license expiration
1580 date, or for the remainder of any such period without proration
1581 following the date of license expiration.

1582 (2) In addition to the renewal fee, each licensee under
1583 part II of this chapter must pay a 2-year nonrefundable renewal
1584 fee as provided in s. 560.143 for each authorized vendor or
1585 location operating within this state.

1586 (3) A licensee who has on file with the office a
1587 declaration of intent to engage in deferred presentment
1588 transactions may renew a declaration upon license renewal by
1589 submitting a nonrefundable deferred presentment provider renewal
1590 fee as provided in s. 560.143.

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1591 (4) If a license or declaration of intent to engage in
1592 deferred presentment transactions expires, the license or
1593 declaration of intent may be reinstated only if a renewal
1594 application or declaration of intent, all required renewal fees,
1595 and any applicable late fees are received by the office within
1596 60 days after expiration. If not submitted within 60 days, the
1597 license or declaration on intent expires and a new license
1598 application or declaration of intent must be filed with the
1599 office pursuant to this chapter.

1600 (5) The commission may adopt rules pursuant to ss.
1601 120.536(1) and 120.54 to administer this section.

1602 Section 28. Section 560.143, Florida Statutes, is created
1603 to read:

1604 560.143 Fees.--

1605 (1) LICENSE APPLICATION FEES.--The applicable
1606 nonrefundable fees must accompany an application for licensure:

1607 (a) Part II \$500.

1608 (b) Part III \$250.

1609 (c) Per branch office \$50.

1610 (d) For each appointment of an authorized vendor \$50.

1611 (e) Declaration as a deferred presentment provider \$1,000.

1612 (f) Fingerprint fees as prescribed by rule.

1613 (2) LICENSE RENEWAL FEES.--The applicable nonrefundable
1614 license renewal fees must accompany a renewal of licensure:

1615 (a) Part II \$1,000.

1616 (b) Part III \$500.

1617 (c) Per branch office \$50.

1618 (d) For each appointment of an authorized vendors \$50.

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1619 (e) Declaration as a deferred presentment provider \$1,000.

1620 (f) Renewal fees for branch offices and authorized vendors
1621 are limited to \$20,000 biennially.

1622 (3) LATE LICENSE RENEWAL FEES.--

1623 (a) Part II \$500.

1624 (b) Part III \$250.

1625 (c) Declaration as a deferred presentment provider \$500.

1626 Section 29. Section 560.203, Florida Statutes, is amended
1627 to read:

1628 560.203 Exemptions from licensure.--Authorized vendors of
1629 a licensee registrant acting within the scope of authority
1630 conferred by the licensee are registrant shall be exempt from
1631 licensure but are having to register pursuant to the code but
1632 shall otherwise be subject to the its provisions of this
1633 chapter.

1634 Section 30. Section 560.204, Florida Statutes, is amended
1635 to read:

1636 560.204 License required ~~Requirement of registration.--~~

1637 (1) Unless exempted, a No person may not shall engage in
1638 for consideration, or nor in any manner advertise that they
1639 engage, in, the selling or issuing of payment instruments or in
1640 the activity of a money funds transmitter, for compensation,
1641 without first obtaining a license registration under the
1642 ~~provisions of this part.~~ For purposes of this section,
1643 "compensation" includes profit or loss on the exchange of
1644 currency.

1645 (2) A licensee under this part ~~person registered pursuant~~
1646 ~~to this part is permitted to engage in the activities authorized~~

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1647 ~~by this part. A person registered pursuant to this part may also~~
1648 ~~engage in the activities authorized under part III of this~~
1649 ~~chapter without the imposition of any additional licensing fees~~
1650 ~~and is exempt from the registration fee required by s. 560.307.~~

1651 Section 31. Section 560.205, Florida Statutes, is amended
1652 to read:

1653 560.205 Additional license application requirements
1654 ~~Qualifications of applicant for registration; contents.~~ --In
1655 addition to the license application requirements under part I of
1656 this chapter, an applicant seeking a license under this part
1657 must also submit to the office:

1658 (1) A sample authorized vendor contract, if applicable.

1659 (2) A sample form of payment instrument, if applicable.

1660 (3) Documents demonstrating that the net worth and bonding
1661 requirements specified in s. 560.209 have been fulfilled.

1662 (4) A copy of the applicant's financial audit report for
1663 the most recent fiscal year.

1664 ~~(1) To qualify for registration under this part, an~~
1665 ~~applicant must demonstrate to the office such character and~~
1666 ~~general fitness as to command the confidence of the public and~~
1667 ~~warrant the belief that the registered business will be operated~~
1668 ~~lawfully and fairly. The office may investigate each applicant~~
1669 ~~to ascertain whether the qualifications and requirements~~
1670 ~~prescribed by this part have been met. The office's~~
1671 ~~investigation may include a criminal background investigation of~~
1672 ~~all controlling shareholders, principals, officers, directors,~~
1673 ~~members, and responsible persons of a funds transmitter and a~~
1674 ~~payment instrument seller and all persons designated by a funds~~

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1675 ~~transmitter or payment instrument seller as an authorized~~
1676 ~~vender. Each controlling shareholder, principal, officer,~~
1677 ~~director, member, and responsible person of a funds transmitter~~
1678 ~~or payment instrument seller, unless the applicant is a publicly~~
1679 ~~traded corporation as defined by the commission by rule, a~~
1680 ~~subsidiary thereof, or a subsidiary of a bank or bank holding~~
1681 ~~company organized and regulated under the laws of any state or~~
1682 ~~the United States, shall file a complete set of fingerprints. A~~
1683 ~~fingerprint card submitted to the office must be taken by an~~
1684 ~~authorized law enforcement agency. The office shall submit the~~
1685 ~~fingerprints to the Department of Law Enforcement for state~~
1686 ~~processing, and the Department of Law Enforcement shall forward~~
1687 ~~the fingerprints to the Federal Bureau of Investigation for~~
1688 ~~state and federal processing. The cost of the fingerprint~~
1689 ~~processing may be borne by the office, the employer, or the~~
1690 ~~person subject to the background check. The Department of Law~~
1691 ~~Enforcement shall submit an invoice to the office for the~~
1692 ~~fingerprints received each month. The office shall screen the~~
1693 ~~background results to determine if the applicant meets licensure~~
1694 ~~requirements. The commission may waive by rule the requirement~~
1695 ~~that applicants file a set of fingerprints or the requirement~~
1696 ~~that such fingerprints be processed by the Department of Law~~
1697 ~~Enforcement or the Federal Bureau of Investigation.~~
1698 ~~(2) Each application for registration must be submitted~~
1699 ~~under oath to the office on such forms as the commission~~
1700 ~~prescribes by rule and must be accompanied by a nonrefundable~~
1701 ~~application fee. Such fee may not exceed \$500 for each payment~~
1702 ~~instrument seller or funds transmitter and \$50 for each~~

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1703 ~~authorized vendor or location operating within this state. The~~
1704 ~~application must contain such information as the commission~~
1705 ~~requires by rule, including, but not limited to:~~

1706 ~~(a) The name and address of the applicant, including any~~
1707 ~~fictitious or trade names used by the applicant in the conduct~~
1708 ~~of its business.~~

1709 ~~(b) The history of the applicant's material litigation,~~
1710 ~~criminal convictions, pleas of nolo contendere, and cases of~~
1711 ~~adjudication withheld.~~

1712 ~~(c) A description of the activities conducted by the~~
1713 ~~applicant, the applicant's history of operations, and the~~
1714 ~~business activities in which the applicant seeks to engage in~~
1715 ~~this state.~~

1716 ~~(d) A sample authorized vendor contract, if applicable.~~

1717 ~~(e) A sample form of payment instrument, if applicable.~~

1718 ~~(f) The name and address of the clearing financial~~
1719 ~~institution or financial institutions through which the~~
1720 ~~applicant's payment instruments will be drawn or through which~~
1721 ~~such payment instruments will be payable.~~

1722 ~~(g) Documents revealing that the net worth and bonding~~
1723 ~~requirements specified in s. 560.209 have been or will be~~
1724 ~~fulfilled.~~

1725 ~~(3) Each application for registration by an applicant that~~
1726 ~~is a corporation shall contain such information as the~~
1727 ~~commission requires by rule, including, but not limited to:~~

1728 ~~(a) The date of the applicant's incorporation and state of~~
1729 ~~incorporation.~~

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1730 ~~(b) A certificate of good standing from the state or~~
1731 ~~country in which the applicant was incorporated.~~

1732 ~~(c) A description of the corporate structure of the~~
1733 ~~applicant, including the identity of any parent or subsidiary of~~
1734 ~~the applicant, and the disclosure of whether any parent or~~
1735 ~~subsidiary is publicly traded on any stock exchange.~~

1736 ~~(d) The name, social security number, business and~~
1737 ~~residence addresses, and employment history for the past 5 years~~
1738 ~~for each executive officer, each director, each controlling~~
1739 ~~shareholder, and the responsible person who will be in charge of~~
1740 ~~all the applicant's business activities in this state.~~

1741 ~~(e) The history of material litigation and criminal~~
1742 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
1743 ~~withheld for each officer, each director, each controlling~~
1744 ~~shareholder, and the responsible person who will be in charge of~~
1745 ~~the applicant's registered activities.~~

1746 ~~(f) Copies of the applicant's audited financial statements~~
1747 ~~for the current year and, if available, for the immediately~~
1748 ~~preceding 2-year period. In cases where the applicant is a~~
1749 ~~wholly owned subsidiary of another corporation, the parent's~~
1750 ~~consolidated audited financial statements may be submitted to~~
1751 ~~satisfy this requirement. An applicant who is not required to~~
1752 ~~file audited financial statements may satisfy this requirement~~
1753 ~~by filing unaudited financial statements verified under penalty~~
1754 ~~of perjury, as provided by the commission by rule.~~

1755 ~~(g) An applicant who is not required to file audited~~
1756 ~~financial statements may file copies of the applicant's~~
1757 ~~unconsolidated, unaudited financial statements for the current~~

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1758 ~~year and, if available, for the immediately preceding 2-year~~
1759 ~~period.~~

1760 ~~(h) If the applicant is a publicly traded company, copies~~
1761 ~~of all filings made by the applicant with the United States~~
1762 ~~Securities and Exchange Commission, or with a similar regulator~~
1763 ~~in a country other than the United States, within the year~~
1764 ~~preceding the date of filing of the application.~~

1765 ~~(4) Each application for registration submitted to the~~
1766 ~~office by an applicant that is not a corporation shall contain~~
1767 ~~such information as the commission requires by rule, including,~~
1768 ~~but not limited to:~~

1769 ~~(a) Evidence that the applicant is registered to do~~
1770 ~~business in this state.~~

1771 ~~(b) The name, business and residence addresses, personal~~
1772 ~~financial statement and employment history for the past 5 years~~
1773 ~~for each individual having a controlling ownership interest in~~
1774 ~~the applicant, and each responsible person who will be in charge~~
1775 ~~of the applicant's registered activities.~~

1776 ~~(c) The history of material litigation and criminal~~
1777 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
1778 ~~withheld for each individual having a controlling ownership~~
1779 ~~interest in the applicant and each responsible person who will~~
1780 ~~be in charge of the applicant's registered activities.~~

1781 ~~(d) Copies of the applicant's audited financial statements~~
1782 ~~for the current year, and, if available, for the preceding 2~~
1783 ~~years. An applicant who is not required to file audited~~
1784 ~~financial statements may satisfy this requirement by filing~~

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1785 ~~unaudited financial statements verified under penalty of~~
1786 ~~perjury, as provided by the commission by rule.~~

1787 ~~(5) Each applicant shall designate and maintain an agent~~
1788 ~~in this state for service of process.~~

1789 Section 32. Effective January 1, 2009, section 560.208,
1790 Florida Statutes, is amended to read:

1791 560.208 Conduct of business.--In addition to the
1792 requirements specified in s. 560.140, a licensee under this
1793 part:

1794 (1) ~~A registrant~~ May conduct its business at one or more
1795 locations within this state through branches or by means of
1796 authorized vendors, as designated by the licensee registrant,
1797 including the conduct of business through electronic transfer,
1798 such as by the telephone or the Internet.

1799 (2) Notwithstanding and without violating s. 501.0117, a
1800 ~~registrant~~ may charge a different price for a money transmitter
1801 ~~funds transmission~~ service based on the mode of transmission
1802 used in the transaction ~~as,~~ so long as the price charged for a
1803 service paid for with a credit card is not more ~~greater~~ than the
1804 price charged when the ~~that~~ service is paid for with currency or
1805 other similar means accepted within the same mode of
1806 transmission.

1807 (3) Is responsible for the acts of its authorized vendors
1808 in accordance with the terms of its written contract with the
1809 vendor.

1810 (4) Shall place assets that are the property of a customer
1811 in a segregated account in a federally insured financial

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1812 institution and shall maintain separate accounts for operating
1813 capital and the clearing of customer funds.

1814 (5) Shall, in the normal course of business, ensure that
1815 money transmitted is available to the designated recipient
1816 within 10 business days after receipt.

1817 (6) Shall immediately upon receipt of currency or payment
1818 instrument provide a confirmation or sequence number to the
1819 customer verbally, by paper, or electronically.

1820 ~~(2) Within 60 days after the date a registrant either~~
1821 ~~opens a location within this state or authorizes an authorized~~
1822 ~~vendor to operate on the registrant's behalf within this state,~~
1823 ~~the registrant shall notify the office on a form prescribed by~~
1824 ~~the commission by rule. The notification shall be accompanied by~~
1825 ~~a nonrefundable \$50 fee for each authorized vendor or location.~~
1826 ~~Each notification shall also be accompanied by a financial~~
1827 ~~statement demonstrating compliance with s. 560.209(1), unless~~
1828 ~~compliance has been demonstrated by a financial statement filed~~
1829 ~~with the registrant's quarterly report in compliance with s.~~
1830 ~~560.118(2). The financial statement must be dated within 90 days~~
1831 ~~of the date of designation of the authorized vendor or location.~~
1832 ~~This subsection shall not apply to any authorized vendor or~~
1833 ~~location that has been designated by the registrant before~~
1834 ~~October 1, 2001.~~

1835 ~~(3) Within 60 days after the date a registrant closes a~~
1836 ~~location within this state or withdraws authorization for an~~
1837 ~~authorized vendor to operate on the registrant's behalf within~~
1838 ~~this state, the registrant shall notify the office on a form~~
1839 ~~prescribed by the commission by rule.~~

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1840 Section 33. Effective January 1, 2009, section 560.2085,
1841 Florida Statutes, is created to read:

1842 560.2085 Authorized vendors.--A licensee under this part
1843 shall:

1844 (1) Within 60 days after an authorized vendor commences
1845 business, file with the office such information as prescribed by
1846 rule together with the nonrefundable appointment fee as provided
1847 by s. 560.143. This subsection applies to any vendor who is also
1848 terminated within the 60-day period.

1849 (2) Enter into a written contract, signed by the licensee
1850 and the authorized vendor, which:

1851 (a) Sets forth the nature and scope of the relationship
1852 between the licensee and the authorized vendor, including the
1853 respective rights and responsibilities of the parties; and

1854 (b) Includes contract provisions that require the
1855 authorized vendor to:

1856 1. Report to the licensee, immediately upon discovery, the
1857 theft or loss of currency received for a transmission or payment
1858 instrument;

1859 2. Display a notice to the public, in such form as
1860 prescribed by rule, that the vendor is the authorized vendor of
1861 the licensee;

1862 3. Remit all amounts owed to the licensee for all
1863 transmissions accepted and all payment instruments sold in
1864 accordance with the contract between the licensee and the
1865 authorized vendor;

1866 4. Hold in trust all currency or payment instruments
1867 received for transmissions or for the purchase of payment

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1868 instruments from the time of receipt by the licensee or
1869 authorized vendor until the time the transmission obligation is
1870 completed;

1871 5. Not commingle the money received for transmissions
1872 accepted or payment instruments sold on behalf of the licensee
1873 with the money or property of the authorized vendor, except for
1874 making change in the ordinary course of the vendor's business,
1875 and ensure that the money is accounted for at the end of the
1876 business day;

1877 6. Consent to examination or investigation by the office;

1878 7. Adhere to the applicable state and federal laws and
1879 rules pertaining to a money services business; and

1880 8. Provide such other information or disclosure as may be
1881 required by rule.

1882 (3) Develop and implement written policies and procedures
1883 to monitor compliance with applicable state and federal law by
1884 its authorized vendors.

1885 Section 34. Section 560.209, Florida Statutes, is amended
1886 to read:

1887 560.209 Net worth; corporate surety bond; collateral
1888 deposit in lieu of bond.--

1889 (1) A licensee must ~~Any person engaging in a registered~~
1890 ~~activity shall~~ have a net worth of at least \$100,000 ~~computed~~
1891 ~~according to generally accepted accounting principles. A~~
1892 licensee operating in ~~Applicants proposing to conduct registered~~
1893 ~~activities at~~ more than one location must ~~shall~~ have an
1894 additional net worth of \$10,000 ~~\$50,000~~ per location in this

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1895 state, up as applicable, to a maximum of \$2 million ~~\$500,000~~.
1896 The required net worth must be maintained at all times.

1897 (2) A licensee must obtain an annual financial audit
1898 report, which must be submitted to the office within 120 days
1899 after the end of the licensee's fiscal year end, as disclosed to
1900 the office.

1901 (3)(2) Before the office may issue a license under this
1902 part registration, the applicant must provide to the office a
1903 corporate surety bond, issued by a bonding company or insurance
1904 company authorized to do business in this state.

1905 (a) The corporate surety bond shall be in an ~~such~~ amount
1906 as specified ~~may be determined by commission rule, but may shall~~
1907 not be less than \$50,000 or exceed \$2 million ~~\$250,000~~. The rule
1908 shall provide allowances for the financial condition, number of
1909 locations, and anticipated volume of the licensee. However, the
1910 commission and office may consider extraordinary circumstances,
1911 such as the registrant's financial condition, the number of
1912 locations, and the existing or anticipated volume of outstanding
1913 payment instruments or funds transmitted, and require an
1914 additional amount above \$250,000, up to \$500,000.

1915 (b) The corporate surety bond must ~~shall~~ be in a form
1916 satisfactory to the office and shall run to the state for the
1917 benefit of any claimants in this state against the applicant or
1918 its authorized vendors to secure the faithful performance of the
1919 obligations of the applicant and its authorized vendors with
1920 respect to the receipt, handling, transmission, and payment of
1921 funds. The aggregate liability of the corporate surety bond may
1922 not in no event shall exceed the principal sum of the bond. Such

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1923 Claimants against the applicant or its authorized vendors may
1924 ~~themselves~~ bring suit directly on the corporate surety bond, or
1925 the Department of Legal Affairs may bring suit ~~thereon~~ on behalf
1926 of the such claimants, ~~in either one action or in successive~~
1927 ~~actions.~~

1928 (c) The A corporate surety bond ~~filed with the office for~~
1929 ~~purposes of compliance with this section~~ may not be canceled by
1930 either the licensee registrant or the corporate surety except
1931 upon written notice to the office by registered ~~or certified~~
1932 mail ~~with return receipt requested~~. A cancellation may ~~shall~~ not
1933 take effect until ~~less than~~ 30 days after receipt by the office
1934 of the such written notice.

1935 (d) The corporate surety must, within 10 days after it
1936 pays any claim ~~to any claimant~~, give written notice to the
1937 office by registered ~~or certified~~ mail of such payment with
1938 details sufficient to identify the claimant and the claim or
1939 judgment ~~so~~ paid.

1940 (e) If ~~Whenever~~ the principal sum of the such bond is
1941 reduced by one or more recoveries or payments, the licensee
1942 ~~registrant~~ must furnish a new or additional bond so that the
1943 total or aggregate principal sum of the such bond equals the sum
1944 required pursuant to paragraph (a) ~~by the commission~~.
1945 Alternatively, a licensee registrant may furnish an endorsement
1946 executed by the corporate surety reinstating the bond to the
1947 required principal sum ~~thereof~~.

1948 ~~(4)(3)~~ In lieu of a such corporate surety bond, or of any
1949 portion of the principal sum ~~thereof~~ required by this section,
1950 the applicant may deposit collateral cash, securities, or

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1951 alternative security devices as provided by rule ~~approved by the~~
1952 ~~commission,~~ with a ~~any~~ federally insured financial institution.

1953 (a) Acceptable collateral deposit items ~~in lieu of a bond~~
1954 include cash and interest-bearing stocks and bonds, notes,
1955 debentures, or other obligations of the United States or any
1956 agency or instrumentality thereof, or guaranteed by the United
1957 States, or of this state.

1958 (b) The collateral deposit must be in an aggregate amount,
1959 based upon principal amount or market value, whichever is lower,
1960 of at least ~~not less than~~ the amount of the required corporate
1961 surety bond or portion thereof.

1962 (c) Collateral deposits must ~~made under this subsection~~
1963 ~~shall~~ be pledged to the office and held by the insured financial
1964 institution to secure the same obligations as ~~would~~ the
1965 corporate surety bond, but the depositor is entitled to receive
1966 any ~~all~~ interest and dividends thereon and may, with the
1967 approval of the office, substitute other securities or deposits
1968 for those deposited. The principal amount of the deposit shall
1969 be released only on written authorization of the office or on
1970 the order of a court of competent jurisdiction.

1971 (5) ~~(4)~~ A licensee ~~registrant~~ must at all times ~~have and~~
1972 maintain the bond or collateral deposit in the required amount
1973 ~~prescribed by the commission.~~ If the office ~~at any time~~
1974 reasonably determines that the bond or elements of the
1975 collateral deposit are insecure, deficient in amount, or
1976 exhausted in whole or in part, the office may, by written order,
1977 require the filing of a new or supplemental bond or the deposit
1978 of new or additional collateral deposit items.

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1979 ~~(6)(5)~~ The bond and collateral deposit shall remain in
1980 place for 5 years after the licensee ~~registrant~~ ceases licensed
1981 ~~registered~~ operations in this state. The office may allow ~~permit~~
1982 the bond or collateral deposit to be reduced or eliminated prior
1983 to that time to the extent that the amount of the licensee's
1984 ~~registrant's~~ outstanding payment instruments or money funds
1985 transmitted in this state are reduced. The office may also allow
1986 a licensee ~~permit a registrant~~ to substitute a letter of credit
1987 or ~~such~~ other form of acceptable security for the bond or
1988 collateral deposit at the time the licensee ~~registrant~~ ceases
1989 licensed ~~money transmission~~ operations in this state.

1990 ~~(6)~~ ~~The office may waive or reduce a registrant's net~~
1991 ~~worth or bond or collateral deposit requirement. Such waiver or~~
1992 ~~modification must be requested by the applicant or registrant,~~
1993 ~~and may be granted upon a showing by the applicant or registrant~~
1994 ~~to the satisfaction of the office that:~~

1995 ~~(a) The existing net worth, bond, or collateral deposit~~
1996 ~~requirement is sufficiently in excess of the registrant's~~
1997 ~~highest potential level of outstanding payment instruments or~~
1998 ~~money transmissions in this state;~~

1999 ~~(b) The direct and indirect cost of meeting the net worth,~~
2000 ~~bond, or collateral deposit requirement will restrict the~~
2001 ~~ability of the money transmitter to effectively serve the needs~~
2002 ~~of its customers and the public; or~~

2003 ~~(c) The direct and indirect cost of meeting the net worth,~~
2004 ~~bond, or collateral requirement will not only have a negative~~
2005 ~~impact on the money transmitter but will severely hinder the~~
2006 ~~ability of the money transmitter to participate in and promote~~

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2007 ~~the economic progress and welfare of this state or the United~~
2008 ~~States.~~

2009 Section 35. Section 560.210, Florida Statutes, is amended
2010 to read:

2011 560.210 Permissible investments.--

2012 (1) A licensee must registrant shall at all times possess
2013 permissible investments with an aggregate market value,
2014 calculated in accordance with ~~United States~~ generally accepted
2015 accounting principles, of at least not less than the aggregate
2016 face amount of all outstanding money funds transmissions and
2017 payment instruments issued or sold by the licensee registrant or
2018 an authorized vendor in the United States. As used in this
2019 section,

2020 ~~(2) Acceptable permissible investments include:~~

2021 (a) Cash.

2022 (b) Certificates of deposit or other deposit liabilities
2023 of a domestic or foreign financial institution, ~~either domestic~~
2024 ~~or foreign.~~

2025 (c) Bankers' acceptances eligible for purchase by member
2026 banks of the Federal Reserve System.

2027 (d) An investment bearing a rating of one of the three
2028 highest grades as defined by a nationally recognized rating
2029 service of such securities.

2030 (e) Investment securities that are obligations of the
2031 United States, its agencies or instrumentalities, or obligations
2032 that are guaranteed fully as to principal and interest by the
2033 United States, or any obligations of any state or municipality,
2034 or any political subdivision thereof.

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2035 (f) Shares in a money market mutual fund.

2036 (g) A demand borrowing agreement or agreements made to a
2037 corporation or a subsidiary of a corporation whose capital stock
2038 is listed on a national exchange.

2039 (h) Receivables that are due to a licensee ~~registrant~~ from
2040 the licensee's ~~registrant's~~ authorized vendors except those that
2041 are more than 90 ~~30~~ days past due or are doubtful of collection.

2042 (i) Any other investment approved by rule ~~the commission~~.

2043 ~~(2)-(3)~~ Notwithstanding any other provision of this part,
2044 the office, with respect to any particular licensee ~~registrant~~
2045 or all licensees ~~registrants~~, may limit the extent to which any
2046 class of permissible investments may be considered a permissible
2047 investment, except for cash and certificates of deposit.

2048 ~~(3)-(4)~~ The office may waive the permissible investments
2049 requirement if the dollar value of a licensee's ~~registrant's~~
2050 outstanding payment instruments and money ~~funds~~ transmitted do
2051 not exceed the bond or collateral deposit posted by the licensee
2052 ~~registrant~~ under s. 560.209.

2053 Section 36. Section 560.211, Florida Statutes, is amended
2054 to read:

2055 560.211 Required records.--

2056 (1) In addition to the record retention requirements under
2057 s. 560.110, each licensee under this part ~~Each registrant~~ must
2058 make, keep, and preserve the following books, accounts, records,
2059 and documents ~~other records~~ for 5 ~~a period of 3~~ years:

2060 (a) A daily record ~~or records~~ of payment instruments sold
2061 and money ~~funds~~ transmitted.

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2062 (b) A general ledger containing all asset, liability,
2063 capital, income, and expense accounts, which ~~general ledger~~
2064 shall be posted at least monthly.

2065 (c) Daily settlement records ~~sheets~~ received from
2066 authorized vendors.

2067 (d) Monthly financial institution statements and
2068 reconciliation records.

2069 (e) Records of outstanding payment instruments and money
2070 ~~funds~~ transmitted.

2071 (f) Records of each payment instrument paid and money
2072 ~~funds~~ transmission delivered ~~within the 3-year period~~.

2073 (g) A list of the names and addresses of all of the
2074 licensee's registrant's authorized vendors, ~~as well as copies of~~
2075 ~~each authorized vendor contract~~.

2076 (h) Records that document the establishment, monitoring,
2077 and termination of relationships with authorized vendors and
2078 foreign affiliates.

2079 (i) Any additional records, as prescribed by rule,
2080 designed to detect and prevent money laundering.

2081 ~~(2) The records required to be maintained by the code may~~
2082 ~~be maintained by the registrant at any location if the~~
2083 ~~registrant notifies the office in writing of the location of the~~
2084 ~~records in its application or otherwise by amendment as~~
2085 ~~prescribed by commission rule. The registrant shall make such~~
2086 ~~records available to the office for examination and~~
2087 ~~investigation in this state, as permitted by the code, within 7~~
2088 ~~days after receipt of a written request.~~

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2089 ~~(3) Registrants and authorized vendors need not preserve~~
2090 ~~or retain any of the records required by this section or copies~~
2091 ~~thereof for a period longer than 3 years unless a longer period~~
2092 ~~is expressly required by the laws of this state or federal law.~~
2093 ~~A registrant or authorized vendor may destroy any of its records~~
2094 ~~or copies thereof after the expiration of the retention period~~
2095 ~~required by this section.~~

2096 ~~(4) The original of any record of a registrant or~~
2097 ~~authorized vendor includes the data or other information~~
2098 ~~comprising a record stored or transmitted in or by means of any~~
2099 ~~electronic, computerized, mechanized, or other information~~
2100 ~~storage or retrieval or transmission system or device which can~~
2101 ~~upon request generate, regenerate, or transmit the precise data~~
2102 ~~or other information comprising the record; and an original also~~
2103 ~~includes the visible data or other information so generated,~~
2104 ~~regenerated, or transmitted if it is legible or can be made~~
2105 ~~legible by enlargement or other process.~~

2106 ~~(2)(5)~~ Any person who willfully fails to comply with this
2107 section commits a felony of the third degree, punishable as
2108 provided in s. 775.082, s. 775.083, or s. 775.084.

2109 Section 37. Section 560.212, Florida Statutes, is amended
2110 to read:

2111 560.212 Financial liability.--A licensee ~~Each registrant~~
2112 under this part is liable for the payment of all money funds
2113 transmitted and payment instruments that it sells, in whatever
2114 form and whether directly or through an authorized vendor, as
2115 the maker, drawer, or principal thereof, regardless of whether
2116 such item is negotiable or nonnegotiable.

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2117 Section 38. Section 560.213, Florida Statutes, is amended
2118 to read:

2119 560.213 Payment instrument information.--Each payment
2120 instrument sold or issued by a licensee ~~registrant~~, directly or
2121 through an authorized vendor, must ~~shall~~ bear the name of the
2122 licensee, and any other information as may be required by rule,
2123 ~~registrant~~ clearly imprinted thereon.

2124 Section 39. Section 560.303, Florida Statutes, is amended
2125 to read:

2126 560.303 License required ~~Requirement of registration~~.--

2127 (1) A ~~No~~ person may not ~~shall~~ engage in, or in any manner
2128 advertise engagement in, the business of cashing payment
2129 instruments or ~~the~~ exchanging of foreign currency without being
2130 licensed ~~first registering~~ under ~~the provisions of~~ this part.

2131 (2) A person licensed under ~~registered pursuant to~~ this
2132 part may not engage in ~~the activities authorized by this part.~~ A
2133 ~~person registered under this part is prohibited from engaging~~
2134 directly in the activities that require a license under are
2135 ~~authorized under a registration issued pursuant to part II of~~
2136 this chapter, but may be ~~such person is not prohibited from~~
2137 ~~engaging in~~ an authorized vendor for ~~relationship with~~ a person
2138 licensed ~~registered~~ under part II of this chapter.

2139 (3) A person exempt from licensure under ~~registration~~
2140 ~~pursuant to~~ this part engaging in the business of cashing
2141 payment instruments or the exchanging of foreign currency may
2142 ~~shall~~ not charge fees in excess of those provided in s. 560.309.

2143 Section 40. Section 560.304, Florida Statutes, is amended
2144 to read:

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2145 560.304 Exemption from licensure ~~Exceptions to~~
2146 ~~registration.--The requirement for licensure under provisions of~~
2147 ~~this part does de not apply to:~~

2148 ~~(1) a person, at a location, cashing payment instruments~~
2149 ~~that have an aggregate face value of less than \$2,000 per person~~
2150 ~~per day Authorized vendors of any person registered pursuant to~~
2151 ~~the provisions of the code, acting within the scope of authority~~
2152 ~~conferred by the registrant.~~

2153 ~~(2) Persons engaged in the cashing of payment instruments~~
2154 ~~or the exchanging of foreign currency which is incidental to the~~
2155 ~~retail sale of goods or services whose compensation for cashing~~
2156 ~~payment instruments or exchanging foreign currency at each site~~
2157 ~~does not exceed 5 percent of the total gross income from the~~
2158 ~~retail sale of goods or services by such person during its most~~
2159 ~~recently completed fiscal year.~~

2160 Section 41. Section 560.309, Florida Statutes, is amended
2161 to read:

2162 560.309 Conduct of business Rules.--

2163 (1) A licensee may transact business under this part only
2164 under the legal name under which the person is licensed. The use
2165 of a fictitious name is allowed if the fictitious name has been
2166 registered with the Department of State and disclosed to the
2167 office as part of an initial license application, or subsequent
2168 amendment to the application, prior to its use. Before a
2169 ~~registrant shall deposit, with any financial institution, a~~
2170 ~~payment instrument that is cashed by a registrant, each such~~
2171 ~~item must be endorsed with the actual name under which such~~
2172 ~~registrant is doing business.~~

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2173 (2) At the time a licensee accepts a payment instrument
2174 that is cashed by the licensee, the payment instrument must be
2175 endorsed using the legal name under which the licensee is
2176 licensed. Registrants must comply with all the laws of this
2177 state and any federal laws relating to money laundering,
2178 including, as applicable, the provisions of s. 560.123.

2179 (3) A licensee under this part must deposit or sell
2180 payment instruments within 5 business days after the acceptance
2181 of the payment instrument.

2182 (4) A licensee may not accept or cash multiple payment
2183 instruments from a person who is not the original payee, unless
2184 the person is licensed to cash payment instruments pursuant to
2185 this part and all payment instruments accepted are endorsed with
2186 the legal name of the person.

2187 (5) A licensee must report all suspicious activity to the
2188 office in accordance with the criteria set forth in 31 C.F.R. s.
2189 103.20. In lieu of filing such reports, the commission may
2190 prescribe by rule that the licensee may file such reports with
2191 an appropriate regulator.

2192 (6)-(3) The commission may by rule require a every check
2193 casher to display its license registration and post a notice
2194 listing containing its charges for cashing payment instruments.

2195 (7)-(4) Exclusive of the direct costs of verification which
2196 shall be established by ~~commission~~ rule, a ~~no~~ check casher may
2197 not shall:

2198 (a) Charge fees, except as otherwise provided by this
2199 part, in excess of 5 percent of the face amount of the payment

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2200 instrument, ~~or 6 percent without the provision of~~
2201 ~~identification,~~ or \$5, whichever is greater;

2202 (b) Charge fees in excess of 3 percent of the face amount
2203 of the payment instrument, ~~or 4 percent without the provision of~~
2204 ~~identification,~~ or \$5, whichever is greater, if such payment
2205 instrument is the payment of any kind of state public assistance
2206 or federal social security benefit payable to the bearer of the
2207 ~~such~~ payment instrument; or

2208 (c) Charge fees for personal checks or money orders in
2209 excess of 10 percent of the face amount of those payment
2210 instruments, or \$5, whichever is greater.

2211 ~~(d) As used in this subsection, "identification" means,~~
2212 ~~and is limited to, an unexpired and otherwise valid driver~~
2213 ~~license, a state identification card issued by any state of the~~
2214 ~~United States or its territories or the District of Columbia,~~
2215 ~~and showing a photograph and signature, a United States~~
2216 ~~Government Resident Alien Identification Card, a United States~~
2217 ~~passport, or a United States Military identification card.~~

2218 (8) A licensee cashing payment instruments may not assess
2219 the cost of collections, other than fees for insufficient funds
2220 as provided by law, without a judgment from a court of competent
2221 jurisdiction.

2222 (9) If a check is returned to a licensee from a payor
2223 financial institution due to lack of funds, a closed account, or
2224 a stop-payment order, the licensee may seek collection pursuant
2225 to s. 68.065. In seeking collection, the licensee must comply
2226 with the prohibitions against harassment or abuse, false or
2227 misleading representations, and unfair practices in the Fair

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2228 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and
2229 1692f. A violation of this subsection is a deceptive and unfair
2230 trade practice and constitutes a violation of the Deceptive and
2231 Unfair Trade Practices Act under part II of chapter 501. In
2232 addition, a licensee must comply with the applicable provisions
2233 of the Consumer Collection Practices Act under part VI of
2234 chapter 559, including s. 559.77.

2235 Section 42. Section 560.310, Florida Statutes, is amended
2236 to read:

2237 560.310 Records of check cashers and foreign currency
2238 exchangers.--

2239 (1) In addition to the record retention requirements
2240 specified in s. 560.110, a licensee engaged in check cashing
2241 must maintain the following:

2242 (a) Customer files, as prescribed by rule, on all
2243 customers who cash corporate or third-party payment instruments
2244 exceeding \$1,000.

2245 (b) For any payment instrument accepted having a face
2246 value of \$1,000 or more:

2247 1. A copy of the personal identification that bears a
2248 photograph of the customer used as identification and presented
2249 by the customer. Acceptable personal identification is limited
2250 to a valid driver's license; a state identification card issued
2251 by any state of the United States or its territories or the
2252 District of Columbia, and showing a photograph and signature; a
2253 United States Government Resident Alien Identification Card; a
2254 passport; or a United States Military identification card.

2255 2. A thumbprint of the customer taken by the licensee.

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2256 (c) A payment instrument log that must be maintained
2257 electronically as prescribed by rule. For purposes of this
2258 paragraph, multiple payment instruments accepted from any one
2259 person on any given day which total \$1,000 or more must be
2260 aggregated and reported on the log. Each registrant must
2261 ~~maintain all books, accounts, records, and documents necessary~~
2262 ~~to determine the registrant's compliance with the provisions of~~
2263 ~~the code. Such books, accounts, records, and documents shall be~~
2264 ~~retained for a period of at least 3 years.~~

2265 (2) A licensee under this part may engage the services of
2266 a third party that is not a depository institution for the
2267 maintenance and storage of records required by this section if
2268 all the requirements of this section are met. The records
2269 ~~required to be maintained by the code may be maintained by the~~
2270 ~~registrant at any location if the registrant notifies the~~
2271 ~~office, in writing, of the location of the records in its~~
2272 ~~application or otherwise by amendment as prescribed by~~
2273 ~~commission rule. The registrant shall make such records~~
2274 ~~available to the office for examination and investigation in~~
2275 ~~this state, as permitted by the code, within 7 days after~~
2276 ~~receipt of a written request.~~

2277 ~~(3) Registrants and authorized vendors need not preserve~~
2278 ~~or retain any of the records required by this section or copies~~
2279 ~~thereof for a period longer than 3 years unless a longer period~~
2280 ~~is expressly required by the laws of this state or any federal~~
2281 ~~law. A registrant or authorized vendor may destroy any of its~~
2282 ~~records or copies thereof after the expiration of the retention~~
2283 ~~period required by this section.~~

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2284 ~~(4) The original of any record of a registrant or~~
2285 ~~authorized vendor includes the data or other information~~
2286 ~~comprising a record stored or transmitted in or by means of any~~
2287 ~~electronic, computerized, mechanized, or other information~~
2288 ~~storage or retrieval or transmission system or device which can~~
2289 ~~upon request generate, regenerate, or transmit the precise data~~
2290 ~~or other information comprising the record; and an original also~~
2291 ~~includes the visible data or other information so generated,~~
2292 ~~regenerated, or transmitted if it is legible or can be made~~
2293 ~~legible by enlargement or other process.~~

2294 ~~(5) Any person who willfully violates this section or~~
2295 ~~fails to comply with any lawful written demand or order of the~~
2296 ~~office made pursuant to this section commits a felony of the~~
2297 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
2298 ~~or s. 775.084.~~

2299 Section 43. Section 560.402, Florida Statutes, is amended
2300 to read:

2301 560.402 Definitions.--~~In addition to the definitions~~
2302 ~~provided in ss. 560.103, 560.202, and 560.302 and unless~~
2303 ~~otherwise clearly indicated by the context, For the purposes of~~
2304 ~~this part, the term:~~

2305 (1) "Affiliate" means a person who, directly or
2306 indirectly, through one or more intermediaries controls, or is
2307 controlled by, or is under common control with, a deferred
2308 presentment provider.

2309 ~~(2) "Business day" means the hours during a particular day~~
2310 ~~during which a deferred presentment provider customarily~~

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2311 ~~conducts business, not to exceed 15 consecutive hours during~~
2312 ~~that day.~~

2313 ~~(3) "Days" means calendar days.~~

2314 ~~(2)(4)~~ "Deferment period" means the number of days a
2315 deferred presentment provider agrees to defer depositing, ~~or~~
2316 presenting, or redeeming a payment instrument.

2317 ~~(5) "Deferred presentment provider" means a person who~~
2318 ~~engages in a deferred presentment transaction and is registered~~
2319 ~~under part II or part III of the code and has filed a~~
2320 ~~declaration of intent with the office.~~

2321 ~~(3)(6)~~ "Deferred presentment transaction" means providing
2322 currency or a payment instrument in exchange for a drawer's
2323 ~~person's~~ check and agreeing to hold the ~~that person's~~ check for
2324 a deferment period ~~of time prior to presentment, deposit, or~~
2325 ~~redemption.~~

2326 ~~(4)(7)~~ "Drawer" means a customer ~~any person~~ who writes a
2327 personal check and upon whose account the check is drawn.

2328 ~~(5)~~ "Extension of a deferred presentment agreement" means
2329 continuing a deferred presentment transaction past the deferment
2330 period by having the drawer pay additional fees and the deferred
2331 presentment provider continuing to hold the check for another
2332 deferment period.

2333 ~~(6)(8)~~ "Rollover" means the termination or extension of a
2334 ~~an existing~~ deferred presentment agreement by the payment of an
2335 ~~any~~ additional fee and the continued holding of the check, or
2336 the substitution of a new check ~~drawn~~ by the drawer pursuant to
2337 a new deferred presentment agreement.

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2338 ~~(9) "Fee" means the fee authorized for the deferral of the~~
2339 ~~presentation of a check pursuant to this part.~~

2340 ~~(7)(10) "Termination of a an-existing deferred presentment~~
2341 ~~agreement" means that the check that is the basis for the an~~
2342 ~~agreement is redeemed by the drawer by payment in full in cash,~~
2343 ~~or is deposited and the deferred presentment provider has~~
2344 ~~evidence that such check has cleared. A Verification of~~
2345 ~~sufficient funds in the drawer's account by the deferred~~
2346 ~~presentment provider is shall not be sufficient evidence to deem~~
2347 ~~that the existing deferred deposit transaction is to be~~
2348 ~~terminated.~~

2349 ~~(11) "Extension of an existing deferred presentment~~
2350 ~~agreement" means that a deferred presentment transaction is~~
2351 ~~continued by the drawer paying any additional fees and the~~
2352 ~~deferred presentment provider continues to hold the check for~~
2353 ~~another period of time prior to deposit, presentment, or~~
2354 ~~redemption.~~

2355 Section 44. Section 560.403, Florida Statutes, is amended
2356 to read:

2357 560.403 ~~Requirements of registration;~~ Declaration of
2358 intent.--

2359 ~~(1) Except for financial institutions as defined in s.~~
2360 ~~655.005 No person, Unless otherwise exempt from this chapter, a~~
2361 ~~person may not shall engage in a deferred presentment~~
2362 ~~transaction unless the person is licensed as a money services~~
2363 ~~business registered under the provisions of part II or part III~~
2364 ~~of this chapter and has on file with the office a declaration of~~
2365 ~~intent to engage in deferred presentment transactions,~~

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2366 regardless of whether such person is exempted from licensure
2367 under any other provision of this chapter. The declaration of
2368 intent ~~must shall~~ be under oath and on such form as prescribed
2369 ~~the commission prescribes~~ by rule. The declaration of intent
2370 must shall be filed together with a nonrefundable filing fee as
2371 provided in s. 560.143 of \$1,000. ~~Any person who is registered~~
2372 ~~under part II or part III on the effective date of this act and~~
2373 ~~intends to engage in deferred presentment transactions shall~~
2374 ~~have 60 days after the effective date of this act to file a~~
2375 ~~declaration of intent.~~ A declaration of intent expires after 24
2376 months and must be renewed.

2377 ~~(2) A registrant under this part shall renew his or her~~
2378 ~~intent to engage in the business of deferred presentment~~
2379 ~~transactions or to act as a deferred presentment provider upon~~
2380 ~~renewing his or her registration under part II or part III and~~
2381 ~~shall do so by indicating his or her intent by submitting a~~
2382 ~~nonrefundable deferred presentment provider renewal fee of~~
2383 ~~\$1,000, in addition to any fees required for renewal of~~
2384 ~~registration under part II or part III.~~

2385 ~~(3) A registrant under this part who fails to timely renew~~
2386 ~~his or her intent to engage in the business of deferred~~
2387 ~~presentment transactions or to act as a deferred presentment~~
2388 ~~provider shall immediately cease to engage in the business of~~
2389 ~~deferred presentment transactions or to act as a deferred~~
2390 ~~presentment provider.~~

2391 ~~(4) The notice of intent of a registrant under this part~~
2392 ~~who fails to timely renew his or her intent to engage in the~~
2393 ~~business of deferred presentment transactions or to act as a~~

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2394 ~~deferred presentment provider on or before the expiration date~~
2395 ~~of the registration period automatically expires. A renewal fee~~
2396 ~~and a nonrefundable late fee of \$500 must be filed within 60~~
2397 ~~calendar days after the expiration of an existing registration~~
2398 ~~in order for the declaration of intent to be reinstated. The~~
2399 ~~office shall grant a reinstatement of registration if an~~
2400 ~~application is filed during the 60-day period, and the~~
2401 ~~reinstatement is effective upon receipt of the required fees and~~
2402 ~~any information that the commission requires by rule. If the~~
2403 ~~registrant has not filed a reinstatement of a renewal~~
2404 ~~declaration of intent within 60 calendar days after the~~
2405 ~~expiration date of an existing registration, the notice of~~
2406 ~~intent expires and a new declaration of intent must be filed~~
2407 ~~with the office.~~

2408 ~~(5) No person, other than a financial institution as~~
2409 ~~defined in s. 655.005, shall be exempt from registration and~~
2410 ~~declaration if such person engages in deferred presentment~~
2411 ~~transactions, regardless of whether such person is currently~~
2412 ~~exempt from registration under any provision of this code.~~

2413 Section 45. Section 560.404, Florida Statutes, is amended
2414 to read:

2415 560.404 Requirements for deferred presentment
2416 transactions.--

2417 (1) Each ~~Every~~ deferred presentment transaction must ~~shall~~
2418 be documented in a written agreement signed by ~~both~~ the deferred
2419 presentment provider and the drawer.

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2420 (2) The deferred presentment transaction agreement must
2421 ~~shall~~ be executed on the day the deferred presentment provider
2422 furnishes currency or a payment instrument to the drawer.

2423 (3) Each written agreement must ~~shall contain the~~
2424 ~~following information~~, in addition to any information required
2425 ~~the commission requires by rule~~, contain the following
2426 information:

2427 (a) The name or trade name, address, and telephone number
2428 of the deferred presentment provider and the name and title of
2429 the person who signs the agreement on behalf of the ~~deferred~~
2430 ~~presentment~~ provider.

2431 (b) The date the deferred presentment transaction is ~~was~~
2432 made.

2433 (c) The amount of the drawer's check.

2434 (d) The length of the deferment ~~deferral~~ period.

2435 (e) The last day of the deferment period.

2436 (f) The address and telephone number of the office ~~and the~~
2437 ~~Division of Consumer Services of the Department of Financial~~
2438 ~~Services~~.

2439 (g) A clear description of the drawer's payment
2440 obligations under the deferred presentment transaction.

2441 (h) The transaction number assigned by the office's
2442 database.

2443 (4) The ~~Every~~ deferred presentment provider must ~~shall~~
2444 ~~furnish to the drawer~~ a copy of the deferred presentment
2445 transaction agreement to the drawer.

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2446 (5) The face amount of a check taken for deferred
2447 presentment may not exceed \$500 exclusive of the fees allowed
2448 under ~~by~~ this part.

2449 (6) A ~~No~~ deferred presentment provider or its affiliate
2450 may not shall charge fees that exceed in excess of 10 percent of
2451 the currency or payment instrument provided. However, a
2452 verification fee may be charged as provided in s. 560.309(7) ~~in~~
2453 ~~accordance with s. 560.309(4) and the rules adopted pursuant to~~
2454 ~~the code.~~ The 10-percent fee may not be applied to the
2455 verification fee. A deferred presentment provider may charge
2456 only those fees specifically authorized in this section.

2457 (7) The fees authorized by this section may not be
2458 collected before the drawer's check is presented or redeemed.

2459 (8) A ~~No~~ deferred presentment agreement may not shall be
2460 for a term longer than in excess of 31 days or less than 7 days.

2461 (9) A ~~No~~ deferred presentment provider may not shall
2462 require a drawer person to provide any additional security for
2463 the deferred presentment transaction or any extension or require
2464 the drawer a person to provide any additional guaranty from
2465 another person.

2466 (10) A deferred presentment provider may shall not include
2467 any of the following provisions in a deferred provider any
2468 ~~written~~ agreement:

2469 (a) A hold harmless clause.†

2470 (b) A confession of judgment clause.†

2471 (c) Any assignment of or order for payment of wages or
2472 other compensation for services.†

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2473 (d) A provision in which the drawer agrees not to assert
2474 any claim or defense arising out of the agreement. ~~or~~

2475 (e) A waiver of any provision of this part.

2476 (11) A ~~Each~~ deferred presentment provider shall
2477 immediately provide the drawer with the full amount of any check
2478 to be held, less only the fees allowed ~~permitted~~ under this
2479 section.

2480 (12) The deferred presentment agreement and the drawer's
2481 check must ~~shall~~ bear the same date, and the number of days of
2482 the deferment period shall be calculated from that ~~this~~ date.
2483 The ~~No~~ deferred presentment provider and the drawer ~~or person~~
2484 may not alter or delete the date on any written agreement or
2485 check held by the deferred presentment provider.

2486 (13) For each deferred presentment transaction, the
2487 deferred presentment provider must comply with the disclosure
2488 requirements of 12 C.F.R., part 226, relating to the federal
2489 Truth-in-Lending Act, and Regulation Z of the Board of Governors
2490 of the Federal Reserve Board. A copy of the disclosure must be
2491 provided to the drawer at the time the deferred presentment
2492 transaction is initiated.

2493 (14) A ~~No~~ deferred presentment provider or its affiliate
2494 may not accept or hold an undated check or a check dated on a
2495 date other than the date on which the deferred presentment
2496 provider agreed to hold the check and signed the deferred
2497 presentment transaction agreement.

2498 (15) A ~~Every~~ deferred presentment provider must ~~shall~~ hold
2499 the drawer's check for the agreed number of days, unless the

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2500 drawer chooses to redeem the check before the ~~agreed~~ presentment
2501 date.

2502 (16) Proceeds in a deferred presentment transaction may be
2503 made to the drawer in the form of the deferred presentment
2504 provider's payment instrument if the deferred presentment
2505 provider is registered under part II; however, an ~~no~~ additional
2506 fee may not be charged by a deferred presentment provider or its
2507 affiliate for issuing or cashing the deferred presentment
2508 provider's payment instrument.

2509 (17) A ~~No~~ deferred presentment provider may not require
2510 the drawer to accept its payment instrument in lieu of currency.

2511 (18) A ~~No~~ deferred presentment provider or its affiliate
2512 may not engage in the rollover of a ~~any~~ deferred presentment
2513 agreement. A deferred presentment provider may ~~shall~~ not redeem,
2514 extend, or otherwise consolidate a deferred presentment
2515 agreement with the proceeds of another deferred presentment
2516 transaction made by the same or an affiliate ~~affiliated~~ ~~deferred~~
2517 ~~presentment~~ ~~provider~~.

2518 (19) A deferred presentment provider may not enter into a
2519 deferred presentment transaction with a drawer ~~person~~ who has an
2520 outstanding deferred presentment transaction with that provider
2521 or with any other deferred presentment provider, or with a
2522 person whose previous deferred presentment transaction with that
2523 provider or with any other provider has been terminated for less
2524 than 24 hours. The deferred presentment provider must verify
2525 such information as follows:

2526 (a) The deferred presentment provider shall maintain a
2527 common database and shall verify whether the ~~that~~ ~~deferred~~

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2528 ~~presentment~~ provider or an affiliate has an outstanding deferred
2529 presentment transaction with a particular person or has
2530 terminated a transaction with that person within the previous 24
2531 hours.

2532 (b) The deferred presentment provider shall access the
2533 office's database established pursuant to subsection (23) and
2534 shall verify whether any other deferred presentment provider has
2535 an outstanding deferred presentment transaction with a
2536 particular person or has terminated a transaction with that
2537 person within the previous 24 hours. If a provider has not
2538 established ~~Prior to the time that the office has implemented~~
2539 ~~such~~ a database, the deferred presentment provider may rely upon
2540 the written verification of the drawer as provided in subsection
2541 (20).

2542 (20) A deferred presentment provider shall provide the
2543 following notice in a prominent place on each deferred
2544 presentment agreement in at least 14-point type in substantially
2545 the following form and must obtain the signature of the drawer
2546 where indicated:

2547
2548 NOTICE

2549
2550 1. STATE LAW PROHIBITS YOU FROM HAVING MORE THAN ONE DEFERRED
2551 PRESENTMENT AGREEMENT AT ANY ONE TIME. STATE LAW ALSO PROHIBITS
2552 YOU FROM ENTERING INTO A DEFERRED PRESENTMENT AGREEMENT WITHIN
2553 24 HOURS AFTER ~~OF~~ TERMINATING ANY PREVIOUS DEFERRED PRESENTMENT
2554 AGREEMENT. FAILURE TO OBEY THIS LAW COULD CREATE SEVERE
2555 FINANCIAL HARDSHIP FOR YOU AND YOUR FAMILY.

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YOU MUST SIGN THE FOLLOWING STATEMENT:

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

(Signature of Drawer)

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

3. STATE LAW PROHIBITS A DEFERRED PRESENTMENT PROVIDER (THIS BUSINESS) FROM ALLOWING YOU TO "ROLL OVER" YOUR DEFERRED PRESENTMENT TRANSACTION. THIS MEANS THAT YOU CANNOT BE ASKED OR REQUIRED TO PAY AN ADDITIONAL FEE IN ORDER TO FURTHER DELAY THE DEPOSIT OR PRESENTMENT OF YOUR CHECK FOR PAYMENT. IF YOU INFORM THE PROVIDER IN PERSON THAT YOU CANNOT COVER THE CHECK OR PAY IN FULL THE AMOUNT OWING AT THE END OF THE TERM OF THIS AGREEMENT, YOU WILL RECEIVE A GRACE PERIOD EXTENDING THE TERM OF THE AGREEMENT FOR AN ADDITIONAL 60 DAYS AFTER THE ORIGINAL TERMINATION DATE, WITHOUT ANY ADDITIONAL CHARGE. THE DEFERRED PRESENTMENT PROVIDER SHALL REQUIRE THAT YOU, AS A CONDITION OF OBTAINING THE GRACE PERIOD, COMPLETE CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED TO YOU BY THIS PROVIDER. YOU MAY ALSO AGREE TO COMPLY WITH AND

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2584 ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY. IF YOU DO
2585 NOT COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT
2586 AGENCY, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR PAYMENT AND
2587 PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE THE DEBT AT
2588 THE END OF THE 60-DAY GRACE PERIOD.

2589 (21) The deferred presentment provider may not deposit or
2590 present the drawer's check if the drawer informs the provider in
2591 person that the drawer cannot redeem or pay in full in cash the
2592 amount due and owing the deferred presentment provider. No
2593 additional fees or penalties may be imposed on the drawer by
2594 virtue of any misrepresentation made by the drawer as to the
2595 sufficiency of funds in the drawer's account. ~~In no event shall~~
2596 ~~any~~ Additional fees may not be added to the amounts due and
2597 owing to the deferred presentment provider.

2598 (22)~~(a)~~ If, by the end of the deferment period, the drawer
2599 informs the deferred presentment provider in person that the
2600 drawer cannot redeem or pay in full in cash the amount due and
2601 owing the deferred presentment provider, the deferred
2602 presentment provider shall provide a grace period extending the
2603 term of the agreement for an additional 60 days after the
2604 original termination date, without any additional charge.

2605 (a) The provider shall require that as a condition of
2606 providing a ~~this~~ grace period, that ~~within the first 7 days of~~
2607 ~~the grace period~~ the drawer make an appointment with a consumer
2608 credit counseling agency within 7 days after the end of the
2609 deferment period and complete the counseling by the end of the
2610 grace period. The drawer may agree to, comply with, and adhere
2611 to a repayment plan approved by the counseling agency. If the

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2612 drawer agrees to comply with and adhere to a repayment plan
2613 approved by the counseling agency, the provider must ~~is~~ also
2614 ~~required to~~ comply with and adhere to that repayment plan. The
2615 deferred presentment provider may not deposit or present the
2616 drawer's check for payment before the end of the 60-day grace
2617 period unless the drawer fails to comply with such conditions or
2618 the drawer fails to notify the provider of such compliance.
2619 Before each deferred presentment transaction, the provider may
2620 verbally advise the drawer of the availability of the grace
2621 period consistent with ~~the provisions of~~ the written notice in
2622 subsection (20), and may ~~shall~~ not discourage the drawer from
2623 using the grace period.

2624 (b) At the commencement of the grace period, the deferred
2625 presentment provider shall provide the drawer:

2626 1. Verbal notice of the availability of the grace period
2627 consistent with the written notice in subsection (20).

2628 2. A list of approved consumer credit counseling agencies
2629 prepared by the office. The office list shall include nonprofit
2630 consumer credit counseling agencies affiliated with the National
2631 Foundation for Credit Counseling which provide credit counseling
2632 services to state ~~Florida~~ residents in person, by telephone, or
2633 through the Internet. The office list must include phone numbers
2634 for the agencies, the counties served by the agencies, and
2635 indicate the agencies that provide telephone counseling and
2636 those that provide Internet counseling. The office shall update
2637 the list at least once each year.

2638 3. The following notice in at least 14-point type in
2639 substantially the following form:

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2641

2642 AS A CONDITION OF OBTAINING A GRACE PERIOD EXTENDING THE TERM OF
2643 YOUR DEFERRED PRESENTMENT AGREEMENT FOR AN ADDITIONAL 60 DAYS,
2644 UNTIL [DATE], WITHOUT ANY ADDITIONAL FEES, YOU MUST COMPLETE
2645 CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE
2646 LIST THAT WILL BE PROVIDED TO YOU BY THIS PROVIDER. YOU MAY ALSO
2647 AGREE TO COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY
2648 THE AGENCY. THE COUNSELING MAY BE IN PERSON, BY TELEPHONE, OR
2649 THROUGH THE INTERNET. YOU MUST NOTIFY US WITHIN 7 ~~SEVEN (7)~~
2650 DAYS, BY [DATE], THAT YOU HAVE MADE AN APPOINTMENT WITH SUCH A
2651 CONSUMER CREDIT COUNSELING AGENCY. YOU MUST ALSO NOTIFY US
2652 WITHIN 60 ~~SIXTY (60)~~ DAYS, BY [DATE], THAT YOU HAVE COMPLETED
2653 THE CONSUMER CREDIT COUNSELING. WE MAY VERIFY THIS INFORMATION
2654 WITH THE AGENCY. IF YOU FAIL TO PROVIDE ~~EITHER~~ THE 7-DAY OR 60-
2655 DAY NOTICE, OR IF YOU HAVE NOT MADE THE APPOINTMENT OR COMPLETED
2656 THE COUNSELING WITHIN THE TIME REQUIRED, WE MAY DEPOSIT OR
2657 PRESENT YOUR CHECK FOR PAYMENT AND PURSUE ALL LEGALLY AVAILABLE
2658 CIVIL MEANS TO ENFORCE THE DEBT.

2659 (c) If a drawer completes an approved payment plan, the
2660 deferred presentment provider shall pay one-half of the drawer's
2661 fee for the deferred presentment agreement to the consumer
2662 credit counseling agency.

2663 (23) The office shall implement a common database with
2664 real-time access through an Internet connection for deferred
2665 presentment providers, as provided in this subsection. The
2666 database must be accessible to the office and the deferred
2667 presentment providers in order to verify whether any deferred

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2668 presentment transactions are outstanding for a particular
2669 person. Deferred presentment providers shall submit such data
2670 before entering into each deferred presentment transaction in
2671 such format as required ~~the commission shall require~~ by rule,
2672 including the drawer's name, social security number or
2673 employment authorization alien number, address, driver's license
2674 number, amount of the transaction, date of transaction, the date
2675 that the transaction is closed, and such additional information
2676 as is required by rule ~~the commission~~. The commission may by
2677 rule impose a fee of up to ~~not to exceed~~ \$1 per transaction for
2678 data that must ~~required~~ to be submitted by a deferred
2679 presentment provider. A deferred presentment provider may rely
2680 on the information contained in the database as accurate and is
2681 not subject to any administrative penalty or civil liability due
2682 to as a result of relying on inaccurate information contained in
2683 the database. A deferred presentment provider must notify the
2684 office, in a manner as prescribed by rule, within 15 business
2685 days after ceasing operations or no longer holding a license
2686 under part II or part III of this chapter. Such notification
2687 must include a reconciliation of all open transactions. If the
2688 provider fails to provide notice, the office shall take action
2689 to administratively release all open and pending transactions in
2690 the database after the office becomes aware of the closure. This
2691 section does not affect the rights of the provider to enforce
2692 the contractual provisions of the deferred presentment
2693 agreements through any civil action allowed by law. The
2694 commission may adopt rules to administer ~~and enforce the~~
2695 ~~provisions of this subsection~~ section and to ensure assure that

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2696 the database is used by deferred presentment providers in
2697 accordance with this section.

2698 (24) A deferred presentment provider may not accept more
2699 than one check or authorization to initiate more than one
2700 automated clearinghouse transaction to collect on a deferred
2701 presentment transaction for a single deferred presentment
2702 transaction.

2703 Section 46. Section 560.405, Florida Statutes, is amended
2704 to read:

2705 560.405 Deposit; redemption.--

2706 (1) The deferred presentment provider or its affiliate may
2707 ~~shall~~ not present the drawer's check before the end of the
2708 deferral period ~~prior to the agreed upon date of presentment,~~
2709 as reflected in the deferred presentment transaction agreement.

2710 (2) Before a deferred presentment provider presents the
2711 drawer's check, the check must ~~shall~~ be endorsed with the actual
2712 name under which the deferred presentment provider is doing
2713 business.

2714 (3) Notwithstanding ~~the provisions of~~ subsection (1), in
2715 lieu of presentment, a deferred presentment provider may allow
2716 the check to be redeemed at any time upon payment ~~to the~~
2717 ~~deferred presentment provider in the amount~~ of the face amount
2718 of the drawer's check. However, payment may not be made in the
2719 form of a personal check. Upon redemption, the deferred
2720 presentment provider shall return the drawer's check ~~that was~~
2721 ~~being held~~ and provide a signed, dated receipt showing that the
2722 drawer's check has been redeemed.

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2723 (4) ~~A~~ ~~No~~ drawer may not ~~can~~ be required to redeem his or
2724 her check before ~~prior~~ to the agreed-upon date; however, the
2725 drawer may choose to redeem the check before the agreed-upon
2726 presentment date.

2727 Section 47. Section 560.406, Florida Statutes, is amended
2728 to read:

2729 560.406 Worthless checks.--

2730 (1) If a check is returned to a deferred presentment
2731 provider from a payor financial institution due to lack of
2732 funds, a closed account, or a stop-payment order, the deferred
2733 presentment provider may seek collection pursuant to s. 68.065,
2734 except a deferred presentment provider may ~~shall~~ not be entitled
2735 ~~to~~ collect treble damages ~~pursuant s. 68.065~~. The notice sent by
2736 the a deferred deposit provider may ~~pursuant to s. 68.065~~ shall
2737 not include any references to treble damages and must clearly
2738 state that the deferred presentment provider is not entitled to
2739 recover such damages. Except as otherwise provided in this part,
2740 an individual who issues a personal check to a deferred
2741 presentment provider under a deferred presentment agreement is
2742 not subject to criminal penalty.

2743 (2) If a check is returned to a deferred presentment
2744 provider from a payor financial institution due to insufficient
2745 funds, a closed account, or a stop-payment order, the deferred
2746 presentment provider may pursue all legally available civil
2747 remedies to collect the check, including, but not limited to,
2748 the imposition of all charges imposed on the deferred
2749 presentment provider by the ~~any~~ financial institution. In its
2750 collection practices, a deferred presentment provider must ~~shall~~

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2751 comply with the prohibitions against harassment or abuse, false
2752 or misleading representations, and unfair practices that ~~which~~
2753 are contained in ~~ss. 806, 807, and 808~~ of the Fair Debt
2754 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, 1692f. A
2755 violation of this act is a deceptive and unfair trade practice
2756 and constitutes a violation of the Deceptive and Unfair Trade
2757 Practices Act under, part II of chapter 501. In addition, a
2758 deferred presentment provider must ~~shall~~ comply with the
2759 applicable provisions of ~~part VI of chapter 559~~, the Consumer
2760 Collection Practices Act under part VI of chapter 559,
2761 including, ~~but not limited to, the provisions of s. 559.77.~~

2762 (3) A deferred presentment provider may not assess the
2763 cost of collection, other than charges for insufficient funds as
2764 allowed by law, without a judgment from a court of competent
2765 jurisdiction.

2766 Section 48. Subsection (7) of section 499.005, Florida
2767 Statutes, is amended to read:

2768 499.005 Prohibited acts.--It is unlawful for a person to
2769 perform or cause the performance of any of the following acts in
2770 this state:

2771 (7) The purchase or sale of prescription drugs for
2772 wholesale distribution in exchange for currency, as defined in
2773 s. 560.103 ~~s. 560.103(6)~~.

2774 Section 49. Paragraph (i) of subsection (2) of section
2775 499.0691, Florida Statutes, is amended to read:

2776 499.0691 Criminal punishment for violations related to
2777 drugs; dissemination of false advertisement.--

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2778 (2) Any person who violates any of the following
2779 provisions commits a felony of the third degree, punishable as
2780 provided in s. 775.082, s. 775.083, or s. 775.084, or as
2781 otherwise provided in ss. 499.001-499.081.

2782 (i) The purchase or sale of prescription drugs for
2783 wholesale distribution in exchange for currency, as defined in
2784 s. 560.103 ~~s. 560.103(6)~~.

2785 Section 50. Paragraph (b) of subsection (2) of section
2786 501.95, Florida Statutes, is amended to read:

2787 501.95 Gift certificates and credit memos.--

2788 (2)

2789 (b) Paragraph (a) does not apply to a gift certificate or
2790 credit memo sold or issued by a financial institution, as
2791 defined in s. 655.005, or by a money services business
2792 ~~transmitter~~, as defined in s. 560.103, if the gift certificate
2793 or credit memo is redeemable by multiple unaffiliated merchants.

2794 Section 51. Paragraph (n) of subsection (2) of section
2795 538.03, Florida Statutes, is amended to read:

2796 538.03 Definitions; applicability.--

2797 (2) This chapter does not apply to:

2798 (n) A business that contracts with other persons or
2799 entities to offer its secondhand goods for sale, purchase,
2800 consignment, or trade via an Internet website, and that
2801 maintains a shop, store, or other business premises for this
2802 purpose, if all of the following apply:

2803 1. The secondhand goods must be available on the website
2804 for viewing by the public at no charge;

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2805 2. The records of the sale, purchase, consignment, or
2806 trade must be maintained for at least 2 years;

2807 3. The records of the sale, purchase, consignment, or
2808 trade, and the description of the secondhand goods as listed on
2809 the website, must contain the serial number of each item, if
2810 any;

2811 4. The secondhand goods listed on the website must be
2812 searchable based upon the state or zip code;

2813 5. The business must provide the appropriate law
2814 enforcement agency with the name or names under which it
2815 conducts business on the website;

2816 6. The business must allow the appropriate law enforcement
2817 agency to inspect its business premises at any time during
2818 normal business hours;

2819 7. Any payment by the business resulting from such a sale,
2820 purchase, consignment, or trade must be made to the person or
2821 entity with whom the business contracted to offer the goods and
2822 must be made by check or via a money services business
2823 ~~transmitter~~ licensed under part II of chapter 560; and

2824 8.a. At least 48 hours after the estimated time of
2825 contracting to offer the secondhand goods, the business must
2826 verify that any item having a serial number is not stolen
2827 property by entering the serial number of the item into the
2828 Department of Law Enforcement's stolen article database located
2829 at the Florida Crime Information Center's public access system
2830 website. The business shall record the date and time of such
2831 verification on the contract covering the goods. If such
2832 verification reveals that an item is stolen property, the

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2833 business shall immediately remove the item from any website on
2834 which it is being offered and notify the appropriate law
2835 enforcement agency; or

2836 b. The business must provide the appropriate law
2837 enforcement agency with an electronic copy of the name, address,
2838 phone number, driver's license number, and issuing state of the
2839 person with whom the business contracted to offer the goods, as
2840 well as an accurate description of the goods, including make,
2841 model, serial number, and any other unique identifying marks,
2842 numbers, names, or letters that may be on an item, in a format
2843 agreed upon by the business and the appropriate law enforcement
2844 agency. This information must be provided to the appropriate law
2845 enforcement agency within 24 hours after entering into the
2846 contract unless other arrangements are made between the business
2847 and the law enforcement agency.

2848 Section 52. Subsection (10) of section 896.101, Florida
2849 Statutes, is amended to read:

2850 896.101 Florida Money Laundering Act; definitions;
2851 penalties; injunctions; seizure warrants; immunity.--

2852 (10) Any financial institution, licensed money services
2853 business transmitter, or other person served with and complying
2854 with the terms of a warrant, temporary injunction, or other
2855 court order, including any subpoena issued under ~~the authority~~
2856 ~~granted by~~ s. 16.56 or s. 27.04, obtained in furtherance of an
2857 investigation of any crime in this section, including any crime
2858 listed as specified unlawful activity under this section or any
2859 felony violation of chapter 560, has immunity from criminal
2860 liability and is ~~shall~~ not be liable to any person for any

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2861 lawful action taken in complying with the warrant, temporary
2862 injunction, or other court order, including any subpoena issued
2863 under ~~the authority granted by~~ s. 16.56 or s. 27.04. If any
2864 subpoena issued under ~~the authority granted by~~ s. 16.56 or s.
2865 27.04 contains a nondisclosure provision, any financial
2866 institution, licensed money services business transmitter,
2867 employee or officer of a financial institution or licensed money
2868 services business transmitter, or any other person may not
2869 notify, directly or indirectly, any customer of that financial
2870 institution or ~~licensed~~ money services business transmitter
2871 whose records are being sought by the subpoena, or any other
2872 person named in the subpoena, about the existence or the
2873 contents of that subpoena or about information that has been
2874 furnished to the state attorney or statewide prosecutor who
2875 issued the subpoena or other law enforcement officer named in
2876 the subpoena in response to the subpoena.

2877 Section 53. Subsection (5) of section 896.104, Florida
2878 Statutes, is amended to read:

2879 896.104 Structuring transactions to evade reporting or
2880 registration requirements prohibited.--

2881 (5) INFERENCE.--Proof that a person engaged for monetary
2882 consideration in the business of a money funds transmitter, as
2883 defined in s. 560.103, ~~s. 560.103(10)~~ and who is transporting
2884 more than \$10,000 in currency, or the foreign equivalent,
2885 without being licensed ~~registered~~ as a money transmitter or
2886 designated as an authorized vendor under ~~the provisions of~~
2887 chapter 560, gives rise to an inference that the transportation
2888 was done with knowledge of the licensure registration

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2889 requirements of chapter 560 and the reporting requirements of
2890 this chapter.

2891 Section 54. Paragraph (g) of subsection (3) of section
2892 921.0022, Florida Statutes, is amended to read:

2893 921.0022 Criminal Punishment Code; offense severity
2894 ranking chart.--

2895 (3) OFFENSE SEVERITY RANKING CHART

2896 (g) LEVEL 7

Florida Statute	Felony Degree	Description
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2897 316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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2898 316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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2899 316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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2900 327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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2901

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	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2902	409.920(2)	3rd	Medicaid provider fraud.
2903	456.065(2)	3rd	Practicing a health care profession without a license.
2904	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2905	458.327(1)	3rd	Practicing medicine without a license.
2906	459.013(1)	3rd	Practicing osteopathic medicine without a license.
2907	460.411(1)	3rd	Practicing chiropractic medicine without a license.
2908	461.012(1)	3rd	Practicing podiatric medicine without a license.
2909	462.17	3rd	Practicing naturopathy without a license.
2910	463.015(1)	3rd	Practicing optometry without a

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2911			license.
	464.016(1)	3rd	Practicing nursing without a license.
2912			
	465.015(2)	3rd	Practicing pharmacy without a license.
2913			
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
2914			
	467.201	3rd	Practicing midwifery without a license.
2915			
	468.366	3rd	Delivering respiratory care services without a license.
2916			
	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
2917			
	483.901(9)	3rd	Practicing medical physics without a license.
2918			
	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
2919			
	484.053	3rd	Dispensing hearing aids without a license.
2920			
	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the

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			total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2921	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> .
2922	560.125(5)(a)	3rd	Money <u>services transmitter</u> business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
2923	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
2924	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
2925	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
2926			

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2927	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
2928	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
2929	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
2930	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
2931	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2932	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.

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2933	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2934	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
2935	784.048(7)	3rd	Aggravated stalking; violation of court order.
2936	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
2937	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
2938	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
2939	784.081(1)	1st	Aggravated battery on specified official or employee.
2940	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
2941	784.083(1)	1st	Aggravated battery on code inspector.
2942	790.07(4)	1st	Specified weapons violation subsequent to previous conviction

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2943			of s. 790.07(1) or (2).
2943	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
2944	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2945	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2946	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2947	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
2948	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
2949	796.03	2nd	Procuring any person under 16 years for prostitution.

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2950	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
2951	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.
2952	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
2953	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
954	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2955	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
2956	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
2957	812.014(2)(a)1.	1st	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

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			degree grand theft.
2958	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2959	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
2960	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
2961	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
2962	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2963	812.131 (2) (a)	2nd	Robbery by sudden snatching.
2964	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2965	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2966	817.234 (9)	2nd	Organizing, planning, or

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			participating in an intentional motor vehicle collision.
2967	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
2968	817.2341(2)(b)&(3)(b))	1st	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.
2969	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2970	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
2971	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2972	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.

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2973	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2974	838.015	2nd	Bribery.
2975	838.016	2nd	Unlawful compensation or reward for official behavior.
2976	838.021(3)(a)	2nd	Unlawful harm to a public servant.
2977	838.22	2nd	Bid tampering.
2978	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2979	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2980	872.06	2nd	Abuse of a dead human body.
2981	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

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facility or community center.

2982

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.

2983

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).

2984

893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

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893.135(1)(b)1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

2986

893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

2987

893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

2988

893.135(1)(e)1. 1st Trafficking in methaqualone, more

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			than 200 grams, less than 5 kilograms.
2989	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
2990	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2991	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2992	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
2993	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
2994	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
2995	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but

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			less than \$20,000.
2996	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
2997	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
2998	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
2999	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3000	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
3001	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
3002	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
3003			

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3004 944.607(12) 3rd Failure to report or providing
false information about a sexual
offender; harbor or conceal a
sexual offender.

3005 944.607(13) 3rd Sexual offender; failure to report
and reregister; failure to respond
to address verification.

3006 985.4815(10) 3rd Sexual offender; failure to submit
to the taking of a digitized
photograph.

3007 985.4815(12) 3rd Failure to report or providing
false information about a sexual
offender; harbor or conceal a
sexual offender.

3008 985.4815(13) 3rd Sexual offender; failure to report
and reregister; failure to respond
to address verification.

3009 Section 55. Sections 560.101, 560.102, 560.106, 560.1073,
3010 560.108, 560.112, 560.117, 560.200, 560.202, 560.206, 560.207,
3011 560.301, 560.302, 560.305, 560.306, 560.307, 560.308, 560.401,
3012 and 560.407, Florida Statutes, are repealed.

3013 Section 56. Except as otherwise expressly provided in this
3014 act, this act shall take effect October 1, 2008.

3015

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T I T L E A M E N D M E N T
Remove the entire title and insert:
A bill to be entitled
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," "branch office," "cashing," "compliance officer," "electronic instrument," "financial audit report," "foreign affiliate," "licensee," "location," "monetary value," "net worth," "outstanding money transmission," and "stored value"; amending s. 560.104, F.S.; revising provision providing exemptions from ch. 560, F.S.; amending s. 560.105, F.S.; revising provisions relating to the powers of the Office of Financial Regulation and the Financial Services Commission; amending s. 560.109, F.S.; revising provisions relating to examinations and investigations conducted by the office; requiring the office to periodically examine each licensee; requiring records in a language other than English to be translated; requiring the office to report certain violations to a criminal investigatory agency; requiring the office to annually report to the Legislature information concerning investigations and examinations and the total amount of fines assessed and collected; providing for future repeal of the annual reporting requirement; creating s. 560.1091, F.S.; authorizing the

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3044 office to contract with third parties to conduct
3045 examinations; authorizing the commission to adopt rules
3046 relating to who can conduct examinations and the rates
3047 charged; creating s. 560.1092, F.S.; requiring persons
3048 examined to pay the expenses of examination as set by rule
3049 of the commission; providing for the deposit of funds
3050 collected from licensees; requiring payment for travel
3051 expenses and living expenses and compensation for persons
3052 making the examinations from such funds or from funds
3053 budgeted for such purposes; creating s. 560.110, F.S.;
3054 providing for record retention by licensees; providing
3055 criminal penalties; amending s. 560.111, F.S.; revising
3056 the list of prohibited acts by a money services business
3057 to which penalties apply; amending s. 560.113, F.S.;
3058 providing for the establishment of a receivership or the
3059 payment of restitution by a person found to have violated
3060 ch. 560, F.S.; amending s. 560.114, F.S.; revising grounds
3061 for the disciplinary actions; providing administrative
3062 fines; amending s. 560.115, F.S.; revising provision
3063 relating to the voluntary surrender of a license; amending
3064 s. 560.116, F.S.; revising provisions relating to the
3065 granting of immunity for providing information about
3066 alleged violations of ch. 560, F.S.; amending s. 560.118,
3067 F.S.; revising provisions relating to required reports;
3068 deleting an exemption from the requirement to file an
3069 annual financial report; transferring, renumbering, and
3070 amending s. 560.119, F.S.; revising provisions providing
3071 for the deposit of fees and assessments; amending s.

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3072 | 560.121, F.S.; revising restriction on access to records
3073 | held by a court or the Legislature; extending the records
3074 | retention period; amending s. 560.123, F.S.; revising
3075 | provisions relating to the Florida Control of Money
3076 | Laundering in Money Services Business Act; creating s.
3077 | 560.1235, F.S.; requiring a licensee to comply with state
3078 | and federal anti-money laundering laws and rules; amending
3079 | s. 560.124, F.S.; revising provisions relating to sharing
3080 | reported information; amending s. 560.125, F.S.; revising
3081 | provisions relating to unlicensed activity; amending s.
3082 | 560.126, F.S.; revising provisions relating to certain
3083 | notice requirements by a licensee; amending s. 560.127,
3084 | F.S.; revising provisions relating to the control of a
3085 | money services business; amending s. 560.128, F.S.;
3086 | revising provisions relating to customer contacts and
3087 | license display; amending s. 560.129, F.S.; revising
3088 | provisions relating to the confidentiality of certain
3089 | records; creating s. 560.140, F.S.; providing licensing
3090 | standards for a money services business; creating s.
3091 | 560.141, F.S.; providing license application requirements;
3092 | creating s. 560.142, F.S.; providing license renewal
3093 | requirements; creating s. 560.143, F.S.; providing for
3094 | license fees; amending s. 560.203, F.S.; revising the
3095 | exemption from licensure for authorized vendors of a money
3096 | services business; amending s. 560.204, F.S.; revising
3097 | provisions relating to the requirement for licensure of
3098 | money transmitters or sellers of payment instruments under
3099 | part II of ch. 560, F.S.; amending s. 560.205, F.S.;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

3100 providing additional requirements for a license
3101 application; amending s. 560.208, F.S.; revising
3102 provisions relating to the conduct of a licensee; creating
3103 s. 560.2085, F.S.; providing requirements for authorized
3104 vendors; amending s. 560.209, F.S.; revising provisions
3105 relating to a licensee's net worth and the filing of a
3106 corporate surety bond; requiring a financial audit report;
3107 increasing the upper limit of the bond; deleting the
3108 option of waiving the bond; amending s. 560.210, F.S.;
3109 revising provisions relating to permissible investments;
3110 amending s. 560.211, F.S.; revising provisions relating to
3111 required recordkeeping under part II of ch. 560, F.S.;
3112 amending s. 560.212, F.S.; revising provisions relating to
3113 licensee liability; amending s. 560.213, F.S.; revising
3114 provisions relating information that must be printed on a
3115 payment instrument; amending s. 560.303, F.S.; revising
3116 provisions relating to the licensure of check cashers
3117 under part II of ch. 560, F.S.; amending s. 560.304, F.S.;
3118 revising provisions relating to exemptions from licensure;
3119 limiting the exemption for the payment of instruments
3120 below a certain value; amending s. 560.309, F.S.; revising
3121 provisions relating to the conduct of check cashers;
3122 providing additional requirements; amending s. 560.310,
3123 F.S.; revising requirements for licensee records;
3124 specifying the maintenance of identification records for
3125 certain customers; amending s. 560.402, F.S.; revising
3126 definitions relating to deferred presentment providers;
3127 amending s. 560.403, F.S.; revising provisions relating to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

3128 the licensing requirements for deferred presentment
3129 providers; amending s. 560.404, F.S.; revising provisions
3130 relating to deferred presentment transactions; amending s.
3131 560.405, F.S.; revising provisions relating to the
3132 redemption or deposit of a deferred presentment
3133 transaction; amending s. 560.406, F.S.; revising
3134 provisions relating to worthless checks; amending ss.
3135 499.005, 499.0691, 501.95, 538.03, 896.101, 896.104, and
3136 921.0022, F.S.; conforming cross-references and
3137 terminology; repealing s. 560.101, F.S., relating to a
3138 short title; repealing s. 560.102, F.S., relating to
3139 purpose and application; repealing s. 560.106, F.S.,
3140 relating to chapter construction and standards; repealing
3141 s. 560.1073, F.S., relating to false or misleading
3142 statements or documents; repealing s. 560.108, F.S.,
3143 relating to administrative enforcement guidelines;
3144 repealing s. 560.112, F.S., relating to disciplinary
3145 action procedures; repealing s. 560.117, F.S., relating to
3146 administrative fines and enforcement; repealing s.
3147 560.200, F.S., relating to a short title; repealing s.
3148 560.202, F.S., relating to definitions; repealing s.
3149 560.206, F.S., relating to the investigation of
3150 applicants; repealing s. 560.207, F.S., relating to
3151 renewal or reinstatement of registration and applicable
3152 fees; repealing s. 560.301, F.S., relating to a short
3153 title; repealing s. 560.302, F.S., relating to
3154 definitions; repealing s. 560.305, F.S., relating to
3155 application for registration; repealing s. 560.306, F.S.,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

3156 relating to standards; repealing s. 560.307, F.S.,
3157 relating to fees; repealing s. 560.308, F.S., relating to
3158 renewal or reinstatement of registration and related fees;
3159 repealing s. 560.401, F.S., relating to a short title;
3160 repealing s. 560.407, F.S., relating to required records;
3161 providing effective dates.
3162



Spoke

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 955 Date 3/13
 Name Jim Daughton
 Title Metz, Husband + Daughton
 Address 295 S. Monroe Street
 City Tallahassee State/Zip 08
 Phone Number 205-9000
 Representing Financial Service Centers of Florida

Lobbyist (registered) YES NO
 State Employee YES NO

I wish to speak: Proponent
 * I have been requested to speak Opponent
 Information

Subject matter: MSB regulation

Council/Committee: House Financial Institutions

***If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.**
 Appearing at request of Chair
 Approved by _____ Chair

Copies to:
 Original - Council/Committee
 Copy - Person requested to appear



Spoke

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 455 Date 3/13/08

Name Randy Miller

Title Executive Vice President

Address 227 S. Adams St,

City Tallahassee State/Zip FL 32301

Phone Number ~~850~~ 850-222-4082

Representing Florida Retail Federation

Lobbyist (registered) YES NO

State Employee YES NO

I wish to speak: Proponent

* I have been requested to speak Opponent

Information

Subject matter: INCENDIARIAL BUSINESS EXEMPTION

Council/Committee: _____

***If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.**

Appearing at request of Chair

Approved by _____ Chair

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Spoke

COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No. 955 Date 2/13

Name Nick Tarossi

Title _____

Address 101 E College Ave suite 303

City Tallahassee State/Zip FL 322301

Phone Number 222-9078

Representing Dollar Financial

Lobbyist (registered) YES NO

State Employee YES NO

I wish to speak:

* I have been requested to speak

Proponent

Opponent

Information

Subject matter: Money service business

Council/Committee: Financial Institutions

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

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 Original - Council/Committee
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Spoke ~~HB~~

COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. HB 955 Date 3.13.08

Name Andrea Moreland

Title Legislative Director

Address 200 E. Gaines Street.

City Tallahassee, State /Zip FL

Phone Number 410-9662

Representing Office of Financial Regulation

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak:

Proponent

*I have been requested to speak:

Opponent

Information

Subject matter: Money Services Businesses

Council/Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
Original - Council/Committee/Subcommittee
Copy - Person requested to appear



Spoke

COUNCIL/COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Bill No. 955 Date 3/13/08
 Name WADE HOPPING
 Title ATTORNEY
 Address 710 N RIDGE RD
 City TLH State /Zip 32303
 Phone Number 222-7500
 Representing Mozzygram

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak: Proponent
 *I have been requested to speak: Opponent
 Information

Subject matter: HB 955

Council/Committee/Subcommittee: _____

*If you are appearing at the request of the Chair, you must get signature of the Chair before leaving.

Appearing at request of Chair

Approved by _____ Chair

Copies to:
 Original - Council/Committee/Subcommittee
 Copy - Person requested to appear

COMMITTEE MEETING REPORT
Committee on Financial Institutions

3/13/2008 9:00:00AM

Location: 24 HOB

Summary:

Committee on Financial Institutions

Thursday March 13, 2008 09:00 am

HB 727 Favorable With Amendments (1)

Yeas: 7 Nays: 0

HB 955 Favorable With Amendments (1)

Yeas: 6 Nays: 0

Committee meeting was reported out: Thursday, March 13, 2008 10:44:21AM

