



Committee on Financial Institutions

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

Meeting Packet

**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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 727 Firesafety

SPONSOR(S): Gibson and others

TIED BILLS: IDEN./SIM. BILLS: SB 1554

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on Financial Institutions		Holt/Bradford	Haug
2) Jobs & Entrepreneurship Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

This bill requires that owners of any commercial or industrial structure, or any multiunit residential structure, mark these buildings in a manner that identifies them as being constructed of truss-type assemblies. The sign or symbol marking is to serve as a warning to emergency personnel of the construction variety. The State Fire Marshal shall adopt rules to implement the bill provisions, including the symbol or sign design, placement, and the timeframe allotted to owners for marking structures.

This act shall take effect July 1, 2008.

The Department of Financial Services estimated a \$5,000 fiscal impact for rulemaking. In addition, a \$4,000 fiscal impact was estimated for the cost of providing an initial public notice to owners affected. The periodic enforcement will be incorporated into existing inspection procedures. There may be minimal costs of \$16 to \$18 to the public sector related to marking any commercial or industrial structure, or any multiunit residential structure of three units or more, with a sign or symbol identifying the building as using truss-type construction.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Maintain public security: The bill creates another safety measure for emergency personnel.

B. EFFECT OF PROPOSED CHANGES:

Background:

Truss-type construction in commercial, industrial and residential structures is increasingly popular due to its cost effectiveness, versatility, and ease of construction. However, truss-type construction concerns the firefighting community since its structural collapse has caused many injuries and fatalities in the fire service.

Three other states already have similar public policies codified into law. New Jersey enacted legislation in 1991 requiring an identifying emblem to be affixed to the front of specified structures with truss construction. The stated purpose of the New Jersey law is to protect firefighters by alerting of the potential danger of the truss-type construction that is present. The New York legislature enacted similar language in 2004 requiring truss identification on all entrances of specified buildings. The Illinois law is similar to the New York, where both specifically define "truss" or "truss construction". Others states are also specific in the exact types of buildings captured by the law. There are also provisions included in these other state laws allowing local authorities to charge fees to building owners to offset the cost of implementation.¹

Effect of Proposed Changes:

Section 1: The bill requires owners of any commercial or industrial structure, or any multiunit residential structure, mark these buildings in a manner that identifies them as being constructed of truss-type assemblies. The sign or symbol marking is to serve as a warning to emergency personnel of the construction variety.

The State Fire Marshal shall adopt rules to implement the bill provisions, including the symbol or sign design, placement, and the timeframe allotted to owners for marking structures. Additionally, the State Fire Marshal shall enforce the provisions of this section.

Any owner who fails to comply with the requirements of this section is subject to penalties as provided in s. 633.161, F.S.²

Section 2: This act shall take effect July 1, 2008.

C. SECTION DIRECTORY:

Section 1: Markings for truss-type construction, rulemaking, violations.

Section 2: Effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

¹ SB 1522

² 633.161 Violations; orders to cease and desist, correct hazardous conditions, preclude occupancy, or vacate; enforcement; penalties.—

None

2. Expenditures:

The Department of Financial Services estimated a \$5,000 fiscal impact for rulemaking. In addition, a \$4,000 fiscal impact was estimated for the cost of providing an initial public notice to owners affected. These are one-time costs using Insurance Regulatory Trust Fund. The periodic enforcement will be incorporated into existing inspection procedures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Minimal costs related to marking any commercial or industrial structure, or any multiunit residential structure of three units or more, with a sign or symbol identifying the building as using truss-type construction. The costs of the required signs from other states that have passed similar legislation range from \$14 to \$18 per sign. The total fiscal impact per building owner depends on the dimensions, placement, and total number of signs required by each business owner as determined by the State Fire Marshal pursuant to its rule making process. The total number of buildings affected across the state is significant but indeterminate.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

Rule-making authority is granted to the State Fire Marshall to implement provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

As a former fire chief, I personally know of the dangers of fighting fires in buildings with lightweight truss construction. This bill will save firefighter's lives by alerting them to take the necessary precautions when responding to fires in structures with lightweight truss construction.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to firesafety; creating s. 633.027, F.S.;
 3 requiring owners of certain structures to post certain
 4 signs or symbols on the structures; requiring the State
 5 Fire Marshal to adopt rules governing such signs or
 6 symbols; providing for enforcement; providing penalties;
 7 providing an effective date.

8

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

10

11 Section 1. Section 633.027, Florida Statutes, is created
 12 to read:

13 633.027 Buildings with truss-type construction; notice
 14 requirements; enforcement.--

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

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

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

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

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

32 (3) The State Fire Marshal shall enforce the provisions
 33 of this section. Any owner who fails to comply with the
 34 requirements of this section is subject to penalties as provided
 35 in s. 633.161.

36 Section 2. This act shall take effect July 1, 2008.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 955

Money Services Businesses

SPONSOR(S): Richter

TIED BILLS:

IDEN./SIM. BILLS: SB 2158

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Financial Institutions</u>	_____	<u>Holt/Bradford</u>	<u>Haug</u>
2) <u>Jobs & Entrepreneurship Council</u>	_____	_____	_____
3) <u>Policy & Budget Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 955 substantially rewrites chapter 560, Money Transmitters' Code (Code). The bill renames the Code "An Act Relating to Money Services Businesses." The goal of the bill is to enhance the regulatory framework by providing better tools for the detection, referral, and prosecution of crimes such as money laundering, fraud, and tax evasion. The bill is also intended to improve consumer protection by increasing financial requirements for funds transmitters. Many of the bill provisions codify federal regulations. In summary, the bill:

General Provisions

- Requires as a Money Service Business (MSB) licensure condition, an applicant must establish, maintain, and update, as necessary, an anti-money laundering program in accordance with federal regulations. Also, if applicable, an applicant must register as an MSB with the Financial Crimes Enforcement Network of the U.S. Department of Treasury.
- Expands MSB prohibited acts to include violations under 18 U.S.C. s. 1957, which pertains to engaging in monetary transactions in property derived from specified unlawful activity. This violation would be punishable as a third-degree felony.
- Requires examination of a licensee at least once every 5 years. Currently, there is not a statutorily mandated schedule.
- Increases the record retention for licensees and the Office of Financial Regulation (OFR) from 3 to 5 years. The federal Bank Secrecy Act requires MSBs registered with the federal government to retain records for 5 years. Generally, the statute of limitations for financial crimes is 5 years.
- Requires OFR to make referrals of violations of law that may be a felony with the appropriate criminal agency.
- Requires the office to submit an annual report to the Legislature summarizing its activities relating to the regulation of ch. 560 entities, including examinations, investigations, referrals and the disposition of such referrals.

Money Transmitter Provisions.

- Increases the maximum net worth requirements for a licensee from \$500,000 to \$2,000,000. The net worth requirements per location is reduced from \$50,000 to \$10,000. Net worth requirements have not been adjusted since 1994.
- Increases bonding requirements by raising the cap from \$500,000 to \$2 million. The amount of the bond will be based on the financial condition, locations, and volume of business. Bonding requirements have not been adjusted since 1994.

- Requires all licensees to submit annual financial audit reports, which are used to determine whether net worth and other safety and soundness requirements are met.

Check Cashier Provisions

- The bill requires identification to cash a check, and therefore eliminates the ability to charge a higher fee if the person presenting the check does not provide identification.
- Requires check cashiers subject to licensure to submit suspicious activity reports (SARs) to the federal government, if applicable. Currently, check cashiers may, but are not required to submit SARs under federal MSB laws and regulations. There is no requirement under state law for check cashiers to file SARs.
- Eliminates the 5% retail exemption from check cashing.
- Requires check cashiers to maintain detailed customer files on corporate entities cashing checks exceeding \$1,000.
- Check cashiers will also be required to maintain an electronic payment instrument log for checks cashed over \$1,000.
- The bill prohibits a check cashier from accepting multiple checks from any person who is not the original payee, unless the person is licensed under Part III, and the checks are endorsed with the legal name of such person.

The Office of Financial Regulation (OFR) has estimated an additional 1,480 hours will be required to perform business examinations to comply with this bill. The fiscal impact to the OFR to contract with third parties for the exams is estimated to be \$185,000 in Regulatory Trust Fund. However, the OFR will cover the additional costs with existing resources.

Except as otherwise expressly provided, this act shall take effect October 1, 2008..

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Maintain public security: 1) The bill provides OFR authority to seek restitution on behalf of injured consumers, 2) Money services businesses are required to establish and maintain an anti-money laundering program, and 3) The increases the net worth for funds transmitter.

Empower families: 1)The bill prohibits a check casher from accepting multiple checks from any person who is not the original payee, unless the person is licensed under Part III, and the checks are endorsed with the legal name of such person; 2)The bill eliminates the ability to charge a higher fee if the person presenting the check does not provide identification; and 3) The provision states that if a check is returned to a licensee from a payor's financial institution for certain reasons, i.e. lack of funds, a closed account, or a stop-payment order, the licensee may not engage in any conduct that would violate state or federal law dealing with debt collection practices, i.e. harassment.

B. EFFECT OF PROPOSED CHANGES:

Background

Chapter 560, F.S., Money Transmitters Code (Code) was enacted in 1994, in response to the developing segment of money services businesses. Although modified a number of times since enactment, the Office of Financial Regulation (OFR) staff considers the 1994 enactment the only comprehensive evaluation of the chapter. Florida Statutes define the term "Money transmitter" as any person located in or doing business in this state who acts as a payment instrument seller, foreign currency exchanger, check casher, funds transmitter, or deferred presentment provider.

According to OFR, national data indicate approximately 75 million individuals in the United States lack checking or savings accounts. These "un-banked or underbanked" individuals rely on MSBs to obtain money orders, to pay their bills, wire funds to families; and cash checks. Many of these un-banked individuals do not use traditional banking services because they cannot maintain minimum balances or they simply choose not to do business with a traditional financial institution. Moreover, MSBs are usually open on the weekend and other times when traditional financial institutions are closed. Similarly, these services are also used by commercial businesses that use check cashers, for example, because no holds are placed on their checks when they need to make payroll on a Friday afternoon.

Federal Regulations

The Currency and Foreign Transactions Reporting Act, also known as the Bank Secrecy Act (BSA), and its implementing regulation, 31 CFR 103, are tools the U.S. government uses to fight drug trafficking, money laundering, and other crimes. The BSA is viewed as the nation's first and most comprehensive federal anti-money laundering/counter-terrorist financing statute. Administered by the Financial Crimes Enforcement Network of the U.S. Department of Treasury (FinCEN), enactment of the BSA primarily is to avert criminal elements from using banks and other financial service providers as conduits to transfer, to deposit, or to hide money derived from illegal activities. These goals may be accomplished by increasing financial system transparency in order to generate paper trails—that law enforcement and intelligence agencies can use to track criminals, their activities, and their assets.

In general, the reporting and recordkeeping provisions of the BSA apply to banks, savings and loans, credit unions and other depository institutions, and to other businesses defined as financial institutions, including casinos, brokers and dealers in securities, and money services businesses (collectively referred to as—non-banks). In 2001, the BSA of 1970 was strengthened by the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act," (USA PATRIOT ACT).

Federally, money services businesses (MSBs) comprise a separate category of certain non-bank financial institutions. These businesses, including the United States Postal Service, provide one or more of the following products or services which places them under the definition of a MSB for purposes of the Bank Secrecy Act (BSA):

Product or Service	Capacity (Type of MSB)
Money Orders	Issuer, Seller, or Redeemer of money orders
Traveler's Checks	Issuer, Seller, Redeemer of traveler's checks
Money Transmission	Money Transmitter
Check Cashing	Check Cashier
Currency Exchange	Currency Exchanger
Currency Dealing	Currency Dealer
Stored Value	Issuer, Seller or Redeemer of stored value

The BSA requires traditional banks and MSBs, as defined by federal regulations, to establish written anti-money laundering programs, maintain certain records, and file reports that have a high degree of usefulness in criminal and regulatory proceedings. The PATRIOT ACT included additional measures to prevent, detect, and prosecute terrorism activities and international money laundering.

In addition to meeting the MSB BSA requirements for a financial institution, each type of MSB must meet other separate requirements. For example, the following requirements:

Each MSB, with some exception, must register with the U.S. Department of the Treasury, if it conducts more than \$1,000 in business with one person in one or more transactions on the same day. Registration renewal is biennially. Civil fines or criminal prosecution may be imposed for willful violation of the registration requirement.

Subsequent to registration, each MSB must prepare and maintain a list of its agents. Agent listings have a five year retention period.

MSB Reporting Requirements – There are multiple reports required under the BSA. There is generally a five year retention period for reporting and recordkeeping documents, i.e. Currency Transaction Report (CTR): A CTR must be filed for each currency transaction of more than \$10,000. Multiple transactions are treated as a single transaction, Suspicious Activity Report (SAR): A SAR must be filed for any perceived suspicious transaction related to unlawful activity.

Anti-Money Laundering Compliance (AML) Program – Pursuant —section 352 of the USA PATRIOT Act and implemented by regulation at 31 CFR 103.125 each MSB is required to develop and implement an AML compliance program proportionate with location size, nature of services, and volume of services. Procedures in an AML program, should allow for a MSB to verify a customer's identity and it should document other identifying customer information.

State Regulations

The Office of Financial Regulation (OFR) has oversight regulation of the financial services industries in Florida. According to OFR, the regulations under its jurisdiction assist in detecting and deterring money laundering. Recordkeeping and reporting requirements help OFR create a financial paper trail that law enforcement and intelligence agencies can use to track criminals, their activities, and their assets.

The examination process is the primary activity of OFR's ability to ensure AML compliance by the entities it regulates. Violation enforcement tools are administrative, and they include powers to issue cease and desist orders; impose administrative fines; suspension, denial or revocation of registration for MSBs, securities dealer, or entity associated persons. Removal of an individual from working in a state-chartered financial institution is also within its enforcement purview. (See chapter 655, F.S., Financial Institutions Generally and chapter 896, F.S., Offenses Related to Financial Transactions).

Among its responsibilities, OFR has primary regulatory authority for Chapter 560, F.S., Money Transmitters Code (Code). Chapter 560, F.S. has four parts: Part I General Provisions 560.101-560.129), Part II Payment Instruments and Funds Transmissions (ss. 560.200-560.213), Part III Check Cashing and Foreign Currency Exchange (ss. 560.301-560.310), Part IV Deferred Presentment (Payday Loans) (ss. 560.401-560.408). Parts II-III each has state registration requirements and applicable fees. In Florida, as of

December 31, 2007, there were 1,546 MSBs with 2,250 branch offices registered through OFR. Additionally, these firms have 35,616 authorized vendors.

Effect of Proposed Changes

HB 955 substantially rewrites chapter 560, Money Transmitters' Code, and renames it an act relating to Money Services Businesses. Many of the bill provisions correlate with federal regulations.

Sections 1-22 amend Chapter 560, F.S., Part I , General Provisions

Section 1: Amends s. 560.103, F.S., Definitions – This section revises and defines terms for the entire definition section. Noteworthy changes: The bill creates a definition for the term, “money services businesses,” to replace the term, “money transmitter.” Since 1994, federal laws and regulations and other states, have replaced the term, “money transmitter,” with the term, “money services business” or “MSB,” which would include part II and part III registrants. The term, “money services business” excludes deferred presentment providers since the federal law does not include such entities in its definition. The bill also creates a definition for the term “Licensee” which means “a person licensed under this chapter,” and deletes the “term “Registrant” which means “a person registered by the office pursuant to the code.” Former registrants under the code are not licensee under the chapter.

The industry has expressed concern that amending all the definitions may create unintended consequences.

Section 2: Amends s. 560.104, F.S., Exemptions – OFR cites this change as clarifying the exemption pertaining to financial institutions. As currently worded, the exemption is confusing because it references authorized vendors. The bill also conforming changes.

Section 3: Amends s. 560.105, F.S. Supervisory powers; rulemaking – This section is amended to clarify that the general provisions of Part I are applicable to Parts II-IV. Terms are also revised to conform to definition changes.

Section 4: Amends s. 560.109, F.S., Investigations, subpoenas, hearings, and witnesses — This section is renamed Examinations and Investigations. Current provisions in this section authorize OFR to conduct investigations and examinations to determine whether a person is compliant with the Code. The specific terms and criteria regarding examinations and reports are outlined in s. 560.118, F.S., titled Examinations, reports, and internal audits; penalty. The bill combines provisions in s. 560.118(1) relating to conducting an examination with s. 590.109, and renames s. 560.118 as “Reports.”

Additionally, OFR is required by the bill to report any felony violation of law to the appropriate criminal investigation agency. Also, an annual report to the Legislature that outlines specific details about examinations, investigations, referrals, dispositions, as well as, fines assessed and collected is required to be compiled and submitted by OFR on January 1.

Section 5: Creates s. 560.1091, F.S., Contracted Examinations — OFR may enter into contracts with third parties to conduct examinations. The bill outlines criteria that must be met by individuals selected as contract examiners, such as no conflict of interest that affects performance, must be an independent CPA or information technologist. The licensee subject to examination must pay to OFR the expenses of examination at rates adopted by rule. Rates charged for examinations shall be comparable to other such exams. With OFR approval, travel and living expenses, per diem, administrative costs, examiner fee are allowable expenses. Funds collected from a licensee shall be deposited into the Regulatory Trust Fund and used by OFR to pay examiners. The Financial Services Commission (Commission) is granted rulemaking authority to administer this section.

Section 6: Creates s. 560.110, F.S., Records retention.— A 5-year retention must be maintained by each licensee and its authorized agents for all books, accounts, documents, files, and other information necessary for determining chapter compliance. This time frame corresponds with federal requirements. Rulemaking authority is granted to the commission to administer this section. Individuals commit a third degree felony for violations of this section.

Section 7: Amends s. 560.111, F.S., Prohibited acts and practices.— This section expands prohibited acts to include violations under 18 U.S.C. s. 1957, which pertains to engaging in monetary transactions in

property derived from specified unlawful activity. This violation would be punishable as a third-degree felony. The bill also makes conforming and technical changes.

Section 8: Amends s. 560.113, F.S., Injunctions; receiverships; restitution.— This section currently reads:

560.113 Injunctions.—Whenever a violation of the code is threatened or impending and such violation will cause substantial injury to any person, the circuit court has jurisdiction to hear any complaint filed by the office and, upon proper showing, to issue an injunction restraining such violation or granting other such appropriate relief.

This section is amended to clarify and strengthen the injunctive provision, and gives authority to OFR to seek restitution on behalf of consumers. It also provides for OFR to appointment of a receiver in cases other than those cases requiring appointment by a circuit court judge

Section 9: Amends s. 560.114, F.S., Disciplinary actions.— This section sets forth the grounds for taking disciplinary action against a licensee. The bill adds additional grounds for taking disciplinary action against a licensee. The new violation provisions generally address maintenance of records; being the subject of any final agency action; failure to pay fines; failure by part II MSBs to supervise their authorized agents or provide all required agent information; practices or conduct that creates the likelihood of material loss.

Additionally, the bill provides for OFR to deny licensure if the applicant or an affiliated party is the subject of a pending criminal prosecution or governmental enforcement action in any jurisdiction until the conclusion of the prosecution or action. Further, OFR may, in addition to or in lieu of the denial, suspension, or revocation of a license, impose a fine of up to \$10,000 for each violation of this chapter. Moreover, in addition to any other provision of this chapter, OFR may impose a fine of up to \$1,000 per day for each day that a person engages in the business of a money services business or deferred presentment provider without being licensed.

Section 10: Amends s 560.115, F.S., Surrender of registration.— This section makes conforming changes.

Section 11: Amends s. 560.116, F.S., Civil immunity.— This section makes conforming change in terminology and clarifies civil immunity provision.

Section 12: Amends s. 560.118, F.S., Examinations, reports, and internal audits; penalty.—

This section currently sets forth requirements regarding examinations, audited financial statements, and certain reports. The examination provisions contained in subsection (1) are deleted and incorporated into s. 560.109, relating to investigations, subpoenas, hearings, and witnesses.

Current law, requires licensees to file audited financial statements with OFR within 120 days of the end of the entity's fiscal year; however, part II registrants with less than 50 employees or that issue less than \$200,000 in payment instruments per year are not required to comply with this requirement. The bill eliminates the exception.

The section is renamed "Reports," and adds a new provision that requires the licensee to incur the cost of an audit, and each licensee must submit a quarterly report in a format prescribed by rule.

Section 13: Section 560.119, F.S., is transferred, renumbered as section 560.144, F.S., and amended to read: s. 560.144 Deposit of fees and assessments.—Fees and assessments collected pursuant this chapter are to be deposited into the Regulatory Trust Fund, and the proceeds are to pay the costs of the OFR's responsibilities under this chapter.

Section 14: Amends s. 560.121, F.S., Records; limited restrictions upon public access.— This section amends this section to read: Access to records; record retention; penalties. Subsection (3) currently provides as follows: "A copy of any document on file with the office which is certified by the office as being a true copy may be introduced in evidence as if it were the original. The commission shall establish a schedule of fees for preparing true copies of documents." This provision is deleted and provisions regarding the authentication of documents are provided under the Florida Evidence Code. Terminology and retention period is amended to correlate with definition changes and 5-year record retention requirement.

Section 15: Amends s. 560.123, F.S., Florida control of money laundering in the Money Transmitters' Code; reports of transactions involving currency or monetary instruments; when required; purpose;

definitions; penalties; corpus delicti— Generally, this act requires the maintenance of each financial transaction known to involve currency or other monetary instrument in excess of \$10,000, and procedures to maintain compliance. It also authorizes OFR to impose administrative fines against violations of this section in an amount not to exceed \$10,000 per day for each willful violation or \$500 a day for each negligent violation. A person who willingly violates any provision of s. 560.123, F.S., commits a felony and is subject to criminal penalties, based on the value of the transaction.

The bill renames the section “The Florida Control of Money Laundering in Money Services Business Act,” and it makes other conforming terminology changes. The bill broadens the scope of records requirements to include that all MSBs maintain certain records of transactions involving currency or payment instruments, with a \$10,000 threshold, and to ensure record availability for regulatory investigations or proceeding. MSBs must file a report with OFR any records required by this subsection as prescribed by rule. The timely filing of federal reports with the appropriate federal agency shall be deemed compliance with the reporting requirements of this subsection, unless the reports are not regularly and comprehensively transmitted by the federal agency to OFR. A MSB must comply with the money laundering, enforcement, and reporting provisions of s. 655.50, relating to reports of transactions involving currency transactions and payment monetary instruments, and of chapter 896, concerning offenses relating to financial transactions. The OFR record retention for these transaction reports is amended from 3 years to 5 years.

Section 16: Creates s. 560.1235, F.S., Money laundering requirements.-- This section requires a licensee to comply with all applicable state and federal laws and rules relating to the detection and prevention of money laundering. A licensee must also maintain an anti-money laundering program in accordance with federal regulations. The program must be reviewed and updated for continuous effectiveness in detecting and deterring money laundering activities.

Section 17: Amends s. 560.124, F.S., Sharing of information.— This section provides that any person may provide information to a MSB, its authorized agent, law enforcement agency, prosecutorial agency, or appropriate regulator, or these entities may provide information to any person information about any other person to be involved with activity in violation of any state, federal, or foreign law, rule, or regulation relating to the business of a MSB or deferred present provider which has been reported to state, federal, or foreign authorities. This information sharing does not subject these individuals or entities to any civil liability.

Section 18: Amends s. 560.125, F.S., Money transmitter business by unauthorized persons; penalties.— Provisions in the bill require that any person engaged in the business of a MSB or deferred presentment provider in Florida must be licensed. Currently, check cashers, part III registrants, can have authorized agents. The bill eliminates this option. Section 560.125(4), F.S., currently provides that OFR may take an enforcement action or impose a fine for violations of this section. This provision is deleted. Enforcement provisions pertaining to all sections of the chapter are contained in s. 560.114, which provides for the issuance of cease and desist orders and imposition of administrative fines.

Section 19: Amends s. 560.126, F.S., Significant events; notice required.— Currently a registrant must provide notice to OFR of certain significant events that are enumerated in the section. The bill requires the licensee to provide notice by registered mail. The bill adds a paragraph (g) for an additional significant event to section:

Notification by a law enforcement or prosecutorial agency that the licensee or its authorized agent is under criminal investigation including, but not limited to, subpoenas to produce records or testimony and warrants issued by a court of competent jurisdiction which authorize the search and seizure of any records relating to a business activity regulated under this chapter.

The bill makes conforming terminology and technical changes.

Section 20: Amends s. 560.127, F.S., Control of a money transmitter.— Presently, this section sets forth the criteria for determining whether a person has control over a money transmitter business. This section is updated to reflects the current terminology, in the bill, as well as clarifies that limited liability companies are a form of business entity that may also control a MSB. Section 560.127,(2), F.S., reads:

The office determines, after notice and opportunity for hearing, that the person directly or indirectly exercises a controlling influence over the activities of the money transmitter.

This subsection is deleted; because, the criteria for determining whether someone holds a controlling interest is set forth in the section. All individuals meeting definitions enumerated in the section are to be disclosed by the licensee on the application or on an amendment. According to OFR, if there is evidence of improper disclosure, the normal course of action will be followed and an administrative complaint will be filed based on a material misrepresentation in the application or failure to maintain an accurate application.

Section 21: Amends s. 560.128, F.S., Consumer disclosure.— This section makes technical conforming changes.

Section 22: Amends s. 560.129, F.S., Confidentiality.— This section clarifies information that is confidential and exempt from s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution. Other changes are conforming.

Section 23: Creates s. 560.140, F.S., Licensing standards.— to qualify for licensure as a MSB, the bill outlines a list of criteria. Most importantly included in the criteria are the requirements to be registered as a MSB with the Financial Crimes Enforcement Network as required by 31 C.F.R. s. 103.41, if applicable, and the requirement to establish and maintain an anti-money laundering program.

Section 24: Creates s. 560.141 License application.— This section lists the procedures for making application for licensure as a MSB. Fee requirements are outlined in s. 560.143, F.S.

Section 25: Creates s. 560.142, License renewal.— A license may be renewed for a subsequent 2-year as established by rule requirements. In addition to the renewal fee, each part II licensee must pay a 2-year nonrefundable renewal fee for each authorized agent or location operating within this state. A licensee who has on file with OFR a declaration of intent to engage in deferred presentment transactions may renew a declaration upon license renewal by submitting a nonrefundable renewal fee. The commission is granted rulemaking authority to administer this section.

Section 26: Creates s. 560.143, Fees.— This section outlines the applicable licensure and renewal fees.

Sections 27-36 amend Chapter 560, F.S., Part II , Payment Instruments and Funds Transmission

Section 27: Amends s. 560.203, F.S., Exemptions.— This section makes conforming terminology changes.

Section 28: Amends s. 560.205, F.S., Requirement of registration.— Currently, this section refers to engaging in certain MSB activities for “consideration.” The term “consideration” is stricken and replaced with “compensation.” The bill provides that “compensation” includes profit or loss on the exchange of currency. Also, the bill clarifies that a licensee under part II may also engage in activities authorized under part III without any additional licensee fees.

Section 29: Amends s. 560.205, F.S., Qualifications of applicant for registration; contents.— This section currently set forth qualifications for registration. The majority of the provisions have been moved to newly created ss. 560.140 and 560.141. The remaining provisions are requirements that are currently requirements under the chapter. These requirements include:

- 1) A sample authorized agent contract, if applicable. (s. 560.205(2)(d))
- 2) A sample form of payment instrument, if applicable. (s. 560.205(2)(e))
- 3) Documents demonstrating that the net worth and bonding requirements specified in s. 560.209 have been fulfilled. (s. 560.205(2)(g))
- 4) A copy of the applicant's financial audit report for the most recent fiscal year. (s. 560.205(4)(d)).

Section 30: Amends s. 560.208, F.S., Conduct of business.— Current law provides that a registrant may conduct business at one or more locations through branches or by means of authorized vendors, as designated by the registrant. A registrant is given 60-days to notify OFR that it has opened a new location or has designated a new vendor. The bill eliminates the 60-day grace period. Authorized agents will now be approved by the OFR prior to the vendor transacting business in the state. According to OFR, the change to an approval process can ensure all the required agent information is provided.

Additionally, new requirements are placed on a licensee under this part as follows:

- Is responsible for the acts of its authorized agents within the scope of its written contract with the agent.
- Shall place assets that are the property of a customer in a segregated account in a federally insured financial institution and shall maintain separate accounts for operating capital and the clearing of customer funds.
- Shall, in the normal course of business, ensure that money transmitted is available to the designated recipient within 10 business days after receipt.
- Shall immediately upon receipt of currency or payment instrument provide a confirmation number to the customer verbally, by paper, or electronically.

These provisions are effective January 1, 2009.

Section 31: Creates 560.2085 Authorized agents.-- The bill outlines the nature and scope for the contractual relationship between a licensee and an authorized agent, including the terms and conditions of performance.

These provisions are effective January 1, 2009.

Section 32: Amends s. 560.209, F.S., Net worth; corporate surety bond; collateral deposit in lieu of bond.— The bill increases financial requirements for part II licensees to increase consumer protection.

Currently the minimum bond required is \$50,000, which is set by rule. The current cap is \$250,000, but it can be raised to \$500,000, if certain criteria are met. The bill codifies the \$50,000 minimum, and raises the cap to \$2 million. The amount of the bond will be based on the financial condition, number of locations, and anticipated volume of business.

Presently, there is a net worth requirement \$50,000 per location with a \$500,000 cap. The bill decreases the per location requirement to \$10,000 per location but raises the cap to \$2 million. The bill revises the calculation of net worth to exclude “soft” assets (e.g., goodwill, receivables from officers and other affiliated parties, personal homes and furnishings). Such assets are currently not exclusions. Also, the required adjusted net worth must be maintained at all times. Further, a licensee, unless exempt, is required by the bill to submit to OFR an annual financial audit report within 120 days after the end of the disclosed fiscal year. The reports are to be used to determine whether net worth and other safety and soundness requirements are met.

Section 33: Amends s. 560.210 Permissible investments.—The bill makes clarifying and technical changes. However, a substantive change is made regarding whether a receivable is a permissible asset. Currently, if the receivable is more than 30 days past due it cannot be counted as a permissible asset. The bill changes this to 90 days. The rationale OFR uses for this change is so that the liquidity calculation will be consistent with the net worth calculation.

Section 34: Amends s. 560.211 Records.— The bill clarifies records requirements, and increases the retention period for records from 3 years to 5 years to reflect current federal requirements. The following new records requirements are added:

- Records that document the establishment, monitoring, and termination of relationships with authorized agents and foreign affiliates.
- Any additional records, as prescribed by rule, designed to detect and prevent money laundering.

Sections 35-36: The bill makes technical and conforming changes.

Sections 37-40 amend Chapter 560, F.S., Part III , Check Cashing and Foreign Current Exchange

Section 37: Amends s. 560.303, F.S., Requirement of registration.— This section makes conforming and technical changes.

Section 38: Amends s. 560.304, F.S., Exceptions to registration.— This section eliminates the 5% retail exemption from check cashing. This provision is replaced with the following: “The requirement for

licensure under provisions of this part does not apply to a person, at a location, cashing payment instruments that have an aggregate face value of less than \$2,000 per person per day. The burden of establishing the right to the exemption is on the party claiming the exemption.”

Section 39: Amends s. 560.309, F.S., Rules.— This section requires a check casher at the time a check is presented that the item be endorsed with the actual legal name under which such licensee is licensed to conduct business. A licensee under this part must deposit or sell payment instruments within 5 business days after the acceptance of the payment instrument. This is a new requirement. The current requirement is for the check to be endorsed before deposit. The bill prohibits a check casher from accepting multiple checks from any person who is not the original payee, unless the person is licensed under Part III, and the checks are endorsed with the legal name of such person. The bill requires check cashers to file suspicious activity reports (SARs) in accordance with federal regulations. However, in lieu of filing SARs, the commission may prescribe by rule that the licensee may file such reports with an appropriate regulator. Currently, check cashers may file a SAR, but they are not required to do so under state or federal law. The section also eliminates the ability to charge a higher fee if the person presenting the check does not provide identification. The bill provides that:

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

An additional provision is added which is currently in part IV. The provision states that if a check is returned to a licensee from a payor’s financial institution for certain reasons, i.e. lack of funds, a closed account, or a stop-payment order, the licensee may not engage in any conduct that would violate state or federal law dealing with debt collection practices, i.e. harassment. OFR cites situations in which a check casher has posted the names of customers on a sign to indicate that these customers had written a bad check.

Section 40: Amends s. 560.310, F.S., Records of check cashers and foreign currency exchangers.— In addition to the extension of the records retention from 3 years to 5 years, the bill imposes additional records and identification requirements for commercial or third-party payment instruments exceeding \$1,000.

Sections 41-45 amend Chapter 560, F.S., Part IV , Deferred Presentment

Section 41: Amends s. 560.402, F.S., Definitions.— This section clarifies that these definitions are for the purpose of part IV.

Section 42: Amends s. 560.403, F.S., Requirements of registration; declaration of intent.— The bill deletes subsections (2)-(5) that deal with renewal procedures and fees. These provisions were moved to part II. Moreover, deferred presentment providers are required to be licensed as a MSB under part II or part III, regardless of any licensure exemption. Also, the bill states that a declaration of intent expires after 24 months and must be renewed.

Section 43: Amends s. 560.404, F.S., Requirements for deferred presentment transactions.— The OFR maintains a database of deferred presentment transactions to ensure that consumers do not have more than one outstanding transaction at any one time. Problems have been encountered by OFR whereby a vendor has stopped operating and has failed to close-out a transaction in the database. The bill requires a 15 business day notification to OFR after ceasing operations and in a manner prescribed by rule. If a provider fails to provide notice, OFR shall administratively release all open and pending transaction after it has determined closure. This provision does not affect the rights of the provider to enforce the contractual provision of the deferred presentment agreement through civil action. The bill also includes a provision that a provider may not accept more than one check or authorization to initiate more than one automated clearinghouse transaction to collect on a deferred present transaction for a single transaction. OFR cites incidents where the consumer takes out a \$500 loan, but the provider has the consumer issue 5 separate checks. This practice has resulted in the loan being collected multiple times accumulating multiple insufficient fund fees.

Section 44: Amends s. 560.405, F.S., Deposit; redemption.— This section makes clarifying and technical changes.

Section 45: Amends s. 560.406, F.S., Worthless checks.— This section provides that no deferred presentment provider may assess the cost of collections, other than charges for insufficient funds as allowed by law, without a judgment from a court of competent jurisdiction.

Sections 46-52: These sections make technical and conforming changes.

Section 53: Several sections are repealed.

Section 54: Except as otherwise expressly provided, this act shall take effect October 1, 2008.

C. SECTION DIRECTORY:

- Section 1: Amends s. 560.103, F.S., Definitions
- Section 2: Amends s. 560.104, F.S., Exemptions
- Section 3: Amends s. 560.105, F.S. Supervisory powers; rulemaking
- Section 4: Amends s. 560.109, F.S., Investigations, subpoenas, hearings, and witnesses
- Section 5: Creates s. 560.1091, F.S., Contracted Examinations
- Section 6: Creates s. 560.110, F.S., Records retention
- Section 7: Amends s. 560.111, F.S., Prohibited acts and practices
- Section 8: Amends s. 560.113, F.S., Injunctions; receiverships; restitution
- Section 9: Amends s. 560.114, F.S., Disciplinary actions
- Section 10: Amends s. 560.115, F.S., Surrender of registration
- Section 11: Amends s. 560.116, F.S., Civil immunity
- Section 12: Amends s. 560.118, F.S., Examinations, reports, and internal audits; penalty
- Section 13: Section 560.119, F.S., is transferred, renumbered as section 560.144, F.S., and amended to read: s. 560.144, Deposit of fees and assessments
- Section 14: Amends s. 560.121, F.S., Records; limited restrictions upon public access
- Section 15: Amends s. 560.123, F.S., Florida control of money laundering in the Money Transmitters' Code
- Section 16: Creates s. 560.1235, F.S., Money laundering requirements
- Section 17: Amends s. 560.124, F.S., Sharing of information
- Section 18: Amends s. 560.125, F.S., Money transmitter business by unauthorized persons; penalties
- Section 19: Amends s. 560.126, F.S., Significant events; notice required
- Section 20: Amends s. 560.127, F.S., Control of a money transmitter
- Section 21: Amends s. 560.128, F.S., Consumer disclosure
- Section 22: Amends s. 560.129, F.S., Confidentiality
- Section 23: Creates s. 560.140, F.S., Licensing standards
- Section 24: Creates s. 560.141 License application
- Section 25: Creates s. 560.142, License renewal
- Section 26: Creates s. 560.143, Fees
- Section 27: Amends s. 560.203, F.S., Exemptions
- Section 28: Amends s. 560.205, F.S., Requirement of registration
- Section 29: Amends s. 560.205, F.S., Qualifications of applicant for registration; contents
- Section 30: Amends s. 560.208, F.S., Conduct of business
- Section 31: Creates 560.2085 Authorized agents
- Section 32: Amends s. 560.209, F.S., Net worth; corporate surety bond; collateral deposit in lieu of Bond
- Section 33: Amends s. 560.210, F.S., Permissible investments
- Section 34: Amends s. 560.211, F.S., Records
- Sections 35-36: The bill makes technical and conforming changes
- Section 37: Amends s. 560.303, F.S., Requirement of registration
- Section 38: Amends s. 560.304, F.S., Exceptions to registration
- Section 39: Amends s. 560.309, F.S., Rules
- Section 40: Amends s. 560.310, F.S., Records of check cashers and foreign currency exchangers
- Section 41: Amends s. 560.402, F.S., Definitions (Deferred Presentment)
- Section 42: Amends s. 560.403, F.S., Requirements of registration; declaration of intent

- Section 43: Amends s. 560.404, F.S., Requirements for deferred presentment transactions
Section 44: Amends s. 560.405, F.S., Deposit; redemption
Section 45: Amends s. 560.406, F.S., Worthless checks
Sections 46-52: These sections make technical and conforming changes.
Section 53: Several sections are repealed.
Section 54: Except as otherwise expressly provided, this act shall take effect October 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The number of check cashers required to submit the \$250.00 license fee and \$500.00 biannual renewal fee will increase but the actual number is indeterminate.

2. Expenditures:

The Office of Financial Regulation (OFR) has estimated an additional 1,480 hours will be required to perform business examinations to comply with this bill. The fiscal impact to the OFR to contract with third parties for the exams is estimated to be \$185,000 in Regulatory Trust Fund. However, the OFR will cover the additional costs with existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Although the OFR is allowed to charge each licensee for the cost of third party exams, the anticipated revenues from current license and renewal fees are sufficient to cover the cost.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Rule-making authority is granted to the Financial Services Commission to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to money services businesses; changing the
3 name of money transmitters to money services businesses;
4 requiring licensure rather than registration; amending s.
5 560.103, F.S.; revising definitions; defining the terms
6 "adjusted net worth," "affiliated party," "branch office,"
7 "cashing," "compliance officer," "electronic instrument,"
8 "financial audit report," "foreign affiliate," "licensee,"
9 "location," "monetary value," "outstanding money
10 transmission," and "stored value"; amending s. 560.104,
11 F.S.; revising provision providing exemptions from ch.
12 560, F.S.; amending s. 560.105, F.S.; revising provisions
13 relating to the powers of the Office of Financial
14 Regulation and the Financial Services Commission; amending
15 s. 560.109, F.S.; revising provisions relating to
16 examinations and investigations conducted by the office;
17 requiring that the office to periodically examine each
18 licensee; requiring the office to report certain
19 violations to a criminal investigatory agency; requiring
20 that the office annually report to the Legislature
21 information concerning investigations and examinations and
22 the total amount of fines assessed and collected; creating
23 s. 560.1091, F.S.; requiring persons examined to pay the
24 expenses of examination as set by rule of the commission;
25 providing for the deposit of funds collected from
26 licensees; requiring payment for travel expenses and
27 living expenses and compensation for persons making the
28 examinations from such funds or from funds budgeted for

29 such purposes; creating s. 560.110, F.S.; providing for
 30 record retention by licensees; amending s. 560.111, F.S.;
 31 revising the list of prohibited acts by a money services
 32 business; amending s. 560.113, F.S.; providing for the
 33 establishment of a receivership or the payment of
 34 restitution by a person found to have violated ch. 560,
 35 F.S.; amending s. 560.114, F.S.; revising grounds for the
 36 disciplinary actions; amending s. 560.115, F.S.; revising
 37 provision relating to the voluntary surrender of a
 38 license; amending s. 560.116, F.S.; revising provisions
 39 relating to the granting of immunity for providing
 40 information about alleged violations of ch. 560, F.S.;
 41 amending s. 560.118, F.S.; revising provisions relating to
 42 required reports; deleting an exemption from the
 43 requirement to file an annual financial report;
 44 transferring, renumbering, and amending s. 560.119, F.S.;
 45 revising provisions providing for the deposit of fees and
 46 assessments; amending s. 560.121, F.S.; revising
 47 restriction on access to records held by a court or the
 48 Legislature; amending s. 560.123, F.S.; revising
 49 provisions relating to the Florida Control of Money
 50 Laundering in Money Services Business; creating s.
 51 560.1235, F.S.; requiring a licensee to comply with state
 52 and federal money laundering laws and rules; amending s.
 53 560.124, F.S.; revising provisions relating to sharing
 54 reported information; amending s. 560.125, F.S.; revising
 55 provisions relating to unlicensed activity; amending s.
 56 560.126, F.S.; revising provisions relating to certain

57 notice requirements by a licensee; amending s. 560.127,
 58 F.S.; revising provisions relating to the control of a
 59 money services business; amending s. 560.128, F.S.;
 60 revising provisions relating to customer contacts and
 61 license display; amending s. 560.129, F.S.; revising
 62 provisions relating to the confidentiality of certain
 63 records; creating s. 560.140, F.S.; providing licensing
 64 standards for a money services business; creating s.
 65 560.141, F.S.; providing for a license application;
 66 creating s. 560.142, F.S.; providing for license renewal;
 67 creating s. 560.143, F.S.; providing for license fees;
 68 amending s. 560.203, F.S.; revising the exemption from
 69 licensure for authorized agents of a money services
 70 business; amending s. 560.204, F.S.; revising provisions
 71 relating to the requirement for licensure of money
 72 transmitters or sellers of payment instruments under part
 73 II of ch. 560, F.S.; amending s. 560.205, F.S.; providing
 74 additional requirements for a license application;
 75 amending s. 560.208, F.S.; revising provisions relating to
 76 the conduct of a licensee; creating s. 560.2085, F.S.;
 77 providing requirements for authorized agents; amending s.
 78 560.209, F.S.; revising provisions relating to a
 79 licensee's adjusted net worth and the filing of a
 80 corporate surety bond; requiring a financial audit report;
 81 increasing the upper limit of the bond; deleting the
 82 option of waiving the bond; amending s. 560.210, F.S.;
 83 revising provisions relating to permissible investments;
 84 amending s. 560.211, F.S.; revising provisions relating to

85 required recordkeeping under part II of ch. 560, F.S.;

86 amending s. 560.212, F.S.; revising provisions relating to

87 licensee liability; amending s. 560.213, F.S.; revising

88 provisions relating information that must be printed on a

89 payment instrument; amending s. 560.303, F.S.; revising

90 provisions relating to the licensure of check cashers

91 under part II of ch. 560, F.S.; amending s. 560.304, F.S.;

92 revising provisions relating to exemptions from licensure;

93 limiting the exemption for the payment of instruments

94 below a certain value; amending s. 560.309, F.S.; revising

95 provisions relating to the conduct of check cashers;

96 providing additional requirements; amending s. 560.310,

97 F.S.; revising requirements for licensee records;

98 specifying the maintenance of identification records for

99 certain customers; amending s. 560.402, F.S.; revising

100 definitions relating to deferred presentment providers;

101 amending s. 560.403, F.S.; revising provisions relating to

102 the licensing requirements for deferred presentment

103 providers; amending s. 560.404, F.S.; revising provisions

104 relating to deferred presentment transactions; amending s.

105 560.405, F.S.; revising provisions relating to the

106 redemption or deposit of a deferred presentment

107 transaction; amending s. 560.406, F.S.; revising

108 provisions relating to worthless checks; amending ss.

109 499.005, 499.0691, 501.95, 538.03, 896.101, 896.104, and

110 921.0022, F.S.; conforming cross-references; repealing s.

111 560.101, F.S., relating to a short title; repealing s.

112 560.102, F.S., relating to purpose and application;

113 repealing s. 560.106, F.S., relating to chapter
 114 constructions; repealing s. 560.1073, F.S., relating to
 115 false or misleading statements or documents; repealing s.
 116 560.108, F.S., relating to administrative enforcement
 117 guidelines; repealing s. 560.112, F.S., relating to
 118 disciplinary action procedures; repealing s. 560.117,
 119 F.S., relating to administrative fines; repealing s.
 120 560.200, F.S., relating to a short title; repealing s.
 121 560.202, F.S., relating to definitions; repealing s.
 122 560.206, F.S., relating to the investigation of
 123 applicants; repealing s. 560.207, F.S., relating to
 124 registration; repealing s. 560.301, F.S., relating to a
 125 short title; repealing s. 560.302, F.S., relating to
 126 definitions; repealing s. 560.305, F.S., relating to
 127 application for registration; repealing s. 560.306, F.S.,
 128 relating to standards; repealing s. 560.307, F.S.,
 129 relating to fees; repealing s. 560.308, F.S., relating to
 130 registration; repealing s. 560.401, F.S., relating to a
 131 short title; repealing s. 560.407, F.S.; relating to
 132 required records; providing effective dates.

133

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

135

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

138 560.103 Definitions.--As used in this chapter, the term
 139 ~~the code, unless the context otherwise requires:~~

140 (1) "Adjusted net worth" means assets minus liabilities,
 141 determined in accordance with United States generally accepted
 142 accounting principles, that have been adjusted to exclude the
 143 following assets:

144 (a) Goodwill.

145 (b) A home, home furnishings, automobiles, and any other
 146 personal items.

147 (c) Advances or loans to an affiliated party.

148 (d) Receivables from officers, directors, shareholders, or
 149 affiliated parties other than receivables in the normal course
 150 of business.

151 (e) Accounts receivables owed by authorized agents which
 152 are due more than 90 days after the date of receipt of monetary
 153 value from the customer.

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

158 (3)-(1) "Appropriate regulator" means a any state, or
 159 federal, or foreign agency that, including the commission or
 160 office, which has been granted state or federal statutory
 161 authority to enforce state, federal, or foreign laws related to
 162 a money services business or deferred presentment provider with
 163 regard to the money transmission function.

164 (4)-(2) "Authorized agent vendor" means a person designated
 165 by a money services business licensed under part II of this
 166 chapter a registrant to act engage in the business of a money
 167 transmitter on behalf of the licensee the registrant at

168 | locations in this state pursuant to a written contract with the
 169 | licensee registrant.

170 | (5) "Branch office" means the physical location, other
 171 | than the principal place of business, of a money services
 172 | business operated by a licensee under this chapter.

173 | (6) "Cashing" means providing currency for payment
 174 | instruments except for travelers checks.

175 | ~~(7)-(3)~~ "Check casher" means a person who, ~~for~~
 176 | ~~compensation,~~ sells currency in exchange for payment instruments
 177 | received, except travelers checks and ~~foreign drawn payment~~
 178 | ~~instruments.~~

179 | ~~(4) "Code" means the "Money Transmitters' Code,"~~
 180 | ~~consisting of:~~

181 | ~~(a) Part I of this chapter, relating to money transmitters~~
 182 | ~~generally.~~

183 | ~~(b) Part II of this chapter, relating to payment~~
 184 | ~~instruments and funds transmission.~~

185 | ~~(c) Part III of this chapter, relating to check cashing~~
 186 | ~~and foreign currency exchange.~~

187 | ~~(d) Part IV of this chapter, relating to deferred~~
 188 | ~~presentments.~~

189 | (8) "Commission" means the Financial Services Commission.

190 | (9) "Compliance officer" means the individual in charge of
 191 | overseeing, managing, and ensuring that a money services
 192 | business is in compliance with all state and federal laws and
 193 | rules relating to money services businesses, as applicable,
 194 | including all money laundering laws and rules.

195 ~~(5) "Consideration" means and includes any premium charged~~
 196 ~~for the sale of goods, or services provided in connection with~~
 197 ~~the sale of the goods, which is in excess of the cash price of~~
 198 ~~such goods.~~

199 (10)~~(6)~~ "Currency" means the coin and paper money of the
 200 United States or of any other country which is designated as
 201 legal tender and which circulates and is customarily used and
 202 accepted as a medium of exchange in the country of issuance.
 203 Currency includes United States silver certificates, United
 204 States notes, and Federal Reserve notes. Currency also includes
 205 official foreign bank notes that are customarily used and
 206 accepted as a medium of exchange in a foreign country.

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

208 (11) "Deferred presentment provider" means a person who is
 209 licensed under part II or part III of this chapter and has filed
 210 a declaration of intent with the office to engage in deferred
 211 presentment transactions as provided under part IV of this
 212 chapter.

213 (12) "Electronic instrument" means a card, tangible
 214 object, or other form of electronic payment for the transmission
 215 or payment of money or the exchange of monetary value, including
 216 a stored value card or device that contains a microprocessor
 217 chip, magnetic stripe, or other means for storing information;
 218 that is prefunded; and for which the value is decremented upon
 219 each use.

220 (13) "Financial audit report" means a report prepared in
 221 connection with a financial audit that is conducted in
 222 accordance with generally accepted auditing standards prescribed

223 by the American Institute of Certified Public Accountants by a
 224 certified public accountant licensed to do business in the
 225 United States, and which must include:

226 (a) Financial statements, including notes related to the
 227 financial statements and required supplementary information,
 228 prepared in conformity with accounting principles generally
 229 accepted in the United States. The notes must, at a minimum,
 230 include detailed disclosures regarding receivables that are
 231 greater than 90 days, if the total amount of such receivables
 232 represent more than 2 percent of the licensee's total assets.

233 (b) An expression of opinion regarding whether the
 234 financial statements are presented in conformity with accounting
 235 principles generally accepted in the United States, or an
 236 assertion to the effect that such an opinion cannot be expressed
 237 and the reasons.

238 (14) "Foreign affiliate" means a person located outside
 239 this state who has been designated by a licensee to make
 240 payments on behalf of the licensee to persons who reside outside
 241 this state. The term also includes a person located outside of
 242 this state for whom the licensee has been designated to make
 243 payments in this state.

244 ~~(8) "Office" means the Office of Financial Regulation of~~
 245 ~~the commission.~~

246 (15)-(9) "Foreign currency exchanger" means a person who
 247 exchanges, for compensation, currency of the United States or a
 248 foreign government to currency of another government.

249 ~~(10) "Funds transmitter" means a person who engages in the~~
 250 ~~receipt of currency or payment instruments for the purpose of~~

251 ~~transmission by any means, including transmissions within this~~
 252 ~~country or to or from locations outside this country, by wire,~~
 253 ~~facsimile, electronic transfer, courier, or otherwise.~~

254 (16) "Licensee" means a person licensed under this
 255 chapter.

256 (17) "Location" means a branch office, mobile location, or
 257 an authorized agent whose business activity is regulated under
 258 this chapter.

259 (18) "Monetary value" means a medium of exchange, whether
 260 or not redeemable in currency.

261 (19) ~~(11)~~ "Money services business transmitter" means any
 262 person located in or doing business in this state, from this
 263 state, or into this state from locations outside this state or
 264 country who acts as a payment instrument seller, foreign
 265 currency exchanger, check casher, or money funds transmitter, ~~or~~
 266 deferred presentment provider.

267 (20) "Money transmitter" means a person who receives
 268 currency, monetary value, or payment instruments for the purpose
 269 of transmitting the same by any means, including transmission by
 270 wire, facsimile, electronic transfer, courier, the Internet, or
 271 through bill payment services or other businesses that
 272 facilitate such transfer within this country, or to or from this
 273 country.

274 ~~(12) "Money transmitter affiliated party" means any~~
 275 ~~director, officer, responsible person, employee, authorized~~
 276 ~~vendor, independent contractor of a money transmitter, or a~~
 277 ~~person who has filed, is required to file, or is found to~~
 278 ~~control a money transmitter pursuant to s. 560.127, or any~~

279 ~~person engaged in any jurisdiction, at any time, in the business~~
 280 ~~of money transmission as a controlling shareholder, director,~~
 281 ~~officer, or responsible person who becomes involved in a similar~~
 282 ~~capacity with a money transmitter registered in this state.~~

283 (21) "Office" means the Office of Financial Regulation of
 284 the commission.

285 (22)-(13) "Officer" means an individual, other than a
 286 director whether or not the individual has an official title or
 287 receives a salary or other compensation, who participates in, or
 288 has authority to participate, other than in the capacity of a
 289 director, in, the major policymaking functions of a the money
 290 services transmitter business, regardless of whether the
 291 individual has an official title or receives a salary or other
 292 compensation.

293 (23) "Outstanding money transmission" means a money
 294 transmission request to a designated recipient or a refund to a
 295 sender that has not been completed.

296 (24)-(14) "Outstanding payment instrument instruments"
 297 means an unpaid payment instrument instruments whose sale has
 298 been reported to a licensee registrant.

299 (25)-(15) "Payment instrument" means a check, draft,
 300 warrant, money order, travelers check, electronic instrument, or
 301 other instrument, or payment of money, or monetary value whether
 302 or not negotiable. The term Payment instrument does not include
 303 an instrument that is redeemable by the issuer in merchandise or
 304 service, a credit card voucher, or a letter of credit.

305 (26)-(16) "Payment instrument seller" means a person who
 306 sells a payment instrument.

307 ~~(27)~~~~(17)~~ "Person" means an any individual, partnership,
 308 association, trust, corporation, limited liability company, or
 309 other group, however organized, but does not include a public
 310 ~~the governments of the United States or this state or any~~
 311 ~~department, agency, or instrumentality thereof.~~

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

314 ~~(28)~~~~(19)~~ "Responsible person" means an individual ~~a person~~
 315 who is employed by or affiliated with a money services business
 316 ~~transmitter~~ and who has principal active management authority
 317 over the business decisions, actions, and activities of the
 318 money services business ~~transmitter~~ in this state.

319 ~~(29)~~~~(20)~~ "Sells ~~Sell~~" means to sell, issue, provide, or
 320 deliver.

321 (30) "Stored value" means funds or monetary value
 322 represented in digital electronics format, whether or not
 323 specifically encrypted, and stored or capable of storage on
 324 electronic media in such a way as to be retrievable and transfer
 325 electronically.

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

327 ~~(a)~~ ~~Any practice or conduct found by the office to be~~
 328 ~~contrary to generally accepted standards applicable to the~~
 329 ~~specific money transmitter, or a violation of any prior order of~~
 330 ~~an appropriate regulatory agency, which practice, conduct, or~~
 331 ~~violation creates the likelihood of material loss, insolvency,~~
 332 ~~or dissipation of assets of the money transmitter or otherwise~~
 333 ~~materially prejudices the interests of its customers; or~~

334 ~~(b) Failure to adhere to the provisions of 31 C.F.R. ss.~~
 335 ~~103.20, 103.22, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41,~~
 336 ~~and 103.125 as they existed on March 31, 2004.~~

337

338 ~~In making a determination under this subsection, the office must~~
 339 ~~consider the size and condition of the money transmitter, the~~
 340 ~~magnitude of the loss, the gravity of the violation, and the~~
 341 ~~prior conduct of the person or business involved.~~

342 Section 2. Section 560.104, Florida Statutes, is amended
 343 to read:

344 560.104 Exemptions.--The following entities are exempt
 345 from the provisions of this chapter ~~the code~~:

346 (1) Banks, credit card banks, credit unions, trust
 347 companies, associations, offices of an international banking
 348 corporation, Edge Act or agreement corporations, or other
 349 financial depository institutions organized under the laws of
 350 any state or the United States, ~~provided that they do not sell~~
 351 ~~payment instruments through authorized vendors who are not such~~
 352 ~~entities.~~

353 (2) The United States or any agency or department,
 354 ~~instrumentality, or agency~~ thereof.

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

356 Section 3. Section 560.105, Florida Statutes, is amended
 357 to read:

358 560.105 Supervisory powers; rulemaking.--

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

361 (a) Supervise ~~Supervision over~~ all money services
 362 businesses ~~transmitters~~ and their authorized agents ~~vendors~~.

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

367 (c) ~~Power to~~ Issue orders and declaratory statements,
 368 disseminate information, and otherwise administer and enforce
 369 this chapter and all related rules in order ~~exercise its~~
 370 ~~discretion~~ to effectuate the purposes, policies, and provisions
 371 of this chapter ~~the code~~.

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

375 (a) ~~(3)~~ The commission may adopt rules pursuant to ss.
 376 ~~120.536(1) and 120.54~~ requiring electronic submission of any
 377 forms, documents, or fees required by this chapter, which must
 378 ~~code if such rules~~ reasonably accommodate technological or
 379 financial hardship. ~~The commission may prescribe by rule~~
 380 ~~requirements~~ and provide procedures for obtaining an exemption
 381 due to a technological or financial hardship.

382 (b) Rules adopted to regulate money services businesses,
 383 including deferred presentment providers, must be responsive to
 384 changes in economic conditions, technology, and industry
 385 practices.

386 Section 4. Section 560.109, Florida Statutes, is amended
 387 to read:

388 560.109 Examinations and investigations, ~~subpoenas,~~
 389 ~~hearings, and witnesses.--~~

390 ~~(1)~~ The office may conduct examinations and make
 391 ~~investigations or examinations as prescribed in s. 560.118,~~
 392 ~~within or outside this state, which it deems necessary in order~~
 393 ~~to determine whether a person has violated any provision of this~~
 394 ~~chapter and related rules the code, the rules adopted by the~~
 395 ~~commission pursuant to the code, or of any practice or conduct~~
 396 ~~that creates the likelihood of material loss, insolvency, or~~
 397 ~~dissipation of the assets of a money services business or~~
 398 ~~otherwise materially prejudices the interests of their customers~~
 399 ~~31 C.F.R. ss. 103.20, 103.22, 103.27, 103.28, 103.29, 103.33,~~
 400 ~~103.37, 103.41, and 103.125 as they existed on March 31, 2004.~~

401 (1) The office may examine each licensee as often as is
 402 warranted for the protection of customers and in the public
 403 interest, but at least once every 5 years. The office shall
 404 provide at least 15 days' notice to a money services business,
 405 its authorized agent, or license applicant before conducting an
 406 examination or investigation. However, the office may conduct an
 407 examination or investigation of a money services business,
 408 authorized agent, or affiliated party at any time and without
 409 advance notice if the office suspects that the money services
 410 business, authorized agent, or affiliated party has violated or
 411 is about to violate any provisions of this chapter or any
 412 criminal laws of this state or of the United States.

413 (2) The office may conduct a joint or concurrent
 414 examination with any state or federal regulatory agency and may
 415 furnish a copy of all examinations to an appropriate regulator

416 if the regulator agrees to abide by the confidentiality
 417 provisions in chapter 119 and this chapter. The office may also
 418 accept an examination from any appropriate regulator or,
 419 pursuant to s. 560.1091, from an independent third party that
 420 has been approved by the office.

421 (3) Persons subject to this chapter who are examined or
 422 investigated shall make available to the office, its examiners,
 423 or investigators, all books, accounts, documents, files,
 424 information, assets, and matters that are in their immediate
 425 possession or control and that relate to the subject of the
 426 examination or investigation.

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

430 (b) Upon notice, the office may require that records that
 431 written in a language other than English be accompanied by a
 432 certified translation at the expense of the licensee.

433 (4)-(2)-(a) In the course of or in connection with any
 434 examination or an investigation conducted by the office:

435 (a) An employee of the office holding the title and
 436 position of a pursuant to the provisions of subsection (1) or an
 437 investigation or examination in connection with any application
 438 to the office for the organization or establishment of a money
 439 transmitter business, or in connection with an examination or
 440 investigation of a money transmitter or its authorized vendor,
 441 the office, or any of its officers holding no lesser title and
 442 position than financial examiner or analyst, financial
 443 investigator, or attorney at law, or higher may:

444 1. Administer oaths and affirmations.
 445 2. Take or cause to be taken testimony and depositions.
 446 (b) The office, or any of its employees ~~officers~~ holding a
 447 title of no lesser title than attorney, ~~or~~ area financial
 448 manager, or higher may issue, revoke, quash, or modify subpoenas
 449 and subpoenas duces tecum under the seal of the office or cause
 450 any such subpoena or subpoena duces tecum to be issued by any
 451 county court judge or clerk of the circuit court or county court
 452 to require persons to appear before the office at a reasonable
 453 time and place to be ~~therein~~ named and to bring such books,
 454 records, and documents for inspection as may be ~~therein~~
 455 designated. Such subpoenas may be served by a representative of
 456 the office or ~~may be served~~ as otherwise provided ~~for~~ by law for
 457 the service of subpoenas.
 458 (c) ~~In connection with any such investigation or~~
 459 ~~examination,~~ The office may allow ~~permit~~ a person to file a
 460 statement in writing, under oath, or otherwise ~~as the office~~
 461 ~~determines,~~ as to facts and circumstances specified by the
 462 office.
 463 ~~(5)(3)(a)~~ If a person does not comply ~~In the event of~~
 464 ~~noncompliance~~ with a subpoena issued or caused to be issued by
 465 the office pursuant to this section, the office may petition a
 466 court of competent jurisdiction ~~the circuit court of the county~~
 467 ~~in which the person subpoenaed resides or has its principal~~
 468 ~~place of business~~ for an order requiring the subpoenaed person
 469 to appear and testify and to produce such ~~books, records, and~~
 470 ~~documents~~ as are specified in the ~~such~~ subpoena duces tecum. The

471 office is entitled to the summary procedure provided in s.
 472 51.011, and the court shall advance the cause on its calendar.

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

477 ~~(b)(e)~~ At a ~~any~~ hearing on the ~~any such~~ petition, the
 478 person subpoenaed, or any person whose interests are ~~will be~~
 479 substantially affected by the investigation, examination, or
 480 subpoena, may appear and object to the subpoena and to the
 481 granting of the petition. The court may make any order that
 482 justice requires ~~in order~~ to protect a party or other person and
 483 her or his personal and property rights, including, but not
 484 limited to, protection from ~~annoyance, embarrassment,~~
 485 oppression, ~~or~~ undue burden, or expense.

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

489 ~~(6)(4)~~ Witnesses are entitled to the same fees and mileage
 490 ~~to which they would be entitled by law for attending as~~
 491 witnesses in the circuit court, except that ~~no~~ fees or mileage
 492 is not allowed for the testimony of a person taken at the
 493 person's principal office or residence.

494 ~~(7)(5)~~ Reasonable and necessary costs incurred by the
 495 office and payable to third parties in connection ~~persons~~
 496 ~~involved~~ with examinations or investigations may be assessed
 497 against any person on the basis of actual costs incurred.
 498 Assessable expenses include, but are not limited to, + expenses

499 for: interpreters; certified translations of documents into the
 500 English language required by this chapter or related rules;
 501 ~~expenses for~~ communications; ~~expenses for~~ legal representation;
 502 ~~expenses for~~ economic, legal, or other research, analyses, and
 503 testimony; and fees and expenses for witnesses. ~~The failure to~~
 504 ~~reimburse the office is a ground for denial of the registration~~
 505 ~~application or for revocation of any approval thereof. No such~~
 506 Costs may not shall be assessed against a person unless the
 507 office has determined that the person has operated or is
 508 operating in violation of this chapter ~~the code~~.

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

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

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

518 (b) The total number of initial referrals received from
 519 another state or federal agency, the total number of
 520 examinations and investigations opened as a result of referrals,
 521 and the disposition of each of those cases.

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

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

528 Section 5. Section 560.1091, Florida Statutes, is created
 529 to read:

530 560.1091 Contracted examinations.--The office may contract
 531 with third parties to conduct examinations under this chapter.

532 (1) The person or firm selected by the office must not
 533 have a conflict of interest that might affect its ability to
 534 independently perform its responsibilities with respect to an
 535 examination.

536 (2) The examiner must be an independent certified public
 537 accountant or information technologist meeting criteria
 538 specified in rule.

539 (3) The licensee subject to the examination must pay to
 540 the office the expenses of the examination at rates adopted by
 541 commission rule.

542 (a) The rates charged must be consistent with rates
 543 charged by other persons in a similar profession and comparable
 544 with the rates charged for comparable examinations.

545 (b) Allowable expenses include actual travel expenses, an
 546 allowance for reasonable living expenses, compensation of the
 547 examiner or other person making the examination, and necessary
 548 administrative costs directly related to the examination.
 549 Allowances for travel and living expenses are limited to those
 550 expenses incurred to conduct the examination.

551 (c) A detailed statement of allowable expenses shall be
 552 submitted to the office by the examiner and must be approved by

553 the office prior to being submitted by the office to the
 554 licensee for payment.

555 (d) Notwithstanding s. 112.061, an examiner conducting an
 556 examination of a licensee may be paid for his or her actual
 557 travel expenses, reasonable allowance for living expenses, and
 558 compensation in accordance with the statement filed with the
 559 office by the contractor under paragraph (c). When not examining
 560 a licensee, the travel expenses, per diem, and compensation for
 561 examiners shall be paid out of moneys budgeted for such purpose
 562 and in accordance with s. 112.061.

563 (4) All moneys collected from a licensee for the expenses
 564 of an examination shall be deposited into the Regulatory Trust
 565 Fund and used by the office to pay the examiner.

566 (5) The commission shall adopt rules to administer this
 567 section.

568 Section 6. Section 560.110, Florida Statutes, is created
 569 to read:

570 560.110 Records retention.--Each licensee and its
 571 authorized agents must maintain all books, accounts, documents,
 572 files, and information necessary for determining compliance with
 573 this chapter and related rules for 5 years unless a longer
 574 period is required by other state or federal law.

575 (1) The records required under this chapter may be
 576 maintained by the licensee at any location identified in its
 577 license application or by amendment to the application. The
 578 licensee must make such records available to the office for
 579 examination and investigation in this state within 3 business
 580 days after receipt of a written request.

581 (2) The original of any record of a licensee or authorized
 582 agent includes a record stored or transmitted by electronic,
 583 computerized, mechanized, or other information storage or
 584 retrieval or transmission system or device that can generate,
 585 regenerate, or transmit the precise data or other information
 586 comprising the record. An original also includes the visible
 587 data or other information so generated, regenerated, or
 588 transmitted if it is legible or can be made legible by
 589 enlargement or other process.

590 (3) The commission may adopt rules to administer this
 591 section and ss. 560.211 and 560.310. In adopting rules, the
 592 commission shall take into consideration the federal regulations
 593 that affect the money services business industry or a deferred
 594 payment provider, including any guidance issued by a federal
 595 regulatory agency.

596 (4) Any person who willfully fails to comply with this
 597 section or ss. 560.211 and 560.310 commits a felony of the third
 598 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 599 775.084.

600 Section 7. Section 560.111, Florida Statutes, is amended
 601 to read:

602 560.111 Prohibited acts ~~and practices~~---

603 (1) A money services business, authorized agent, or
 604 affiliated party may not ~~It is unlawful for any money~~
 605 ~~transmitter or money transmitter affiliated party to:~~

606 (a) Receive or possess ~~itself of~~ any property except
 607 ~~otherwise than~~ in payment of a just demand, and, with intent to
 608 deceive or defraud, to omit to make or to cause to be made a

609 full and true entry thereof in its books and accounts, or to
 610 concur in omitting to make any material entry thereof.†

611 (b) Embezzle, abstract, or misapply any money, property,
 612 or thing of value belonging to the money services business, its
 613 authorized agent, or customer of the money transmitter or
 614 authorized vendor with intent to deceive or defraud. ~~such money~~
 615 ~~transmitter or authorized vendor;~~

616 (c) Make any false entry in its books, accounts, reports,
 617 files, or documents ~~any book, report, or statement of such money~~
 618 ~~transmitter or authorized vendor~~ with intent to deceive or
 619 defraud ~~such money transmitter, authorized vendor, or another~~
 620 person, or with intent to deceive the office, any appropriate
 621 regulator ~~other state or federal regulatory agency, or any~~
 622 authorized third party representative appointed by the office to
 623 examine or investigate the affairs of the money services
 624 business or its authorized agent. ~~such money transmitter or~~
 625 ~~authorized vendor;~~

626 (d) Engage in an act that violates 18 U.S.C. s. 1956, 18
 627 U.S.C. s. 1957, 31 U.S.C. s. 5324, or any other law, rule, or
 628 regulation of another state, or of the United States, or any
 629 foreign jurisdiction relating to a money services business,
 630 deferred presentment provider, the business of money
 631 ~~transmission~~ or usury which may cause the denial or revocation
 632 of a money services business or deferred presentment provider
 633 ~~transmitter~~ license or the equivalent registration in that such
 634 jurisdiction.†

635 (e) File with the office, sign as a duly authorized
 636 representative, or deliver or disclose, by any means, to the

637 office or any of its employees any examination report, report of
 638 condition, report of income and dividends, audit, account,
 639 statement, file, or document known by it to be fraudulent or
 640 false as to any material matter. ~~;~~ ~~or~~

641 (f) Place among the assets of a money services business or
 642 its authorized agent ~~such money transmitter or authorized vendor~~
 643 any note, obligation, or security that the money services
 644 business or its authorized agent ~~transmitter or authorized~~
 645 ~~vendor~~ does not own or is known to be ~~that to the person's~~
 646 ~~knowledge is~~ fraudulent or otherwise worthless, or ~~for any such~~
 647 ~~person~~ to represent to the office that any note, obligation, or
 648 security ~~carried as an asset of such money transmitter or~~
 649 ~~authorized vendor~~ is the property of the money services business
 650 or its authorized agent ~~transmitter or authorized vendor~~ and is
 651 genuine if it is known to be ~~such person that such~~
 652 ~~representation is false or that such note, obligation, or~~
 653 ~~security is~~ fraudulent or otherwise worthless.

654 (2) ~~A It is unlawful for any person~~ may not ~~to~~ knowingly
 655 execute, or attempt to execute, a scheme or artifice to defraud
 656 a money services business or its authorized agent ~~transmitter or~~
 657 ~~authorized vendor~~, or ~~to~~ obtain ~~any of~~ the moneys, funds,
 658 credits, assets, securities, or other property owned by, or
 659 under the custody or control of, a money services business or
 660 its authorized agent ~~transmitter or authorized vendor~~, by means
 661 of false or fraudulent pretenses, representations, or promises.

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

665 (4) Any person who willfully violates any provision of s.
 666 560.403, s. 560.404, s. 560.405, or s. 560.407 commits a felony
 667 of the third degree, punishable as provided in s. 775.082, s.
 668 775.083, or s. 775.084.

669 Section 8. Section 560.113, Florida Statutes, is amended
 670 to read:

671 560.113 Injunctions; receiverships; restitution. ~~Whenever~~
 672 ~~a violation of the code is threatened or impending and such~~
 673 ~~violation will cause substantial injury to any person, the~~
 674 ~~circuit court has jurisdiction to hear any complaint filed by~~
 675 ~~the office and, upon proper showing, to issue an injunction~~
 676 ~~restraining such violation or granting other such appropriate~~
 677 ~~relief.~~

678 (1) If the office determines that any person has engaged
 679 in or is about to engage in any action that is a violation of
 680 this chapter or related rules, the office may, in addition to or
 681 in lieu of other remedies, bring an action on behalf of the
 682 state in the circuit court against the person and any other
 683 person acting in concert with such person to enjoin such person
 684 from engaging in such act. The office may apply for, and on due
 685 showing be entitled to have issued, the court's subpoena
 686 requiring the appearance of the person and her or his employees,
 687 associated persons, or agents and the production of any
 688 documents, books, or records that may appear necessary for the
 689 hearing of the petition, and to testify or give evidence
 690 concerning the acts complained of.

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

693 injunction against the person, the court may, upon application
 694 of the office, impound and appoint a receiver or administrator
 695 for the property, assets, and business of the defendant,
 696 including, but not limited to, any related books, records,
 697 documents, or papers. The receiver or administrator shall have
 698 all powers and duties conferred by the court as to the custody,
 699 collection, administration, winding up, and liquidation of the
 700 property and business. The court may issue orders and decrees
 701 staying all pending suits and enjoining any further suits
 702 affecting the receiver's or administrator's custody or
 703 possession of the property, assets, and business or may, with
 704 the consent of the presiding judge of the circuit, require that
 705 all such suits be assigned to the judge appointing the receiver
 706 or administrator.

707 (3) In addition to, or in lieu of, any other remedies
 708 provided under this chapter, the office may apply to the court
 709 hearing the matter for an order directing the defendant to make
 710 restitution of those sums shown by the office to have been
 711 obtained in violation of this chapter. Such restitution shall,
 712 at the option of the court, be payable to the administrator or
 713 receiver appointed under this section or directly to the persons
 714 whose assets were obtained in violation of this chapter.

715 Section 9. Section 560.114, Florida Statutes, is amended
 716 to read:

717 560.114 Disciplinary actions; penalties.--

718 (1) The following actions by a money services business,
 719 authorized agent, or affiliated party transmitter or money
 720 transmitter affiliated party are violations of the code and

721 constitute grounds for the issuance of a cease and desist order,
 722 the issuance of a removal order, the denial, ~~of a registration~~
 723 ~~application or the~~ suspension, or revocation of a license any
 724 ~~registration previously issued pursuant to the code, or the~~
 725 taking ~~of~~ any other action within the authority of the office
 726 pursuant to this chapter ~~the code~~:

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

730 (b) Fraud, misrepresentation, deceit, or gross negligence
 731 in any transaction by a involving money services business
 732 ~~transmission,~~ regardless of reliance thereon by, or damage to, a
 733 ~~money transmitter~~ customer.

734 (c) Fraudulent misrepresentation, circumvention, or
 735 concealment of any matter that must ~~required to~~ be stated or
 736 furnished to a ~~money transmitter~~ customer pursuant to this
 737 chapter ~~the code,~~ regardless of reliance thereon by, or damage
 738 to, such customer.

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

740 (e) Failure to maintain, preserve, ~~and~~ keep available for
 741 examination, and produce all books, accounts, files, or other
 742 documents required by this chapter or related rules or orders
 743 ~~the code, by any rule or order adopted pursuant to the code, by~~
 744 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29,
 745 103.33, 103.37, 103.41, and 103.125 ~~as they existed on March 31,~~
 746 ~~2004,~~ or by any agreement entered into with the office.

747 (f) Refusing to allow ~~Refusal to permit~~ the examination or
 748 inspection of books, accounts, files, or other documents ~~and~~

749 ~~records in an investigation or examination~~ by the office,
 750 pursuant to this chapter ~~the provisions of the code~~, or to
 751 comply with a subpoena issued by the office.

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

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

758 (i) Insolvency ~~or operating in an unsafe and unsound~~
 759 ~~manner.~~

760 (j) Failure by a money services business ~~transmitter~~ to
 761 remove an affiliated ~~a money transmitter affiliated~~ party after
 762 the office has issued and served upon the money services
 763 business transmitter a final order setting forth a finding that
 764 the affiliated ~~money transmitter affiliated~~ party has violated a
 765 any provision of this chapter ~~the code.~~

766 (k) Making a any material misstatement, ~~or~~
 767 misrepresentation, or omission ~~or committing any fraud~~ in an
 768 initial or renewal application for licensure, any amendment to
 769 such application, or application for the appointment of an
 770 authorized agent ~~registration.~~

771 (l) Committing any act that results ~~resulting in a license~~
 772 ~~an application for registration, or a registration~~ or its
 773 equivalent, to practice any profession or occupation being
 774 denied, suspended, revoked, or otherwise acted against by a
 775 licensing ~~registering~~ authority in any jurisdiction ~~or a finding~~

776 ~~by an appropriate regulatory body of engaging in unlicensed~~
 777 ~~activity as a money transmitter within any jurisdiction.~~

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

782 ~~(n)(m)~~ Committing any act resulting in a license
 783 ~~registration or its equivalent, or an application for~~
 784 ~~registration, to practice any profession or occupation being~~
 785 ~~denied, suspended, revoked, or otherwise acted against by a~~
 786 licensing registering authority in any jurisdiction for a
 787 violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s.
 788 1960, 31 U.S.C. s. 5324, or any other law or, rule, or
 789 ~~regulation~~ of another state or of the United States relating to
 790 a money services business, deferred presentment provider, the
 791 ~~business of money transmission or usury that which~~ may cause the
 792 denial, suspension, or revocation of a money services business
 793 or deferred presentment provider transmitter license or its
 794 equivalent or registration in such jurisdiction.

795 ~~(o)(n)~~ Having been convicted of or found guilty of, or
 796 entered a plea of having pleaded guilty or nolo contendere to,
 797 any felony or crime punishable by imprisonment of 1 year or more
 798 under the law of any state or of the United States which
 799 involves fraud, moral turpitude, or dishonest dealing,
 800 regardless of adjudication without regard to whether a judgment
 801 ~~of conviction has been entered by the court.~~

802 ~~(p)(e)~~ Having been convicted of or found guilty of, or
 803 entered a plea of having pleaded guilty or nolo contendere to, a

804 crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5324, regardless
 805 of adjudication ~~without regard to whether a judgment of~~
 806 ~~conviction has been entered by the court.~~

807 ~~(q)(p)~~ Having been convicted of ~~or found guilty of~~, or
 808 entered a plea of having pleaded guilty or nolo contendere to,
 809 misappropriation, conversion, or unlawful withholding of moneys
 810 belonging that belong to others, regardless of adjudication and
 811 ~~were received in the conduct of the business of the money~~
 812 ~~transmitter.~~

813 ~~(r)(q)~~ Failure to inform the office in writing within 30
 814 ~~15~~ days after having pled pleading guilty or nolo contendere to,
 815 or being convicted ~~or found guilty of~~, any felony or crime
 816 punishable by imprisonment of 1 year or more under the law of
 817 any state or ~~of~~ the United States, or ~~of~~ any crime involving
 818 fraud, moral turpitude, or dishonest dealing, ~~without regard to~~
 819 ~~whether a judgment of conviction has been entered by the court.~~

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

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

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

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

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

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

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

836 (w) ~~(x)~~ Engaging or advertising engagement in the business
 837 of a money services business or deferred presentment provider
 838 ~~transmitter~~ without a license registration, unless the person is
 839 exempted from licensure ~~the registration requirements of the~~
 840 ~~code.~~

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

845 (y) Failure by a money services business licensed under
 846 part II of this chapter to supervise its authorized agents
 847 pursuant to s. 560.208 or s. 560.2085.

848 (z) Violations of 31 C.F.R. ss. 103.20, 103.22,
 849 103.23, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and
 850 103.125.

851 (aa) Any practice or conduct that creates the likelihood
 852 of a material loss, insolvency, or dissipation of assets of a
 853 money services business or otherwise materially prejudices the
 854 interests of its customers

855 (2) The office may deny licensure if the applicant or an
 856 affiliated party is the subject of a pending criminal
 857 prosecution or governmental enforcement action in any
 858 jurisdiction until the conclusion of the prosecution or action.

859 (3)~~(2)~~ The office may issue a cease and desist order or
 860 removal order, suspend or revoke a license ~~any previously issued~~
 861 ~~registration~~, or take any other action within the authority of
 862 the office against a licensee ~~money transmitter~~ based on any
 863 fact or condition that exists and that, if it had existed or
 864 been known to exist at the time of license application ~~the money~~
 865 ~~transmitter applied for registration~~, would have been grounds
 866 for license denial ~~of registration~~.

867 (4)~~(3)~~ A Each money services business licensed under part
 868 II of this chapter ~~transmitter~~ is responsible for any act of its
 869 authorized agents ~~vendors~~ if the money services business
 870 ~~transmitter~~ should have known of the act or had ~~if the money~~
 871 ~~transmitter has~~ actual knowledge that such act is a violation of
 872 this chapter, ~~the code~~ and the money services business
 873 ~~transmitter willfully~~ allowed the ~~such~~ act to continue. Such
 874 responsibility is limited to conduct engaged in by the
 875 authorized agent ~~vender~~ pursuant to the authority granted to it
 876 by the money services business ~~transmitter~~.

877 (5)~~(4)~~ If a license ~~registration~~ granted under this
 878 chapter ~~code~~ expires or is surrendered by the licensee
 879 ~~registrant~~ during the pendency of an administrative action under
 880 ~~this code~~, the proceeding may continue as if the license is
 881 ~~registration were~~ still in effect.

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

885 (7) In addition to any other provision of this chapter,
 886 the office may impose a fine of up to \$1,000 per day for each

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887 day that a person engages in the business of a money services
 888 business or deferred presentment provider without being
 889 licensed.

890 (8) In imposing any administrative remedy or penalty under
 891 this chapter, the office shall take into account the
 892 appropriateness of the penalty with respect to the gravity of
 893 the violation, the history of previous violations, and other
 894 matters as justice may require.

895 Section 10. Section 560.115, Florida Statutes, is amended
 896 to read:

897 560.115 Surrender of license registration.--A licensee ~~Any~~
 898 ~~money transmitter registered pursuant to the code~~ may
 899 voluntarily surrender its license registration at any time by
 900 giving written notice to the office.

901 Section 11. Section 560.116, Florida Statutes, is amended
 902 to read:

903 560.116 Civil immunity.--Any person having reason to
 904 believe that a provision of this chapter ~~the code~~ is being
 905 violated, ~~or~~ has been violated, or is about to be violated, may
 906 file a complaint with the office setting forth the details of
 907 the alleged violation. Such person is immune ~~An immunity~~ from
 908 ~~civil liability is hereby granted to any person who furnishes~~
 909 ~~such information,~~ unless the information provided is false and
 910 has been provided ~~the person providing the information does so~~
 911 with reckless disregard for the truth.

912 Section 12. Section 560.118, Florida Statutes, is amended
 913 to read:

914 560.118 ~~Examinations, Reports, and internal audits,~~
 915 ~~penalty.--~~

916 ~~(1)(a) The office may conduct an examination of a money~~
 917 ~~transmitter or authorized vendor by providing not less than 15~~
 918 ~~days' advance notice to the money transmitter or authorized~~
 919 ~~vendor. However, if the office suspects that the money~~
 920 ~~transmitter or authorized vendor has violated any provisions of~~
 921 ~~this code or any criminal laws of this state or of the United~~
 922 ~~States or is engaging in an unsafe and unsound practice, the~~
 923 ~~office may, at any time without advance notice, conduct an~~
 924 ~~examination of all affairs, activities, transactions, accounts,~~
 925 ~~business records, and assets of any money transmitter or any~~
 926 ~~money transmitter affiliated party for the protection of the~~
 927 ~~public. For the purpose of examinations, the office may~~
 928 ~~administer oaths and examine a money transmitter or any of its~~
 929 ~~affiliated parties concerning their operations and business~~
 930 ~~activities and affairs. The office may accept an audit or~~
 931 ~~examination from any appropriate regulatory agency or from an~~
 932 ~~independent third party with respect to the operations of a~~
 933 ~~money transmitter or an authorized vendor. The office may also~~
 934 ~~make a joint or concurrent examination with any state or federal~~
 935 ~~regulatory agency. The office may furnish a copy of all~~
 936 ~~examinations made of such money transmitter or authorized vendor~~
 937 ~~to the money transmitter and any appropriate regulatory agency~~
 938 ~~provided that such agency agrees to abide by the confidentiality~~
 939 ~~provisions as set forth in chapter 119.~~

940 ~~(b) Persons subject to this chapter who are examined shall~~
 941 ~~make available to the office or its examiners the accounts,~~

942 ~~records, documents, files, information, assets, and matters~~
 943 ~~which are in their immediate possession or control and which~~
 944 ~~relate to the subject of the examination. Those accounts,~~
 945 ~~records, documents, files, information, assets, and matters not~~
 946 ~~in their immediate possession shall be made available to the~~
 947 ~~office or the office's examiners within 10 days after actual~~
 948 ~~notice is served on such persons.~~

949 ~~(c) The audit of a money transmitter required under this~~
 950 ~~section may be performed by an independent third party that has~~
 951 ~~been approved by the office or by a certified public accountant~~
 952 ~~authorized to do business in the United States. The examination~~
 953 ~~of a money transmitter or authorized vendor required under this~~
 954 ~~section may be performed by an independent third party that has~~
 955 ~~been approved by the office or by a certified public accountant~~
 956 ~~authorized to do business in the United States. The cost of such~~
 957 ~~an independent examination or audit shall be directly borne by~~
 958 ~~the money transmitter or authorized vendor.~~

959 ~~(2)(a) Annual financial audit reports must that are~~
 960 ~~required to be filed with the office pursuant to this chapter or~~
 961 ~~related rules under the code or any rules adopted thereunder~~
 962 ~~must be audited by an independent third party that has been~~
 963 ~~approved by the office or by a certified public accountant~~
 964 ~~authorized to do business in the United States. The licensee~~
 965 ~~money transmitter or authorized vendor shall directly bear the~~
 966 ~~cost of the audit. This paragraph does not apply to any seller~~
 967 ~~of payment instruments who can prove to the satisfaction of the~~
 968 ~~office that it has a combined total of fewer than 50 employees~~
 969 ~~and authorized vendors or that its annual payment instruments~~

970 ~~issued from its activities as a payment instrument seller are~~
 971 ~~less than \$200,000.~~

972 (2)(b) Each licensee must submit ~~The commission may, by~~
 973 ~~rule, require each money transmitter or authorized vendor to~~
 974 ~~submit~~ quarterly reports to the office in a format and include
 975 information as specified by rule. ~~The rule commission may~~
 976 ~~require the that each report to~~ contain a declaration by an
 977 officer, or any other responsible person authorized to make such
 978 declaration, that the report is true and correct to the best of
 979 her or his knowledge and belief. ~~Such report must include such~~
 980 ~~information as the commission by rule requires for that type of~~
 981 ~~money transmitter.~~

982 ~~(c) The office may levy an administrative fine of up to~~
 983 ~~\$100 per day for each day the report is past due, unless it is~~
 984 ~~excused for good cause. In excusing any such administrative~~
 985 ~~fine, the office may consider the prior payment history of the~~
 986 ~~money transmitter or authorized vendor.~~

987 ~~(3) Any person who willfully violates this section or~~
 988 ~~fails to comply with any lawful written demand or order of the~~
 989 ~~office made under this section commits a felony of the third~~
 990 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
 991 ~~775.084.~~

992 Section 13. Section 560.119, Florida Statutes, is
 993 transferred, renumbered as section 560.144, Florida Statutes,
 994 and amended to read:

995 560.144 560.119 Deposit of fees and assessments.--License
 996 The application fees, license registration renewal fees, late
 997 payment penalties, civil penalties, administrative fines, and

998 other fees, costs, or penalties provided for in this chapter the
 999 code shall, ~~in all cases,~~ be paid directly to the office, which
 1000 shall deposit such proceeds into the Regulatory Trust Fund, and
 1001 use the proceeds to pay the costs of the office as necessary to
 1002 carry out its responsibilities under this chapter. ~~Each year,~~
 1003 ~~the Legislature shall appropriate from the trust fund to the~~
 1004 ~~office sufficient moneys to pay the office's costs for~~
 1005 ~~administration of the code. The Regulatory Trust Fund is subject~~
 1006 ~~to the service charge imposed pursuant to chapter 215.~~

1007 Section 14. Section 560.121, Florida Statutes, is amended
 1008 to read:

1009 560.121 Access to records; record retention; penalties
 1010 ~~limited restrictions upon public access.--~~

1011 (1) ~~(a)~~ Orders of courts or of administrative law judges
 1012 for the production of confidential records or information must
 1013 ~~shall~~ provide for inspection in camera by the court or the
 1014 administrative law judge; and, if after the court or
 1015 administrative law judge determines ~~has made a determination~~
 1016 that the documents requested are relevant or would likely lead
 1017 to the discovery of admissible evidence, ~~said documents shall be~~
 1018 ~~subject to further orders by~~ the court or the administrative law
 1019 judge must issue further orders to protect the confidentiality
 1020 of the documents thereof. Any order directing the release of
 1021 information is ~~shall be~~ immediately reviewable, and a petition
 1022 by the office for review of the ~~such~~ order shall automatically
 1023 stay further proceedings in the trial court or the
 1024 administrative hearing until the disposition of the ~~such~~
 1025 petition by the reviewing court. ~~If any other party files such A~~

1026 petition for review of the order filed by any other party shall,
 1027 ~~it will~~ operate as a stay of the such proceedings only upon
 1028 order of the reviewing court.

1029 (2) ~~(b)~~ Confidential records and information furnished
 1030 pursuant to a legislative subpoena must ~~shall~~ be kept
 1031 confidential ~~by the legislative body or committee which receives~~
 1032 ~~the records or information,~~ except in cases ~~a case~~ involving the
 1033 investigation of charges against a public official subject to
 1034 impeachment or removal, and then disclosure of such information
 1035 shall be only to the extent determined to be necessary by the
 1036 legislative body or committee ~~to be necessary~~.

1037 (3) ~~(2)~~ ~~The commission may prescribe by rule the minimum~~
 1038 ~~information that must be shown in the books, accounts, records,~~
 1039 ~~and documents of licensees for purposes of enabling the office~~
 1040 ~~to determine the licensee's compliance with this chapter. In~~
 1041 ~~addition, the commission may prescribe by rule requirements for~~
 1042 ~~the destruction of books, accounts, records, and documents~~
 1043 ~~retained by the licensee after completion of the time period~~
 1044 ~~specified in this subsection. Examination reports, investigatory~~
 1045 ~~records, applications, and related information compiled by the~~
 1046 ~~office, or photographic copies thereof, must~~ ~~shall~~ be retained
 1047 by the office for ~~a period of~~ at least 5 3 years after ~~following~~
 1048 ~~the date that~~ the examination or investigation ceases to be
 1049 active. Application records, and related information compiled by
 1050 the office, or photographic copies thereof, must ~~shall~~ be
 1051 retained by the office for a period of at least 5 2 years after
 1052 ~~following~~ the date ~~that~~ the license ~~registration~~ ceases to be
 1053 active.

1054 ~~(3) A copy of any document on file with the office which~~
 1055 ~~is certified by the office as being a true copy may be~~
 1056 ~~introduced in evidence as if it were the original. The~~
 1057 ~~commission shall establish a schedule of fees for preparing true~~
 1058 ~~copies of documents.~~

1059 (4) Any person who willfully discloses information made
 1060 confidential by this section commits a felony of the third
 1061 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1062 775.084.

1063 Section 15. Section 560.123, Florida Statutes, is amended
 1064 to read:

1065 560.123 Florida Control of Money Laundering in the Money
 1066 Services Business Act Transmitters' Code; ~~reports of~~
 1067 ~~transactions involving currency or monetary instruments, when~~
 1068 ~~required, purpose, definitions, penalties, corpus delicti.--~~

1069 (1) This section may be cited as the "Florida Control of
 1070 Money Laundering in Money Services Business Transmitters Act."

1071 (2) ~~It is~~ The purpose of this section is to require the
 1072 ~~submission to the office of reports and the~~ maintenance of
 1073 certain records of transactions involving currency or payment
 1074 ~~monetary instruments in order to which reports and records~~ deter
 1075 the use of a money services business money transmitters to
 1076 conceal proceeds from criminal activity and to ensure the
 1077 availability of such records for ~~are useful in~~ criminal, tax, or
 1078 regulatory investigations or proceedings.

1079 ~~(3)(a)~~ A Every money services business must transmitter
 1080 ~~shall~~ keep a record of every each financial transaction
 1081 ~~occurring in this state known to it that occurs in this state;~~

1082 involves ~~to involve~~ currency or other payment monetary
 1083 instrument, as prescribed ~~the commission prescribes~~ by rule,
 1084 having ~~of~~ a value greater than in excess of \$10,000; and
 1085 involves, ~~to involve~~ the proceeds of specified unlawful
 1086 activity, or is ~~to be~~ designed to evade the reporting
 1087 requirements of this section or chapter 896. The money services
 1088 business must ~~and shall~~ maintain appropriate procedures to
 1089 ensure compliance with this section and chapter 896.

1090 (a) ~~(b)~~ Multiple financial transactions shall be treated as
 1091 a single transaction if the money services business transmitter
 1092 has knowledge that they are made by or on behalf of any one
 1093 person and result in ~~either~~ cash in or cash out totaling more
 1094 than \$10,000 during any day.

1095 (b) ~~(e)~~ A Any money services business transmitter may keep
 1096 a record of any financial transaction occurring in this state,
 1097 regardless of the value, if it suspects that the transaction
 1098 involves the proceeds of specified unlawful activity.

1099 (c) The money services business must file a report with
 1100 the office of any records required by this subsection, at such
 1101 time and containing such information as required by rule. The
 1102 timely filing of the report required by 31 U.S.C. s. 5313 with
 1103 the appropriate federal agency shall be deemed compliance with
 1104 the reporting requirements of this subsection unless the reports
 1105 are not regularly and comprehensively transmitted by the federal
 1106 agency to the office.

1107 (d) A money services business transmitter, or officer,
 1108 employee, or agent thereof, that files a report in good faith
 1109 pursuant to this section is not liable to any person for loss or

1110 damage caused in whole or in part by the making, filing, or
 1111 governmental use of the report, or any information contained
 1112 therein.

1113 (4)~~(3)~~ A money services business ~~transmitters~~ must comply
 1114 with ~~adhere to~~ the money laundering, enforcement, and reporting
 1115 provisions of s. 655.50~~7~~ relating to reports of transactions
 1116 involving currency transactions and payment ~~monetary~~
 1117 instruments, and of chapter 896~~7~~ concerning offenses relating to
 1118 financial transactions.

1119 (5)~~(4)~~ In enforcing this section, the ~~commission and~~
 1120 office shall acknowledge and take into consideration the
 1121 requirements of Title 31, United States Code, in order ~~both~~ to
 1122 reduce the burden of ~~fulfilling~~ duplicate requirements and to
 1123 acknowledge the economic advantage of having similar reporting
 1124 and recordkeeping requirements between state and federal
 1125 regulatory authorities.

1126 ~~(5) (a) Each money transmitter must file a report with the~~
 1127 ~~office of the record required by this section. Each record filed~~
 1128 ~~pursuant to this section must be filed at such time and contain~~
 1129 ~~such information as the commission requires by rule.~~

1130 ~~(b) The timely filing of the report required by 31 U.S.C.~~
 1131 ~~s. 5313, with the appropriate federal agency is deemed~~
 1132 ~~compliance with the reporting requirements of this subsection~~
 1133 ~~unless the reports are not regularly and comprehensively~~
 1134 ~~transmitted by the federal agency to the office.~~

1135 (6) The office must retain a copy of all reports received
 1136 under subsection (3) ~~(5)~~ for a minimum of 5 ~~3~~ calendar years
 1137 after receipt of the report. However, if a report or information

1138 contained in a report is known by the office to be the subject
 1139 of an existing criminal proceeding, the report must be retained
 1140 for a minimum of 10 ~~calendar~~ years after ~~from~~ the date of
 1141 receipt.

1142 (7) In addition to any other powers conferred upon the
 1143 office to enforce and administer this chapter ~~the code~~, the
 1144 office may:

1145 (a) Bring an action in any court of competent jurisdiction
 1146 to enforce or administer this section. In such action, the
 1147 office may seek award of any civil penalty authorized by law and
 1148 any other appropriate relief at law or equity.

1149 (b) Issue and serve upon a person an order requiring the
 1150 ~~such~~ person to cease and desist and take corrective action if
 1151 ~~whenever~~ the office finds that the ~~such~~ person is violating, has
 1152 violated, or is about to violate any provision of this section
 1153 or chapter 896; any rule or order adopted under this section or
 1154 chapter 896; or any written agreement related to this section or
 1155 chapter 896 which is entered into with the office.

1156 (c) Issue and serve upon a person an order suspending or
 1157 revoking the ~~such~~ person's money services business license if
 1158 ~~transmitter registration whenever~~ the office finds that the ~~such~~
 1159 person is violating, has violated, or is about to violate any
 1160 provision of this section or chapter 896; any rule or order
 1161 adopted under this section or chapter 896; or any written
 1162 agreement related to this section or chapter 896 which is
 1163 entered into with the office.

1164 (d) Issue and serve upon any person an order of removal
 1165 whenever the office finds that the ~~such~~ person is violating, has

1166 | violated, or is about to violate any provision of this section
 1167 | or chapter 896; any rule or order adopted under this section or
 1168 | chapter 896; or any written agreement related to this section or
 1169 | chapter 896 which is entered into with the office.

1170 | (e) Impose and collect an administrative fine against any
 1171 | person found to have violated any provision of this section or
 1172 | chapter 896; any rule or order adopted under this section or
 1173 | chapter 896; or any written agreement related to this section or
 1174 | chapter 896 which is entered into with the office, of up to ~~in~~
 1175 | ~~an amount not exceeding~~ \$10,000 per a day for each willful
 1176 | violation or \$500 per a day for each negligent violation.

1177 | (8) (a) Except as provided in paragraph (b), a person who
 1178 | willfully violates any provision of this section commits a
 1179 | misdemeanor of the first degree, punishable as provided in s.
 1180 | 775.082 or s. 775.083.

1181 | (b) A person who willfully violates any provision of this
 1182 | section, if the violation involves:

1183 | 1. Currency or payment instruments exceeding \$300 but less
 1184 | than \$20,000 in any 12-month period, commits a felony of the
 1185 | third degree, punishable as provided in s. 775.082, s. 775.083,
 1186 | or s. 775.084.

1187 | 2. Currency or payment instruments totaling or exceeding
 1188 | \$20,000 but less than \$100,000 in any 12-month period, commits a
 1189 | felony of the second degree, punishable as provided in s.
 1190 | 775.082, s. 775.083, or s. 775.084.

1191 | 3. Currency or payment instruments totaling or exceeding
 1192 | \$100,000 in any 12-month period, commits a felony of the first

1193 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1194 775.084.

1195 (c) In addition to the penalties ~~otherwise~~ authorized by
 1196 s. 775.082, s. 775.083, or s. 775.084, a person who has been
 1197 convicted of, or entered a plea of ~~who has pleaded~~ guilty or
 1198 nolo contendere, regardless of adjudication, to having violated
 1199 paragraph (b) may be sentenced to pay a fine of up to ~~not~~
 1200 ~~exceeding~~ \$250,000 or twice the value of the currency or payment
 1201 instruments, whichever is greater, except that on a second or
 1202 subsequent conviction for or plea of guilty or nolo contendere,
 1203 regardless of adjudication, to a violation of paragraph (b), the
 1204 fine may be up to \$500,000 or quintuple the value of the
 1205 currency or payment instruments, whichever is greater.

1206 (d) A person who violates this section is also liable for
 1207 a civil penalty of not more than the greater of the value of the
 1208 currency or payment instruments involved or \$25,000.

1209 (9) In any prosecution brought pursuant to this section,
 1210 the common law corpus delicti rule does not apply. The
 1211 defendant's confession or admission is admissible during trial
 1212 without the state having to prove the corpus delicti if the
 1213 court finds in a hearing conducted outside the presence of the
 1214 jury that the defendant's confession or admission is
 1215 trustworthy. Before the court admits the defendant's confession
 1216 or admission, the state must prove by a preponderance of the
 1217 evidence that there is sufficient corroborating evidence that
 1218 tends to establish the trustworthiness of the statement by the
 1219 defendant. Hearsay evidence is admissible during the
 1220 presentation of evidence at the hearing. In making its

1221 determination, the court may consider all relevant corroborating
 1222 evidence, including the defendant's statements.

1223 Section 16. Section 560.1235, Florida Statutes, is created
 1224 to read:

1225 560.1235 Money laundering requirements.--

1226 (1) A licensee must comply with all state and federal laws
 1227 and rules relating to the detection and prevention of money
 1228 laundering, including, as applicable, s. 560.123, and 31 C.F.R.
 1229 ss. 103.20, 103.22, 103.23, 103.27. 103.28, 103.29, 103.33,
 1230 103.37, and 103.41.

1231 (2) A licensee must maintain an anti-money laundering
 1232 program in accordance with 31 C.F.R. s. 103.25. The program must
 1233 be reviewed and updated as necessary to ensure that the program
 1234 continues to be effective in detecting and deterring money
 1235 laundering activities.

1236 Section 17. Section 560.124, Florida Statutes, is amended
 1237 to read:

1238 560.124 Sharing of information.--

1239 ~~(1) It is not unlawful for~~ Any person may ~~to~~ provide
 1240 information to a money services business, its transmitter,
 1241 authorized agent, law enforcement agency, prosecutorial agency
 1242 vendor, or appropriate regulator, or for any money services
 1243 business, its transmitter, authorized agent, law enforcement
 1244 agency, prosecutorial agency vendor, or appropriate regulator
 1245 may ~~to~~ provide ~~information~~ to any person, information about any
 1246 ~~other~~ person's known or suspected involvement in a violation of
 1247 any state, federal, or foreign law, rule, or regulation relating
 1248 to the business of a money services business or deferred present

1249 provider transmitter which has been reported to state, federal,
 1250 or foreign authorities, and is not-

1251 ~~(2) No person shall be~~ liable in any civil action for
 1252 providing such information.

1253 Section 18. Section 560.125, Florida Statutes, is amended
 1254 to read:

1255 560.125 Unlicensed activity ~~Money transmitter business by~~
 1256 ~~unauthorized persons; penalties.--~~

1257 (1) A person ~~other than a registered money transmitter or~~
 1258 ~~authorized vendor~~ may not engage in the business of a money
 1259 services business or deferred presentment provider transmitter
 1260 in this state unless the person is licensed or exempted from
 1261 licensure under this chapter ~~from the registration requirements~~
 1262 ~~of the code.~~

1263 (2) Only a money services business licensed under part II
 1264 of this chapter may appoint an authorized agent. ~~No person shall~~
 1265 ~~act as a vendor of a money transmitter when such money~~
 1266 ~~transmitter is subject to registration under the code but has~~
 1267 ~~not registered.~~ Any such person acting as the agent of an
 1268 unlicensed money transmitter or payment instrument issuer
 1269 becomes the principal thereof, and no longer merely acts as an
 1270 agent a vendor, and ~~such person~~ is liable to the holder or
 1271 remitter as a principal money transmitter or payment instrument
 1272 seller.

1273 (3) Any person whose substantial interests are affected by
 1274 a proceeding brought by the office pursuant to this chapter ~~the~~
 1275 ~~code~~ may, pursuant to s. 560.113, petition any court of
 1276 competent jurisdiction to enjoin the person or activity that is

1277 the subject of the proceeding from violating any of the
 1278 provisions of this section. For the purpose of this subsection,
 1279 any money services business licensed under this chapter
 1280 ~~transmitter registered pursuant to the code~~, any person residing
 1281 in this state, and any person whose principal place of business
 1282 is in this state are presumed to be substantially affected. In
 1283 addition, the interests of a trade organization or association
 1284 are deemed substantially affected if the interests of any of its
 1285 members are ~~so~~ affected.

1286 (4) The office may issue and serve upon any person who
 1287 violates any of the provisions of this section a complaint
 1288 seeking a cease and desist order or impose an administrative
 1289 fine as provided in s. 560.114 ~~in accordance with the procedures~~
 1290 ~~and in the manner prescribed by s. 560.112~~. The office may also
 1291 ~~impose an administrative fine pursuant to s. 560.117(3)~~ against
 1292 any person who violates any of the provisions of this section.

1293 (5) A person who violates this section, if the violation
 1294 involves:

1295 (a) Currency or payment instruments exceeding \$300 but
 1296 less than \$20,000 in any 12-month period, commits a felony of
 1297 the third degree, punishable as provided in s. 775.082, s.
 1298 775.083, or s. 775.084.

1299 (b) Currency or payment instruments totaling or exceeding
 1300 \$20,000 but less than \$100,000 in any 12-month period, commits a
 1301 felony of the second degree, punishable as provided in s.
 1302 775.082, s. 775.083, or s. 775.084.

1303 (c) Currency or payment instruments totaling or exceeding
 1304 \$100,000 in any 12-month period, commits a felony of the first

1305 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1306 775.084.

1307 (6) In addition to the penalties authorized by s. 775.082,
 1308 s. 775.083, or s. 775.084, a person who has been convicted of,
 1309 or entered a plea of ~~found guilty of or who has pleaded~~ guilty
 1310 or nolo contendere, to having violated this section may be
 1311 sentenced to pay a fine of up to ~~not exceeding~~ \$250,000 or twice
 1312 the value of the currency or payment instruments, whichever is
 1313 greater, except that on a second or subsequent violation of this
 1314 section, the fine may be up to \$500,000 or quintuple the value
 1315 of the currency or payment instruments, whichever is greater.

1316 (7) A person who violates this section is also liable for
 1317 a civil penalty of not more than the value of the currency or
 1318 payment instruments involved or \$25,000, whichever is greater.

1319 (8) In any prosecution brought pursuant to this section,
 1320 the common law corpus delicti rule does not apply. The
 1321 defendant's confession or admission is admissible during trial
 1322 without the state having to prove the corpus delicti if the
 1323 court finds in a hearing conducted outside the presence of the
 1324 jury that the defendant's confession or admission is
 1325 trustworthy. Before the court admits the defendant's confession
 1326 or admission, the state must prove by a preponderance of the
 1327 evidence that there is sufficient corroborating evidence that
 1328 tends to establish the trustworthiness of the statement by the
 1329 defendant. Hearsay evidence is admissible during the
 1330 presentation of evidence at the hearing. In making its
 1331 determination, the court may consider all relevant corroborating
 1332 evidence, including the defendant's statements.

1333 Section 19. Section 560.126, Florida Statutes, is amended
 1334 to read:

1335 560.126 ~~Significant events; notice~~ Required notice by
 1336 licensee.--

1337 (1) A licensee ~~Unless exempted by the office, every money~~
 1338 ~~transmitter~~ must provide the office with a written notice sent
 1339 by registered mail within 30 days after the occurrence or
 1340 knowledge of, whichever period of time is greater, any of the
 1341 following events:

1342 (a) The filing of a petition under the United States
 1343 Bankruptcy Code for bankruptcy or reorganization by the licensee
 1344 ~~money transmitter~~.

1345 (b) The commencement of an administrative or judicial
 1346 license ~~any registration~~ suspension or revocation proceeding,
 1347 ~~either administrative or judicial,~~ or the denial of a license
 1348 ~~any original registration~~ request or a ~~registration~~ renewal, by
 1349 any state, the District of Columbia, any United States
 1350 territory, or any foreign country, in which the licensee ~~money~~
 1351 ~~transmitter~~ operates, ~~or~~ plans to operate, or is licensed ~~or has~~
 1352 registered to operate.

1353 (c) A felony indictment relating to a the money services
 1354 ~~transmission~~ business or deferred presentment provider involving
 1355 the licensee, its authorized agent, or an affiliated ~~money~~
 1356 ~~transmitter or a money transmitter~~ affiliated party of the ~~money~~
 1357 ~~transmitter~~.

1358 (d) The felony conviction, guilty plea, or plea of nolo
 1359 contendere, regardless of adjudication, of the licensee, its
 1360 authorized agent, or an affiliated ~~if the court adjudicates the~~

1361 ~~nolo contendere pleader guilty, or the adjudication of guilt of~~
 1362 ~~a money transmitter or money transmitter affiliated party.~~

1363 (e) The interruption of any corporate surety bond required
 1364 under this chapter ~~by the code.~~

1365 (f) Any suspected criminal act, ~~as defined by the~~
 1366 ~~commission by rule,~~ perpetrated in this state relating to
 1367 activities regulated under this chapter by an affiliated party
 1368 against a money services business or its authorized agent
 1369 ~~transmitter or authorized vendor.~~

1370 (g) Notification by a law enforcement or prosecutorial
 1371 agency that the licensee or its authorized agent is under
 1372 criminal investigation including, but not limited to, subpoenas
 1373 to produce records or testimony and warrants issued by a court
 1374 of competent jurisdiction which authorize the search and seizure
 1375 of any records relating to a business activity regulated under
 1376 this chapter.

1377
 1378 ~~However, a person does not incur liability as a result of making~~
 1379 ~~a good faith effort to fulfill this disclosure requirement.~~

1380 (2) ~~(a)~~ A licensee must ~~Each registrant under this code~~
 1381 ~~shall report, on a form adopted prescribed by rule of the~~
 1382 ~~commission, any change in the information contained in an any~~
 1383 ~~initial license application form, or any amendment to such~~
 1384 ~~application, or the appointment of an authorized agent within~~
 1385 ~~thereto not later than 30 days after the change is effective.~~

1386 (3) ~~(b)~~ Each licensee must ~~registrant under the code shall~~
 1387 ~~report any change~~ changes in the partners, officers, members,
 1388 joint venturers, directors, controlling shareholders, or

1389 responsible persons of the licensee ~~any registrant~~ or changes in
 1390 the form of business organization by written amendment in such
 1391 form and at such time as specified ~~the commission specifies~~ by
 1392 rule.

1393 (a)1. ~~If in any case in which a person or a group of~~
 1394 ~~persons,~~ directly or indirectly or acting by or through one or
 1395 more persons, proposes to purchase or acquire a controlling
 1396 interest in a licensee, such person or group must submit an
 1397 ~~initial~~ application for licensure ~~registration~~ as a money
 1398 services business or deferred presentment provider transmitter
 1399 before such purchase or acquisition at such time and in such
 1400 form as prescribed ~~the commission prescribes~~ by rule.

1401 2. As used in this subsection, the term "controlling
 1402 interest" means the same as described in s. 560.127 ~~possession~~
 1403 ~~of the power to direct or cause the direction of the management~~
 1404 ~~or policies of a company whether through ownership of~~
 1405 ~~securities, by contract, or otherwise. Any person who directly~~
 1406 ~~or indirectly has the right to vote 25 percent or more of the~~
 1407 ~~voting securities of a company or is entitled to 25 percent or~~
 1408 ~~more of its profits is presumed to possess a controlling~~
 1409 ~~interest.~~

1410 (b)3. ~~The~~ Any addition of a partner, officer, member,
 1411 joint venturer, director, controlling shareholder, or
 1412 responsible person of the applicant who does not have a
 1413 controlling interest and who has not previously complied with
 1414 the applicable provisions of ss. 560.140 and 560.141 ~~ss.~~
 1415 ~~560.205 and 560.306 shall be subject to such provisions unless~~
 1416 ~~required to file an initial application in accordance with~~

1417 ~~subparagraph 1.~~ If the office determines that the licensee
 1418 ~~registrant~~ does not continue to meet the licensure registration
 1419 requirements, the office may bring an administrative action in
 1420 accordance with s. 560.114 to enforce the provisions of this
 1421 chapter code.

1422 (c)4. The commission shall adopt rules ~~pursuant to ss.~~
 1423 ~~120.536(1) and 120.54~~ providing for the waiver of the license
 1424 application required by this subsection if the person or group
 1425 of persons proposing to purchase or acquire a controlling
 1426 interest in a licensee registrant has previously complied with
 1427 the applicable provisions of ss. 560.140 and 560.141 under ss.
 1428 ~~560.205 and 560.306~~ with the same legal entity or is currently
 1429 licensed registered with the office under this chapter code.

1430 Section 20. Section 560.127, Florida Statutes, is amended
 1431 to read:

1432 560.127 Control of a money services business
 1433 ~~transmitter.~~ --A person has a controlling interest in control
 1434 ~~over~~ a money services business transmitter if the person-
 1435 ~~(1) the individual, partnership, corporation, trust, or~~
 1436 ~~other organization~~ possesses the power, directly or indirectly,
 1437 to direct the management or policies of the money services
 1438 business a company, whether through ownership ~~of securities~~, by
 1439 contract, or otherwise. A person is presumed to have control a
 1440 ~~company if the, with respect to a particular company, that~~
 1441 ~~person:~~

1442 (1)(a) Is a director, general partner, or officer
 1443 exercising executive responsibility or having similar status or
 1444 functions;

1445 (2)~~(b)~~ Directly or indirectly may vote 25 percent or more
 1446 of a class of a voting security or sell or direct the sale of 25
 1447 percent or more of a class of voting securities; or

1448 (3)~~(c)~~ In the case of a partnership, may receive upon
 1449 dissolution or has contributed 25 percent or more of the
 1450 capital.

1451 ~~(2) The office determines, after notice and opportunity
 1452 for hearing, that the person directly or indirectly exercises a
 1453 controlling influence over the activities of the money
 1454 transmitter.~~

1455 Section 21. Section 560.128, Florida Statutes, is amended
 1456 to read:

1457 560.128 Customer contacts; license display ~~Consumer~~
 1458 ~~disclosure.--~~

1459 (1) A money services business or its authorized agent must
 1460 provide each customer with ~~Every money transmitter and~~
 1461 ~~authorized vendor shall provide each consumer of a money~~
 1462 ~~transmitter transaction~~ a toll-free telephone number for the
 1463 purpose of contacting the money services business or its
 1464 authorized agent or, consumer contacts; ~~However,~~ in lieu of a
 1465 such toll-free telephone number, ~~the money transmitter or~~
 1466 ~~authorized vendor may provide~~ the address and telephone number
 1467 of the office may be provided ~~and the Division of Consumer~~
 1468 ~~Services of the Department of Financial Services.~~

1469 (2) The commission may by rule require a licensee every
 1470 ~~money transmitter~~ to display its license registration at each
 1471 location, ~~including the location of each person designated by~~
 1472 ~~the registrant as an authorized vendor,~~ where the licensee the

1473 ~~money transmitter~~ engages in the activities authorized by the
 1474 license registration.

1475 Section 22. Section 560.129, Florida Statutes, is amended
 1476 to read:

1477 560.129 Confidentiality.--

1478 (1) ~~(a)~~ Except as otherwise provided in this section, all
 1479 information concerning an investigation or examination conducted
 1480 by the office pursuant to this chapter, including any customer
 1481 ~~consumer~~ complaint received by the office, the commission, or
 1482 the Department of Financial Services, is confidential and exempt
 1483 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
 1484 until the investigation or examination ceases to be active. For
 1485 purposes of this section, an investigation or examination is
 1486 considered "active" so long as the office or any other
 1487 administrative, regulatory, or law enforcement agency of any
 1488 jurisdiction is proceeding with reasonable dispatch and has a
 1489 reasonable good faith belief that action may be initiated by the
 1490 office or other administrative, regulatory, or law enforcement
 1491 agency.

1492 (2) ~~(b)~~ ~~Notwithstanding paragraph (a)~~, All information
 1493 obtained by the office in the course of its investigation or
 1494 examination which is a trade secret, as defined in s. 688.002,
 1495 or which is personal financial information shall remain
 1496 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 1497 of the State Constitution. If any administrative, civil, or
 1498 criminal proceeding against a the money services business, its
 1499 authorized agent, transmitter or an affiliated a money
 1500 ~~transmitter-affiliated~~ party is initiated and the office seeks

1501 to use matter that a licensee ~~registrant~~ believes to be a trade
 1502 secret or personal financial information, such records shall be
 1503 subject to an in camera review by the administrative law judge,
 1504 if the matter is before the Division of Administrative Hearings,
 1505 or a judge of any court of this state, any other state, or the
 1506 United States, as appropriate, for the purpose of determining if
 1507 the matter is a trade secret or is personal financial
 1508 information. If it is determined that the matter is a trade
 1509 secret, the matter shall remain confidential. If it is
 1510 determined that the matter is personal financial information,
 1511 the matter shall remain confidential unless the administrative
 1512 law judge or judge determines that, in the interests of justice,
 1513 the matter should become public.

1514 (3) ~~(e)~~ If an ~~any~~ administrative, civil, or criminal
 1515 proceeding against a ~~the~~ money services business, its authorized
 1516 agent, transmitter or an affiliated ~~a money transmitter~~
 1517 ~~affiliated~~ party results in an acquittal or the dismissal of all
 1518 of the allegations ~~against the money transmitter or a money~~
 1519 ~~transmitter affiliated party~~, upon the request of any party, the
 1520 administrative law judge or the judge may order all or a portion
 1521 of the record of the proceeding to be sealed, and it shall
 1522 thereafter be confidential and exempt from s. 119.07(1) and s.
 1523 24(a), Art. I of the State Constitution.

1524 (4) ~~(d)~~ Except as necessary for the office or any other
 1525 administrative, regulatory, or law enforcement agency of any
 1526 jurisdiction to enforce the provisions of this chapter or the
 1527 law of any other state or the United States, a consumer
 1528 complaint and other information concerning an investigation or

1529 examination shall remain confidential and exempt from s.
 1530 119.07(1) and s. 24(a), Art. I of the State Constitution after
 1531 the investigation or examination ceases to be active to the
 1532 extent that disclosure would:

1533 (a)~~1-~~ Jeopardize the integrity of another active
 1534 investigation;

1535 (b)~~2-~~ Reveal personal financial information;

1536 (c)~~3-~~ Reveal the identity of a confidential source; or

1537 (d)~~4-~~ Reveal investigative techniques or procedures.

1538 (5)~~(2)~~ This section does not prevent or restrict:

1539 (a) Furnishing records or information to any appropriate
 1540 regulatory, prosecutorial, agency or law enforcement agency if
 1541 such agency adheres to the confidentiality provisions of this
 1542 chapter ~~the code~~;

1543 (b) Furnishing records or information to an appropriate
 1544 regulator or independent third party ~~or a certified public~~
 1545 ~~accountant~~ who has been approved by the office to conduct an
 1546 examination under s. 560.1091 ~~s. 560.118(1)(b)~~, if the
 1547 independent third party ~~or certified public accountant~~ adheres
 1548 to the confidentiality provisions of this chapter ~~the code~~; or

1549 (c) Reporting any suspicious ~~suspected criminal~~ activity,
 1550 with supporting documents and information, to appropriate
 1551 regulatory, law enforcement, or prosecutorial agencies.

1552 (6)~~(3)~~ All quarterly reports submitted ~~by a money~~
 1553 ~~transmitter~~ to the office under s. 560.118(2) ~~s. 560.118(2)(b)~~
 1554 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 1555 I of the State Constitution.

1556 ~~(4) Examination reports, investigatory records,~~
 1557 ~~applications, and related information compiled by the office, or~~
 1558 ~~photographic copies thereof, shall be retained by the office for~~
 1559 ~~a period of at least 3 years following the date that the~~
 1560 ~~examination or investigation ceases to be active. Application~~
 1561 ~~records, and related information compiled by the office, or~~
 1562 ~~photographic copies thereof, shall be retained by the office for~~
 1563 ~~a period of at least 2 years following the date that the~~
 1564 ~~registration ceases to be active.~~

1565 (7)~~(5)~~ Any person who willfully discloses information made
 1566 confidential by this section commits a felony of the third
 1567 degree, punishable as provided in s. 775.082 or s. 775.083.

1568 Section 23. Section 560.140, Florida Statutes, is created
 1569 to read:

1570 560.140 Licensing standards.--To qualify for licensure as
 1571 a money services business under this chapter, an applicant must:

1572 (1) Demonstrate to the office the character and general
 1573 fitness necessary to command the confidence of the public and
 1574 warrant the belief that the money services business or deferred
 1575 presentment provider shall be operated lawfully and fairly.

1576 (2) Be legally authorized to do business in this state.

1577 (3) Be registered as a money services business with the
 1578 Financial Crimes Enforcement Network as required by 31 C.F.R. s.
 1579 103.41, if applicable.

1580 (4) Have an anti-money laundering program in place which
 1581 meets the requirements of 31 C.F.R. s. 103.125.

1582 (5) Provide the office with all the information required
 1583 under this chapter and related rules.

1584 Section 24. Section 560.141, Florida Statutes, is created
 1585 to read:

1586 560.141 License application.--

1587 (1) To apply for a license as a money services business
 1588 under this chapter the applicant must:

1589 (a) Submit an application to the office on forms
 1590 prescribed by rule which includes the following information:

1591 1. The legal name and address of the applicant, including
 1592 any fictitious or trade names used by the applicant in the
 1593 conduct of its business.

1594 2. The date of the applicant's formation and the state in
 1595 which the applicant was formed, if applicable.

1596 3. The name, social security number, alien identification
 1597 or taxpayer identification number, business and residence
 1598 addresses, and employment history for the past 5 years for each
 1599 officer, director, responsible person, the compliance officer,
 1600 each controlling shareholder, any other person who has a
 1601 controlling interest in the money services business as provided
 1602 in s. 560.127.

1603 4. A description of the organizational structure of the
 1604 applicant, including the identity of any parent or subsidiary of
 1605 the applicant, and the disclosure of whether any parent or
 1606 subsidiary is publicly traded.

1607 5. The applicant's history of operations in other states
 1608 if applicable and a description of the money services business
 1609 or deferred presentment provider activities proposed to be
 1610 conducted by the applicant in this state.

1611 6. If the applicant or its parent is a publicly traded
 1612 company, copies of all filings made by the applicant with the
 1613 United States Securities and Exchange Commission, or with a
 1614 similar regulator in a country other than the United States,
 1615 within the preceding year.

1616 7. The location at which the applicant proposes to
 1617 establish its principal place of business and any other
 1618 location, including branch offices and authorized agents
 1619 operating in this state. For each branch office identified and
 1620 each authorized agent appointed, the applicant shall include the
 1621 nonrefundable fee required by s. 560.143.

1622 8. The name and address of the clearing financial
 1623 institution or financial institutions through which the
 1624 applicant's payment instruments are drawn or through which the
 1625 payment instruments are payable.

1626 8. The history of the applicant's material litigation,
 1627 criminal convictions, pleas of nolo contendere, and cases of
 1628 adjudication withheld.

1629 9. The history of material litigation, arrests, criminal
 1630 convictions, pleas of nolo contendere, and cases of adjudication
 1631 withheld for each executive officer, director, controlling
 1632 shareholder, and responsible person.

1633 10. The name of the registered agent in this state for
 1634 service of process unless the applicant is a sole proprietor.

1635 11. Any other information specified in this chapter or by
 1636 rule.

1637 (b) In addition to the application form, submit:

1638 1. A nonrefundable application fee as provided in s.
 1639 560.143.

1640 2. A fingerprint card for each of the persons listed in
 1641 subparagraph (a)3. unless the applicant is a publicly traded
 1642 corporation, or is exempted from this chapter under s.
 1643 560.104(1). The fingerprints must be taken by an authorized law
 1644 enforcement agency. The office shall submit the fingerprints to
 1645 the Department of Law Enforcement for state processing and the
 1646 Department of Law Enforcement shall forward the fingerprints to
 1647 the Federal Bureau of Investigations for federal processing. The
 1648 cost of the fingerprint processing may be borne by the office,
 1649 the employer, or the person subject to the criminal records
 1650 background check. The office shall screen the background results
 1651 to determine if the applicant meets licensure requirements. As
 1652 used in this section, the term "publicly traded" means a stock
 1653 is currently traded on a national securities exchange registered
 1654 with the federal Securities and Exchange Commission or traded on
 1655 an exchange in a country other than the United States regulated
 1656 by a regulator equivalent to the Securities and Exchange
 1657 Commission and the disclosure and reporting requirements of such
 1658 regulator are substantially similar to those of the commission.

1659 3. A copy of the applicant's written anti-money laundering
 1660 program required under 31 C.F.R. s. 103.125.

1661 4. Within the time allotted by rule, any information
 1662 needed to resolve any deficiencies found in the application.

1663 (2) If the office determines that the applicant meets the
 1664 qualifications and requirements of this chapter, the office

1665 shall issue a license to the applicant. A license may not be
 1666 issued for more than 2 years.

1667 (a) A license issued under part II of this chapter shall
 1668 expire on April 30 of the second year following the date of
 1669 issuance of the license unless during such period the license is
 1670 surrendered, suspended, or revoked.

1671 (b) A license issued under part III of this chapter shall
 1672 expire on December 31 of the second year following the date of
 1673 issuance of the license unless during such period the license is
 1674 surrendered, suspended, or revoked.

1675 Section 25. Section 560.142, Florida Statutes, is created
 1676 to read:

1677 560.142 License renewal.--

1678 (1) A license may be renewed for a subsequent 2-year
 1679 period by furnishing such application as required by rule,
 1680 together with the payment of a nonrefundable renewal fee as
 1681 provided under s. 560.143, on or before the license expiration
 1682 date, or for the remainder of any such period without proration
 1683 following the date of license expiration.

1684 (2) In addition to the renewal fee, each part II licensee
 1685 must pay a 2-year nonrefundable renewal fee as provided in s.
 1686 560.143 for each authorized agent or location operating within
 1687 this state.

1688 (3) A licensee who has on file with the office a
 1689 declaration of intent to engage in deferred presentment
 1690 transactions may renew a declaration upon license renewal by
 1691 submitting a nonrefundable deferred presentment provider renewal
 1692 fee as provided in s. 560.143.

1693 (4) If a license or declaration of intent to engage in
 1694 deferred presentment transactions expires, the license or
 1695 declaration of intent may be reinstated only if a renewal
 1696 application or declaration of intent, all required renewal fees,
 1697 and any applicable late fees are received by the office within
 1698 60 days after expiration. If not submitted within 60 days, the
 1699 license or declaration on intent expires and a new license
 1700 application or declaration of intent must be filed with the
 1701 office pursuant to this chapter.

1702 (5) The commission may adopt rules to administer this
 1703 section.

1704 Section 26. Section 560.143, Florida Statutes, is created
 1705 to read:

1706 560.143 Fees.--

1707 (1) License Application Fees.--The applicable non-
 1708 refundable fees must accompany an application for licensure:

1709 (a) Under part II

1710 \$500.

1711 (b) Part III

1712 \$250.

1713 (c) Per branch office

1714 \$50.

1715 (d) For each appointment of an authorized agent

1716 \$50.

1717 (e) Declaration as a deferred presentment provider

1718 \$1,000.

1719 (f) Fingerprint fees as prescribed by rule.

1720 (2) License Renewal Fees.--The applicable non-refundable
 1721 license renewal fees must accompany a renewal of licensure:

1722 (a) Part II
 1723 1,000.

1724 (b) Part III
 1725 \$500.

1726 (c) Per branch office
 1727 \$50.

1728 (d) For each appointment of an authorized agents
 1729 \$50.

1730 (e) Declaration as a deferred presentment provider
 1731 \$1,000.

1732 (f) Renewal fees for branch offices and authorized agents
 1733 are limited to \$20,000 biennially.

1734 (3) Late license renewal fees.--

1735 (a) Part II
 1736 \$500.

1737 (b) Part III
 1738 \$250.

1739 (c) Declaration as a deferred presentment provider
 1740 \$500.

1741 Section 27. Section 560.203, Florida Statutes, is amended
 1742 to read:

1743 560.203 Exemptions from licensure.--Authorized agents
 1744 ~~venders~~ of a licensee registrant acting within the scope of
 1745 authority conferred by the licensee are registrant ~~shall be~~
 1746 exempt from licensure but are having to register pursuant to the

1747 ~~code but shall~~ otherwise be subject to the its provisions of
 1748 this chapter.

1749 Section 28. Section 560.204, Florida Statutes, is amended
 1750 to read:

1751 560.204 License required ~~Requirement of registration.--~~

1752 (1) Unless exempted, a No person may not shall engage in
 1753 ~~for consideration, or nor~~ in any manner advertise that they
 1754 engage, in, the selling or issuing of payment instruments or in
 1755 the activity of a money funds transmitter, for compensation,
 1756 without first obtaining a license registration under the
 1757 ~~provisions of~~ this part. For purposes of this section,
 1758 "compensation" includes profit or loss on the exchange of
 1759 currency.

1760 (2) A licensee under this part ~~person registered pursuant~~
 1761 ~~to this part is permitted to engage in the activities authorized~~
 1762 ~~by this part. A person registered pursuant to this part may also~~
 1763 ~~engage in the activities authorized under part III of this~~
 1764 chapter without the imposition of any additional licensing fees
 1765 ~~and is exempt from the registration fee required by s. 560.307.~~

1766 Section 29. Section 560.205, Florida Statutes, is amended
 1767 to read:

1768 560.205 Additional license application requirements
 1769 ~~Qualifications of applicant for registration; contents.--In~~
 1770 addition to the license application requirements under part I of
 1771 this chapter, an applicant seeking a license under this part
 1772 must also submit to the office:

- 1773 (1) A sample authorized agent contract, if applicable.
- 1774 (2) A sample form of payment instrument, if applicable.

1775 (3) Documents demonstrating that the net worth and bonding
 1776 requirements specified in s. 560.209 have been fulfilled.

1777 (4) A copy of the applicant's financial audit report for
 1778 the most recent fiscal year.

1779 ~~(1) To qualify for registration under this part, an~~
 1780 ~~applicant must demonstrate to the office such character and~~
 1781 ~~general fitness as to command the confidence of the public and~~
 1782 ~~warrant the belief that the registered business will be operated~~
 1783 ~~lawfully and fairly. The office may investigate each applicant~~
 1784 ~~to ascertain whether the qualifications and requirements~~
 1785 ~~prescribed by this part have been met. The office's~~
 1786 ~~investigation may include a criminal background investigation of~~
 1787 ~~all controlling shareholders, principals, officers, directors,~~
 1788 ~~members, and responsible persons of a funds transmitter and a~~
 1789 ~~payment instrument seller and all persons designated by a funds~~
 1790 ~~transmitter or payment instrument seller as an authorized~~
 1791 ~~vendor. Each controlling shareholder, principal, officer,~~
 1792 ~~director, member, and responsible person of a funds transmitter~~
 1793 ~~or payment instrument seller, unless the applicant is a publicly~~
 1794 ~~traded corporation as defined by the commission by rule, a~~
 1795 ~~subsidiary thereof, or a subsidiary of a bank or bank holding~~
 1796 ~~company organized and regulated under the laws of any state or~~
 1797 ~~the United States, shall file a complete set of fingerprints. A~~
 1798 ~~fingerprint card submitted to the office must be taken by an~~
 1799 ~~authorized law enforcement agency. The office shall submit the~~
 1800 ~~fingerprints to the Department of Law Enforcement for state~~
 1801 ~~processing, and the Department of Law Enforcement shall forward~~
 1802 ~~the fingerprints to the Federal Bureau of Investigation for~~

1803 ~~state and federal processing. The cost of the fingerprint~~
 1804 ~~processing may be borne by the office, the employer, or the~~
 1805 ~~person subject to the background check. The Department of Law~~
 1806 ~~Enforcement shall submit an invoice to the office for the~~
 1807 ~~fingerprints received each month. The office shall screen the~~
 1808 ~~background results to determine if the applicant meets licensure~~
 1809 ~~requirements. The commission may waive by rule the requirement~~
 1810 ~~that applicants file a set of fingerprints or the requirement~~
 1811 ~~that such fingerprints be processed by the Department of Law~~
 1812 ~~Enforcement or the Federal Bureau of Investigation.~~

1813 ~~(2) Each application for registration must be submitted~~
 1814 ~~under oath to the office on such forms as the commission~~
 1815 ~~prescribes by rule and must be accompanied by a nonrefundable~~
 1816 ~~application fee. Such fee may not exceed \$500 for each payment~~
 1817 ~~instrument seller or funds transmitter and \$50 for each~~
 1818 ~~authorized vendor or location operating within this state. The~~
 1819 ~~application must contain such information as the commission~~
 1820 ~~requires by rule, including, but not limited to:~~

1821 ~~(a) The name and address of the applicant, including any~~
 1822 ~~fictitious or trade names used by the applicant in the conduct~~
 1823 ~~of its business.~~

1824 ~~(b) The history of the applicant's material litigation,~~
 1825 ~~criminal convictions, pleas of nolo contendere, and cases of~~
 1826 ~~adjudication withheld.~~

1827 ~~(c) A description of the activities conducted by the~~
 1828 ~~applicant, the applicant's history of operations, and the~~
 1829 ~~business activities in which the applicant seeks to engage in~~
 1830 ~~this state.~~

1831 ~~(d) A sample authorized vendor contract, if applicable.~~
 1832 ~~(e) A sample form of payment instrument, if applicable.~~
 1833 ~~(f) The name and address of the clearing financial~~
 1834 ~~institution or financial institutions through which the~~
 1835 ~~applicant's payment instruments will be drawn or through which~~
 1836 ~~such payment instruments will be payable.~~
 1837 ~~(g) Documents revealing that the net worth and bonding~~
 1838 ~~requirements specified in s. 560.209 have been or will be~~
 1839 ~~fulfilled.~~
 1840 ~~(3) Each application for registration by an applicant that~~
 1841 ~~is a corporation shall contain such information as the~~
 1842 ~~commission requires by rule, including, but not limited to:~~
 1843 ~~(a) The date of the applicant's incorporation and state of~~
 1844 ~~incorporation.~~
 1845 ~~(b) A certificate of good standing from the state or~~
 1846 ~~country in which the applicant was incorporated.~~
 1847 ~~(c) A description of the corporate structure of the~~
 1848 ~~applicant, including the identity of any parent or subsidiary of~~
 1849 ~~the applicant, and the disclosure of whether any parent or~~
 1850 ~~subsidiary is publicly traded on any stock exchange.~~
 1851 ~~(d) The name, social security number, business and~~
 1852 ~~residence addresses, and employment history for the past 5 years~~
 1853 ~~for each executive officer, each director, each controlling~~
 1854 ~~shareholder, and the responsible person who will be in charge of~~
 1855 ~~all the applicant's business activities in this state.~~
 1856 ~~(e) The history of material litigation and criminal~~
 1857 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
 1858 ~~withheld for each officer, each director, each controlling~~

1859 ~~shareholder, and the responsible person who will be in charge of~~
 1860 ~~the applicant's registered activities.~~

1861 ~~(f) Copies of the applicant's audited financial statements~~
 1862 ~~for the current year and, if available, for the immediately~~
 1863 ~~preceding 2 year period. In cases where the applicant is a~~
 1864 ~~wholly owned subsidiary of another corporation, the parent's~~
 1865 ~~consolidated audited financial statements may be submitted to~~
 1866 ~~satisfy this requirement. An applicant who is not required to~~
 1867 ~~file audited financial statements may satisfy this requirement~~
 1868 ~~by filing unaudited financial statements verified under penalty~~
 1869 ~~of perjury, as provided by the commission by rule.~~

1870 ~~(g) An applicant who is not required to file audited~~
 1871 ~~financial statements may file copies of the applicant's~~
 1872 ~~unconsolidated, unaudited financial statements for the current~~
 1873 ~~year and, if available, for the immediately preceding 2 year~~
 1874 ~~period.~~

1875 ~~(h) If the applicant is a publicly traded company, copies~~
 1876 ~~of all filings made by the applicant with the United States~~
 1877 ~~Securities and Exchange Commission, or with a similar regulator~~
 1878 ~~in a country other than the United States, within the year~~
 1879 ~~preceding the date of filing of the application.~~

1880 ~~(4) Each application for registration submitted to the~~
 1881 ~~office by an applicant that is not a corporation shall contain~~
 1882 ~~such information as the commission requires by rule, including,~~
 1883 ~~but not limited to:~~

1884 ~~(a) Evidence that the applicant is registered to do~~
 1885 ~~business in this state.~~

1886 ~~(b) The name, business and residence addresses, personal~~
 1887 ~~financial statement and employment history for the past 5 years~~
 1888 ~~for each individual having a controlling ownership interest in~~
 1889 ~~the applicant, and each responsible person who will be in charge~~
 1890 ~~of the applicant's registered activities.~~

1891 ~~(c) The history of material litigation and criminal~~
 1892 ~~convictions, pleas of nolo contendere, and cases of adjudication~~
 1893 ~~withheld for each individual having a controlling ownership~~
 1894 ~~interest in the applicant and each responsible person who will~~
 1895 ~~be in charge of the applicant's registered activities.~~

1896 ~~(d) Copies of the applicant's audited financial statements~~
 1897 ~~for the current year, and, if available, for the preceding 2~~
 1898 ~~years. An applicant who is not required to file audited~~
 1899 ~~financial statements may satisfy this requirement by filing~~
 1900 ~~unaudited financial statements verified under penalty of~~
 1901 ~~perjury, as provided by the commission by rule.~~

1902 ~~(5) Each applicant shall designate and maintain an agent~~
 1903 ~~in this state for service of process.~~

1904 Section 30. Effective January 1, 2009, section 560.208,
 1905 Florida Statutes, is amended to read:

1906 560.208 Conduct of business.--In addition to the
 1907 requirements specified in s. 560.140, a licensee under this
 1908 part:

1909 (1) ~~A registrant~~ May conduct its business at one or more
 1910 locations within this state through branches or by means of
 1911 authorized agents ~~vendors~~, as designated by the licensee and
 1912 approved by the office ~~registrant~~, including the conduct of

1913 business through electronic transfer, such as by the telephone
 1914 or the Internet.

1915 (2) Notwithstanding and without violating s. 501.0117, a
 1916 ~~registrant~~ may charge a different price for a money transmitter
 1917 ~~funds transmission~~ service based on the mode of transmission
 1918 used in the transaction as, so long as the price charged for a
 1919 service paid for with a credit card is not more greater than the
 1920 price charged when the that service is paid for with currency or
 1921 other similar means accepted within the same mode of
 1922 transmission.

1923 (3) Is responsible for the acts of its authorized agents
 1924 within the scope of its written contract with the agent.

1925 (4) Shall place assets that are the property of a customer
 1926 in a segregated account in a federally insured financial
 1927 institution and shall maintain separate accounts for operating
 1928 capital and the clearing of customer funds.

1929 (5) Shall, in the normal course of business, ensure that
 1930 money transmitted is available to the designated recipient
 1931 within 10 business days after receipt.

1932 (6) Shall immediately upon receipt of currency or payment
 1933 instrument provide a confirmation number to the customer
 1934 verbally, by paper, or electronically.

1935 ~~(2) Within 60 days after the date a registrant either~~
 1936 ~~opens a location within this state or authorizes an authorized~~
 1937 ~~vendor to operate on the registrant's behalf within this state,~~
 1938 ~~the registrant shall notify the office on a form prescribed by~~
 1939 ~~the commission by rule. The notification shall be accompanied by~~
 1940 ~~a nonrefundable \$50 fee for each authorized vendor or location.~~

1941 ~~Each notification shall also be accompanied by a financial~~
 1942 ~~statement demonstrating compliance with s. 560.209(1), unless~~
 1943 ~~compliance has been demonstrated by a financial statement filed~~
 1944 ~~with the registrant's quarterly report in compliance with s.~~
 1945 ~~560.118(2). The financial statement must be dated within 90 days~~
 1946 ~~of the date of designation of the authorized vendor or location.~~
 1947 ~~This subsection shall not apply to any authorized vendor or~~
 1948 ~~location that has been designated by the registrant before~~
 1949 ~~October 1, 2001.~~

1950 ~~(3) Within 60 days after the date a registrant closes a~~
 1951 ~~location within this state or withdraws authorization for an~~
 1952 ~~authorized vendor to operate on the registrant's behalf within~~
 1953 ~~this state, the registrant shall notify the office on a form~~
 1954 ~~prescribed by the commission by rule.~~

1955 Section 31. Effective January 1, 2009, section 560.2085,
 1956 Florida Statutes, is created to read:

1957 560.2085 Authorized agents.--A licensee under this part
 1958 shall:

1959 (1) Before an authorized agent commences business on
 1960 behalf of a licensee, file with the office such information as
 1961 prescribed by rule together with the nonrefundable appointment
 1962 fee as provided by s. 560.143, for any person whom the licensee
 1963 seeks to appoint as an authorized agent together.

1964 (2) Enter into a written contract, signed by the licensee
 1965 and the authorized agent, which:

1966 (a) Sets forth the nature and scope of the relationship
 1967 between the licensee and the authorized agent, including the
 1968 respective rights and responsibilities of the parties; and

- 1969 (b) Includes contract provisions that require the
 1970 authorized agent to:
- 1971 1. Report to the licensee, immediately upon discovery, the
 1972 theft or loss of currency received for a transmission or payment
 1973 instrument;
- 1974 2. Display a notice to the public, in such form as
 1975 prescribed by rule, that the agent is the authorized agent of
 1976 licensee;
- 1977 3. Remit all amounts owed to the licensee for all
 1978 transmissions accepted and all payment instruments sold in
 1979 accordance with the contract between the licensee and the
 1980 authorized agent;
- 1981 4. Hold in trust, in favor of the licensee, all money
 1982 received for all transmissions accepted or payment instruments
 1983 sold from the time of receipt by the authorized agent until the
 1984 time the money is forwarded to the licensee;
- 1985 5. Not commingle the money received for transmissions
 1986 accepted or payment instruments sold on behalf of the licensee
 1987 with the money or property of the authorized agent, except for
 1988 making change in the ordinary course of the agent's business,
 1989 and ensure that the money is accounted for at the end of the
 1990 business day;
- 1991 6. Consent to examination or investigation by the office;
- 1992 7. Adhere to the applicable state and federal laws and
 1993 rules pertaining to a money services business; and
- 1994 8. Provide such other information or disclosure as may be
 1995 required by rule.

1996 (3) Develop and implement written internal audit policies
 1997 and procedures to monitor compliance with applicable state and
 1998 federal law by its authorized agents.

1999 (4) Hold in trust all currency or payment instruments
 2000 received for transmissions or for the purchase of payment
 2001 instruments from the time of receipt by the licensee or
 2002 authorized agent until the time the transmission obligation is
 2003 completed.

2004 Section 32. Section 560.209, Florida Statutes, is amended
 2005 to read:

2006 560.209 Adjusted net worth; corporate surety bond;
 2007 collateral deposit in lieu of bond.--

2008 (1) A licensee must ~~Any person engaging in a registered~~
 2009 ~~activity shall~~ have an adjusted a net worth of at least \$100,000
 2010 ~~computed according to generally accepted accounting principles.~~
 2011 A licensee operating in Applicants proposing to conduct
 2012 ~~registered activities at more than one location must shall~~ have
 2013 an additional adjusted net worth of \$10,000 \$50,000 per location
 2014 in this state, up as applicable, to a maximum of \$2 million
 2015 \$500,000. The required adjusted net worth must be maintained at
 2016 all times.

2017 (2) A licensee must obtain an annual financial audit
 2018 report, which must be submitted to the office within 120 days
 2019 after the end of the licensee's fiscal year end, as disclosed to
 2020 the office.

2021 (3) ~~(2)~~ Before the office may issue a license under this
 2022 part registration, the applicant must provide to the office a

2023 corporate surety bond, issued by a bonding company or insurance
 2024 company authorized to do business in this state.

2025 (a) The corporate surety bond shall be in an ~~such~~ amount
 2026 as specified ~~may be determined~~ by ~~commission~~ rule, but may ~~shall~~
 2027 not be less than \$50,000 or exceed \$2 million ~~\$250,000~~. The rule
 2028 shall provide allowances for the financial condition, number of
 2029 locations, and anticipated volume of the licensee. ~~However, the~~
 2030 ~~commission and office may consider extraordinary circumstances,~~
 2031 ~~such as the registrant's financial condition, the number of~~
 2032 ~~locations, and the existing or anticipated volume of outstanding~~
 2033 ~~payment instruments or funds transmitted, and require an~~
 2034 ~~additional amount above \$250,000, up to \$500,000.~~

2035 (b) The corporate surety bond must ~~shall~~ be in a form
 2036 satisfactory to the office and shall run to the state for the
 2037 benefit of any claimants in this state against the applicant or
 2038 its authorized agents ~~vendors~~ to secure the faithful performance
 2039 of the obligations of the applicant and its agents ~~authorized~~
 2040 ~~vendors~~ with respect to the receipt, handling, transmission, and
 2041 payment of funds. The aggregate liability of the corporate
 2042 surety bond may not ~~in no event shall~~ exceed the principal sum
 2043 of the bond. ~~Such~~ Claimants against the applicant or its
 2044 authorized agent ~~vendors~~ may ~~themselves~~ bring suit directly on
 2045 the corporate surety bond, or the Department of Legal Affairs
 2046 may bring suit ~~thereon~~ on behalf of the ~~such~~ claimants, ~~in~~
 2047 ~~either one action or in successive actions.~~

2048 (c) The ~~A~~ corporate surety bond ~~filed with the office for~~
 2049 ~~purposes of compliance with this section~~ may not be canceled by
 2050 either the licensee ~~registrant~~ or the corporate surety except

2051 upon written notice to the office by registered ~~or certified~~
 2052 mail ~~with return receipt requested~~. A cancellation may ~~shall~~ not
 2053 take effect until less than 30 days after receipt by the office
 2054 of the ~~such~~ written notice.

2055 (d) The corporate surety must, within 10 days after it
 2056 pays any claim ~~to any claimant~~, give written notice to the
 2057 office by registered ~~or certified~~ mail of such payment with
 2058 details sufficient to identify the claimant and the claim or
 2059 judgment ~~so~~ paid.

2060 (e) If ~~Whenever~~ the principal sum of the ~~such~~ bond is
 2061 reduced by one or more recoveries or payments, the licensee
 2062 ~~registrant~~ must furnish a new or additional bond so that the
 2063 total or aggregate principal sum of the ~~such~~ bond equals the sum
 2064 required pursuant to paragraph (a) ~~by the commission~~.
 2065 Alternatively, a licensee ~~registrant~~ may furnish an endorsement
 2066 executed by the corporate surety reinstating the bond to the
 2067 required principal sum ~~thereof~~.

2068 (4)(3) In lieu of a ~~such~~ corporate surety bond, or of any
 2069 portion of the principal sum ~~thereof~~ required by this section,
 2070 the applicant may deposit collateral cash, securities, or
 2071 alternative security devices as provided by rule ~~approved by the~~
 2072 ~~commission~~, with a ~~any~~ federally insured financial institution.

2073 (a) Acceptable collateral deposit items ~~in lieu of a bond~~
 2074 include cash and interest-bearing stocks and bonds, notes,
 2075 debentures, or other obligations of the United States or any
 2076 agency or instrumentality thereof, or guaranteed by the United
 2077 States, or of this state.

2078 (b) The collateral deposit must be in an aggregate amount,
 2079 based upon principal amount or market value, whichever is lower,
 2080 of at least ~~not less than~~ the amount of the required corporate
 2081 surety bond or portion thereof.

2082 (c) Collateral deposits must ~~made under this subsection~~
 2083 ~~shall~~ be pledged to the office and held by the insured financial
 2084 institution to secure the same obligations as ~~would~~ the
 2085 corporate surety bond, but the depositor is entitled to receive
 2086 any all interest and dividends thereon and may, with the
 2087 approval of the office, substitute other securities or deposits
 2088 for those deposited. The principal amount of the deposit shall
 2089 be released only on written authorization of the office or on
 2090 the order of a court of competent jurisdiction.

2091 ~~(5)(4)~~ A licensee ~~registrant~~ must at all times ~~have and~~
 2092 maintain the bond or collateral deposit in the required amount
 2093 ~~prescribed by the commission~~. If the office ~~at any time~~
 2094 reasonably determines that the bond or elements of the
 2095 collateral deposit are insecure, deficient in amount, or
 2096 exhausted in whole or in part, the office may, by written order,
 2097 require the filing of a new or supplemental bond or the deposit
 2098 of new or additional collateral deposit items.

2099 ~~(6)(5)~~ The bond and collateral deposit shall remain in
 2100 place for 5 years after the licensee ~~registrant~~ ceases licensed
 2101 ~~registered~~ operations in this state. The office may allow ~~permit~~
 2102 the bond or collateral deposit to be reduced or eliminated prior
 2103 to that time to the extent that the amount of the licensee's
 2104 ~~registrant's~~ outstanding payment instruments or money funds
 2105 transmitted in this state are reduced. The office may also allow

2106 a licensee ~~permit a registrant~~ to substitute a letter of credit
 2107 or ~~such~~ other form of acceptable security for the bond or
 2108 collateral deposit at the time the licensee ~~registrant~~ ceases
 2109 licensed ~~money transmission~~ operations in this state.

2110 ~~(6) The office may waive or reduce a registrant's net~~
 2111 ~~worth or bond or collateral deposit requirement. Such waiver or~~
 2112 ~~modification must be requested by the applicant or registrant,~~
 2113 ~~and may be granted upon a showing by the applicant or registrant~~
 2114 ~~to the satisfaction of the office that:~~

2115 ~~(a) The existing net worth, bond, or collateral deposit~~
 2116 ~~requirement is sufficiently in excess of the registrant's~~
 2117 ~~highest potential level of outstanding payment instruments or~~
 2118 ~~money transmissions in this state;~~

2119 ~~(b) The direct and indirect cost of meeting the net worth,~~
 2120 ~~bond, or collateral deposit requirement will restrict the~~
 2121 ~~ability of the money transmitter to effectively serve the needs~~
 2122 ~~of its customers and the public; or~~

2123 ~~(c) The direct and indirect cost of meeting the net worth,~~
 2124 ~~bond, or collateral requirement will not only have a negative~~
 2125 ~~impact on the money transmitter but will severely hinder the~~
 2126 ~~ability of the money transmitter to participate in and promote~~
 2127 ~~the economic progress and welfare of this state or the United~~
 2128 ~~States.~~

2129 Section 33. Section 560.210, Florida Statutes, is amended
 2130 to read:

2131 560.210 Permissible investments.--

2132 (1) A licensee must ~~registrant shall~~ at all times possess
 2133 permissible investments with an aggregate market value,

2134 calculated in accordance with ~~United States~~ generally accepted
 2135 accounting principles, of at least ~~not less than~~ the aggregate
 2136 face amount of all outstanding money funds transmissions and
 2137 payment instruments issued or sold by the licensee registrant or
 2138 an authorized agent vendor in the United States. As used in this
 2139 section,

2140 ~~(2) Acceptable~~ permissible investments include:

2141 (a) Cash.

2142 (b) Certificates of deposit or other deposit liabilities
 2143 of a domestic or foreign financial institution, ~~either domestic~~
 2144 ~~or foreign.~~

2145 (c) Bankers' acceptances eligible for purchase by member
 2146 banks of the Federal Reserve System.

2147 (d) An investment bearing a rating of one of the three
 2148 highest grades as defined by a nationally recognized rating
 2149 service of such securities.

2150 (e) Investment securities that are obligations of the
 2151 United States, its agencies or instrumentalities, or obligations
 2152 that are guaranteed fully as to principal and interest by the
 2153 United States, or any obligations of any state or municipality,
 2154 or any political subdivision thereof.

2155 (f) Shares in a money market mutual fund.

2156 (g) A demand borrowing agreement or agreements made to a
 2157 corporation or a subsidiary of a corporation whose capital stock
 2158 is listed on a national exchange.

2159 (h) Receivables that are due to a licensee registrant from
 2160 the licensee's ~~registrant's~~ authorized agent vendors except

2161 those that are more than 90 ~~30~~ days past due or are doubtful of
 2162 collection.

2163 (i) Any other investment approved by rule ~~the commission~~.

2164 ~~(2)(3)~~ Notwithstanding any other provision of this part,
 2165 the office, with respect to any particular licensee ~~registrant~~
 2166 or all licensees ~~registrants~~, may limit the extent to which any
 2167 class of permissible investments may be considered a permissible
 2168 investment, except for cash and certificates of deposit.

2169 ~~(3)(4)~~ The office may waive the permissible investments
 2170 requirement if the dollar value of a licensee's ~~registrant's~~
 2171 outstanding payment instruments and money funds ~~transmitted~~ do
 2172 not exceed the bond or collateral deposit posted by the licensee
 2173 ~~registrant~~ under s. 560.209.

2174 Section 34. Section 560.211, Florida Statutes, is amended
 2175 to read:

2176 560.211 Required records.--

2177 (1) In addition to the record retention requirements under
 2178 s. 560.110, each licensee under this part ~~Each registrant~~ must
 2179 make, keep, and preserve the following books, accounts, records,
 2180 and documents ~~other records~~ for 5 ~~a period of 3~~ years:

2181 (a) A daily record ~~or records~~ of payment instruments sold
 2182 and money funds ~~transmitted~~.

2183 (b) A general ledger containing all asset, liability,
 2184 capital, income, and expense accounts, which ~~general ledger~~
 2185 shall be posted at least monthly.

2186 (c) Daily settlement sheets received from authorized
 2187 agents ~~vendors~~.

2188 (d) Monthly financial institution statements and
2189 reconciliation records.

2190 (e) Records of outstanding payment instruments and money
2191 ~~funds~~ transmitted.

2192 (f) Records of each payment instrument paid and money
2193 ~~funds~~ transmission delivered ~~within the 3-year period~~.

2194 (g) A list of the names and addresses of all of the
2195 licensee's registrant's authorized agents vendors, ~~as well as~~
2196 ~~copies of each authorized vendor contract~~.

2197 (h) Records that document the establishment, monitoring,
2198 and termination of relationships with authorized agents and
2199 foreign affiliates.

2200 (i) Any additional records, as prescribed by rule,
2201 designed to detect and prevent money laundering.

2202 ~~(2) The records required to be maintained by the code may~~
2203 ~~be maintained by the registrant at any location if the~~
2204 ~~registrant notifies the office in writing of the location of the~~
2205 ~~records in its application or otherwise by amendment as~~
2206 ~~prescribed by commission rule. The registrant shall make such~~
2207 ~~records available to the office for examination and~~
2208 ~~investigation in this state, as permitted by the code, within 7~~
2209 ~~days after receipt of a written request.~~

2210 ~~(3) Registrants and authorized vendors need not preserve~~
2211 ~~or retain any of the records required by this section or copies~~
2212 ~~thereof for a period longer than 3 years unless a longer period~~
2213 ~~is expressly required by the laws of this state or federal law.~~
2214 ~~A registrant or authorized vendor may destroy any of its records~~

2215 ~~or copies thereof after the expiration of the retention period~~
 2216 ~~required by this section.~~

2217 ~~(4) The original of any record of a registrant or~~
 2218 ~~authorized vendor includes the data or other information~~
 2219 ~~comprising a record stored or transmitted in or by means of any~~
 2220 ~~electronic, computerized, mechanized, or other information~~
 2221 ~~storage or retrieval or transmission system or device which can~~
 2222 ~~upon request generate, regenerate, or transmit the precise data~~
 2223 ~~or other information comprising the record, and an original also~~
 2224 ~~includes the visible data or other information so generated,~~
 2225 ~~regenerated, or transmitted if it is legible or can be made~~
 2226 ~~legible by enlargement or other process.~~

2227 ~~(2)-(5)~~ Any person who willfully fails to comply with this
 2228 section commits a felony of the third degree, punishable as
 2229 provided in s. 775.082, s. 775.083, or s. 775.084.

2230 Section 35. Section 560.212, Florida Statutes, is amended
 2231 to read:

2232 560.212 Financial liability.--A licensee ~~Each registrant~~
 2233 under this part is liable for the payment of all money funds
 2234 transmitted and payment instruments that it sells, in whatever
 2235 form and whether directly or through an authorized agent ~~vendor~~,
 2236 as the maker, drawer, or principal thereof, regardless of
 2237 whether such item is negotiable or nonnegotiable.

2238 Section 36. Section 560.213, Florida Statutes, is amended
 2239 to read:

2240 560.213 Payment instrument information.--Each payment
 2241 instrument sold or issued by a licensee ~~registrant~~, directly or
 2242 through an authorized agent ~~vendor~~, must ~~shall~~ bear the name of

2243 the licensee, and any other information as may be required by
 2244 rule, registrant clearly imprinted thereon.

2245 Section 37. Section 560.303, Florida Statutes, is amended
 2246 to read:

2247 560.303 License required ~~Requirement of registration.~~--

2248 (1) A No person may not shall engage in, or in any manner
 2249 advertise engagement in, the business of cashing payment
 2250 instruments or ~~the exchanging of~~ foreign currency without being
 2251 licensed first registering under ~~the provisions of~~ this part.

2252 (2) A person licensed under ~~registered pursuant to~~ this
 2253 part may not engage in ~~the activities authorized by this part.~~ A
 2254 ~~person registered under this part is prohibited from engaging~~
 2255 directly in the activities that require a license under are
 2256 ~~authorized under a registration issued pursuant to~~ part II of
 2257 this chapter, but may be ~~such person is not prohibited from~~
 2258 ~~engaging in an authorized agent for vendor relationship with a~~
 2259 person licensed ~~registered~~ under part II.

2260 (3) A person exempt from licensure under ~~registration~~
 2261 ~~pursuant to~~ this part engaging in the business of cashing
 2262 payment instruments or the exchanging of foreign currency may
 2263 ~~shall~~ not charge fees in excess of those provided in s. 560.309.

2264 Section 38. Section 560.304, Florida Statutes, is amended
 2265 to read:

2266 560.304 Exemption from licensure ~~Exceptions to~~
 2267 ~~registration.~~--The requirement for licensure under provisions of
 2268 this part does ~~do~~ not apply to a person, at a location, cashing
 2269 payment instruments that have an aggregate face value of less

2270 than \$2,000 per person per day. The burden of establishing the
 2271 right to the exemption is on the party claiming the exemption.

2272 ~~(1) Authorized vendors of any person registered pursuant~~
 2273 ~~to the provisions of the code, acting within the scope of~~
 2274 ~~authority conferred by the registrant.~~

2275 ~~(2) Persons engaged in the cashing of payment instruments~~
 2276 ~~or the exchanging of foreign currency which is incidental to the~~
 2277 ~~retail sale of goods or services whose compensation for cashing~~
 2278 ~~payment instruments or exchanging foreign currency at each site~~
 2279 ~~does not exceed 5 percent of the total gross income from the~~
 2280 ~~retail sale of goods or services by such person during its most~~
 2281 ~~recently completed fiscal year.~~

2282 Section 39. Section 560.309, Florida Statutes, is amended
 2283 to read:

2284 560.309 Conduct of business Rules.--

2285 (1) A licensee may transact business under this part only
 2286 under the legal name under which the person is licensed. The use
 2287 of a fictitious name is allowed if the fictitious name has been
 2288 registered with the Department of State and disclosed to the
 2289 office as part of an initial license application, or subsequent
 2290 amendment to the application, prior to its use. Before a
 2291 ~~registrant shall deposit, with any financial institution, a~~
 2292 ~~payment instrument that is cashed by a registrant, each such~~
 2293 ~~item must be endorsed with the actual name under which such~~
 2294 ~~registrant is doing business.~~

2295 (2) At the time a licensee accepts a payment instrument
 2296 that is cashed by the licensee, the payment instrument must be
 2297 endorsed using the legal name under which the licensee is

2298 licensed. ~~Registrants must comply with all the laws of this~~
 2299 ~~state and any federal laws relating to money laundering,~~
 2300 ~~including, as applicable, the provisions of s. 560.123.~~

2301 (3) A licensee under this part must deposit or sell
 2302 payment instruments within 5 business days after the acceptance
 2303 of the payment instrument.

2304 (4) A licensee may not accept or cash multiple payment
 2305 instruments from a person who is not the original payee, unless
 2306 the person is licensed to cash payment instruments pursuant to
 2307 this part and all payment instruments accepted are endorsed with
 2308 the legal name of the person.

2309 (5) A license must report all suspicious activity to the
 2310 office in accordance with the criteria set forth in 31 C.F.R. s.
 2311 103.20. In lieu of filing such reports, the commission may
 2312 prescribe by rule that the licensee may file such reports with
 2313 an appropriate regulator.

2314 (6)~~(3)~~ The commission may by rule require a ~~every~~ check
 2315 casher to display its license registration ~~and post a notice~~
 2316 listing ~~containing~~ its charges for cashing payment instruments.

2317 (7)~~(4)~~ Exclusive of the direct costs of verification which
 2318 shall be established by ~~commission~~ rule, a ~~no~~ check casher may
 2319 not shall:

2320 (a) Charge fees, except as otherwise provided by this
 2321 part, in excess of 5 percent of the face amount of the payment
 2322 instrument, ~~or 6 percent without the provision of~~
 2323 ~~identification,~~ or \$5, whichever is greater;

2324 (b) Charge fees in excess of 3 percent of the face amount
 2325 of the payment instrument, ~~or 4 percent without the provision of~~

2326 ~~identification~~, or \$5, whichever is greater, if such payment
 2327 instrument is the payment of any kind of state public assistance
 2328 or federal social security benefit payable to the bearer of the
 2329 ~~such~~ payment instrument; or

2330 (c) Charge fees for personal checks or money orders in
 2331 excess of 10 percent of the face amount of those payment
 2332 instruments, or \$5, whichever is greater.

2333 ~~(d) As used in this subsection, "identification" means,~~
 2334 ~~and is limited to, an unexpired and otherwise valid driver~~
 2335 ~~license, a state identification card issued by any state of the~~
 2336 ~~United States or its territories or the District of Columbia,~~
 2337 ~~and showing a photograph and signature, a United States~~
 2338 ~~Government Resident Alien Identification Card, a United States~~
 2339 ~~passport, or a United States Military identification card.~~

2340 (8) A licensee cashing payment instruments may not assess
 2341 the cost of collections, other than fees for insufficient funds
 2342 as provided by law, without a judgment from a court of competent
 2343 jurisdiction.

2344 (9) If a check is returned to a licensee from a payor
 2345 financial institution due to lack of funds, a closed account, or
 2346 a stop-payment order, the licensee may seek collection pursuant
 2347 to s. 68.065. In seeking collection, the licensee must comply
 2348 with the prohibitions against harassment or abuse, false or
 2349 misleading representations, and unfair practices in the Fair
 2350 Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and
 2351 1692f. A violation of this subsection is a deceptive and unfair
 2352 trade practice and constitutes a violation of the Deceptive and
 2353 Unfair Trade Practices Act under part II of chapter 501. In

2354 addition, a licensee must comply with the applicable provisions
 2355 of the Consumer Collection Practices Act under part VI of
 2356 chapter 559, including s. 559.77.

2357 Section 40. Section 560.310, Florida Statutes, is amended
 2358 to read:

2359 560.310 Records of check cashers and foreign currency
 2360 exchangers.--

2361 (1) In addition to the record retention requirements
 2362 specified in s. 560.110, a person engaged in check cashing must
 2363 maintain the following:

2364 (a) Customer files, as prescribed by rule, on all
 2365 customers who cash corporate or third-party payment instruments
 2366 exceeding \$1,000.

2367 (b) For any payment instrument accepted having a face
 2368 value of \$1,000 or more:

2369 1. A copy of the personal identification that bears a
 2370 photograph of the customer used as identification and presented
 2371 by the customer. Acceptable personal identification is limited
 2372 to a valid driver's license; a state identification card issued
 2373 by any state of the United States or its territories or the
 2374 District of Columbia, and showing a photograph and signature; a
 2375 United States Government Resident Alien Identification Card; a
 2376 United States passport; or a United States Military
 2377 identification card.

2378 2. A photograph and thumbprint of the customer taken by
 2379 the licensee.

2380 (c) In addition to the requirements of paragraph (b), for
 2381 any payment instrument accepted having a face value greater than

2382 \$10,000, the licensee must take a photograph of the customer,
 2383 unless the licensee has such a photograph of the customer on
 2384 file along with other documents establishing the identity of the
 2385 customer.

2386 (d) A payment instrument log that must be maintained
 2387 electronically as prescribed by rule. For purposes of this
 2388 paragraph, multiple payment instruments accepted from any one
 2389 person on any given day which total \$1,000 or more must be
 2390 aggregated and reported on the log. Each registrant must
 2391 ~~maintain all books, accounts, records, and documents necessary~~
 2392 ~~to determine the registrant's compliance with the provisions of~~
 2393 ~~the code. Such books, accounts, records, and documents shall be~~
 2394 ~~retained for a period of at least 3 years.~~

2395 (2) A licensee under this part may engage the services of
 2396 a third party that is not a depository institution for the
 2397 maintenance and storage of records required by this section if
 2398 all the requirements of this section are met. The records
 2399 ~~required to be maintained by the code may be maintained by the~~
 2400 ~~registrant at any location if the registrant notifies the~~
 2401 ~~office, in writing, of the location of the records in its~~
 2402 ~~application or otherwise by amendment as prescribed by~~
 2403 ~~commission rule. The registrant shall make such records~~
 2404 ~~available to the office for examination and investigation in~~
 2405 ~~this state, as permitted by the code, within 7 days after~~
 2406 ~~receipt of a written request.~~

2407 ~~(3) Registrants and authorized vendors need not preserve~~
 2408 ~~or retain any of the records required by this section or copies~~
 2409 ~~thereof for a period longer than 3 years unless a longer period~~

2410 ~~is expressly required by the laws of this state or any federal~~
 2411 ~~law. A registrant or authorized vendor may destroy any of its~~
 2412 ~~records or copies thereof after the expiration of the retention~~
 2413 ~~period required by this section.~~

2414 ~~(4) The original of any record of a registrant or~~
 2415 ~~authorized vendor includes the data or other information~~
 2416 ~~comprising a record stored or transmitted in or by means of any~~
 2417 ~~electronic, computerized, mechanized, or other information~~
 2418 ~~storage or retrieval or transmission system or device which can~~
 2419 ~~upon request generate, regenerate, or transmit the precise data~~
 2420 ~~or other information comprising the record, and an original also~~
 2421 ~~includes the visible data or other information so generated,~~
 2422 ~~regenerated, or transmitted if it is legible or can be made~~
 2423 ~~legible by enlargement or other process.~~

2424 ~~(5) Any person who willfully violates this section or~~
 2425 ~~fails to comply with any lawful written demand or order of the~~
 2426 ~~office made pursuant to this section commits a felony of the~~
 2427 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
 2428 ~~or s. 775.084.~~

2429 Section 41. Section 560.402, Florida Statutes, is amended
 2430 to read:

2431 560.402 Definitions.--~~In addition to the definitions~~
 2432 ~~provided in ss. 560.103, 560.202, and 560.302 and unless~~
 2433 ~~otherwise clearly indicated by the context, For the purposes of~~
 2434 ~~this part, the term:~~

2435 (1) "Affiliate" means a person who, directly or
 2436 indirectly, through one or more intermediaries controls, or is

2437 controlled by, or is under common control with, a deferred
 2438 presentment provider.

2439 ~~(2) "Business day" means the hours during a particular day~~
 2440 ~~during which a deferred presentment provider customarily~~
 2441 ~~conducts business, not to exceed 15 consecutive hours during~~
 2442 ~~that day.~~

2443 ~~(3) "Days" means calendar days.~~

2444 (2)~~(4)~~ "Deferment period" means the number of days a
 2445 deferred presentment provider agrees to defer depositing, ~~or~~
 2446 presenting, or redeeming a payment instrument.

2447 ~~(5) "Deferred presentment provider" means a person who~~
 2448 ~~engages in a deferred presentment transaction and is registered~~
 2449 ~~under part II or part III of the code and has filed a~~
 2450 ~~declaration of intent with the office.~~

2451 (3)~~(6)~~ "Deferred presentment transaction" means providing
 2452 currency or a payment instrument in exchange for a drawer's
 2453 person's check and agreeing to hold the ~~that~~ person's check for
 2454 a deferment period ~~of time prior to presentment, deposit, or~~
 2455 ~~redemption.~~

2456 (4)~~(7)~~ "Drawer" means a customer any person who writes a
 2457 personal check and upon whose account the check is drawn.

2458 (5) "Extension of a deferred presentment agreement" means
 2459 continuing a deferred presentment transaction past the deferment
 2460 period by having the drawer pay additional fees and the deferred
 2461 presentment provider continuing to hold the check for another
 2462 deferment period.

2463 (6)~~(8)~~ "Rollover" means the termination or extension of a
 2464 an existing deferred presentment agreement by the payment of an

2465 any additional fee and the continued holding of the check, or
 2466 the substitution of a new check ~~drawn~~ by the drawer pursuant to
 2467 a new deferred presentment agreement.

2468 ~~(9) "Fee" means the fee authorized for the deferral of the~~
 2469 ~~presentation of a check pursuant to this part.~~

2470 ~~(7)~~ (10) "Termination of a ~~an existing~~ deferred presentment
 2471 agreement" means that the check that is the basis for the ~~an~~
 2472 agreement is redeemed by the drawer by payment in full in cash,
 2473 or is deposited and the deferred presentment provider has
 2474 evidence that such check has cleared. A Verification of
 2475 sufficient funds in the drawer's account by the deferred
 2476 presentment provider is ~~shall~~ not ~~be~~ sufficient evidence to deem
 2477 that ~~the existing~~ deferred deposit transaction is ~~to be~~
 2478 terminated.

2479 ~~(11) "Extension of an existing deferred presentment~~
 2480 ~~agreement" means that a deferred presentment transaction is~~
 2481 ~~continued by the drawer paying any additional fees and the~~
 2482 ~~deferred presentment provider continues to hold the check for~~
 2483 ~~another period of time prior to deposit, presentment, or~~
 2484 ~~redemption.~~

2485 Section 42. Section 560.403, Florida Statutes, is amended
 2486 to read:

2487 560.403 ~~Requirements of registration;~~ Declaration of
 2488 intent.--

2489 ~~(1)~~ (1) Except for financial institutions as defined in s.
 2490 655.005 ~~No person, Unless otherwise exempt from this chapter, a~~
 2491 person may not ~~shall~~ engage in a deferred presentment
 2492 transaction unless the person is licensed as a money services

2493 business registered under ~~the provisions of~~ part II or part III
 2494 of this chapter and has on file with the office a declaration of
 2495 intent to engage in deferred presentment transactions,
 2496 regardless of whether such person is exempted from licensure
 2497 under any other provision of this chapter. The declaration of
 2498 intent ~~must~~ shall be under oath and on such form as prescribed
 2499 ~~the commission prescribes~~ by rule. The declaration of intent
 2500 ~~must~~ shall be filed together with a nonrefundable filing fee as
 2501 provided in s. 560.143 of \$1,000. ~~Any person who is registered~~
 2502 ~~under part II or part III on the effective date of this act and~~
 2503 ~~intends to engage in deferred presentment transactions shall~~
 2504 ~~have 60 days after the effective date of this act to file a~~
 2505 ~~declaration of intent.~~ A declaration of intent expires after 24
 2506 months and must be renewed.

2507 ~~(2) A registrant under this part shall renew his or her~~
 2508 ~~intent to engage in the business of deferred presentment~~
 2509 ~~transactions or to act as a deferred presentment provider upon~~
 2510 ~~renewing his or her registration under part II or part III and~~
 2511 ~~shall do so by indicating his or her intent by submitting a~~
 2512 ~~nonrefundable deferred presentment provider renewal fee of~~
 2513 ~~\$1,000, in addition to any fees required for renewal of~~
 2514 ~~registration under part II or part III.~~

2515 ~~(3) A registrant under this part who fails to timely renew~~
 2516 ~~his or her intent to engage in the business of deferred~~
 2517 ~~presentment transactions or to act as a deferred presentment~~
 2518 ~~provider shall immediately cease to engage in the business of~~
 2519 ~~deferred presentment transactions or to act as a deferred~~
 2520 ~~presentment provider.~~

2521 ~~(4) The notice of intent of a registrant under this part~~
 2522 ~~who fails to timely renew his or her intent to engage in the~~
 2523 ~~business of deferred presentment transactions or to act as a~~
 2524 ~~deferred presentment provider on or before the expiration date~~
 2525 ~~of the registration period automatically expires. A renewal fee~~
 2526 ~~and a nonrefundable late fee of \$500 must be filed within 60~~
 2527 ~~calendar days after the expiration of an existing registration~~
 2528 ~~in order for the declaration of intent to be reinstated. The~~
 2529 ~~office shall grant a reinstatement of registration if an~~
 2530 ~~application is filed during the 60 day period, and the~~
 2531 ~~reinstatement is effective upon receipt of the required fees and~~
 2532 ~~any information that the commission requires by rule. If the~~
 2533 ~~registrant has not filed a reinstatement of a renewal~~
 2534 ~~declaration of intent within 60 calendar days after the~~
 2535 ~~expiration date of an existing registration, the notice of~~
 2536 ~~intent expires and a new declaration of intent must be filed~~
 2537 ~~with the office.~~

2538 ~~(5) No person, other than a financial institution as~~
 2539 ~~defined in s. 655.005, shall be exempt from registration and~~
 2540 ~~declaration if such person engages in deferred presentment~~
 2541 ~~transactions, regardless of whether such person is currently~~
 2542 ~~exempt from registration under any provision of this code.~~

2543 Section 43. Section 560.404, Florida Statutes, is amended
 2544 to read:

2545 560.404 Requirements for deferred presentment
 2546 transactions.--

2547 (1) Each ~~Every~~ deferred presentment transaction must ~~shall~~
 2548 be documented in a written agreement signed by ~~both~~ the deferred
 2549 presentment provider and the drawer.

2550 (2) The deferred presentment transaction agreement must
 2551 ~~shall~~ be executed on the day the deferred presentment provider
 2552 furnishes currency or a payment instrument to the drawer.

2553 (3) Each written agreement must ~~shall contain the~~
 2554 ~~following information~~, in addition to any information required
 2555 ~~the commission requires by rule~~, contain the following
 2556 information:

2557 (a) The name or trade name, address, and telephone number
 2558 of the deferred presentment provider and the name and title of
 2559 the person who signs the agreement on behalf of the ~~deferred~~
 2560 ~~presentment~~ provider.

2561 (b) The date the deferred presentment transaction is ~~was~~
 2562 ~~made~~.

2563 (c) The amount of the drawer's check.

2564 (d) The length of the deferment ~~deferral~~ period.

2565 (e) The last day of the deferment period.

2566 (f) The address and telephone number of the office ~~and the~~
 2567 ~~Division of Consumer Services of the Department of Financial~~
 2568 ~~Services~~.

2569 (g) A clear description of the drawer's payment
 2570 obligations under the deferred presentment transaction.

2571 (h) The transaction number assigned by the office's
 2572 database.

2573 (4) The ~~Every~~ deferred presentment provider must ~~shall~~
 2574 furnish ~~to the drawer~~ a copy of the deferred presentment
 2575 transaction agreement to the drawer.

2576 (5) The face amount of a check taken for deferred
 2577 presentment may not exceed \$500 exclusive of the fees allowed
 2578 under ~~by~~ this part.

2579 (6) A ~~No~~ deferred presentment provider or its affiliate
 2580 may not ~~shall~~ charge fees that exceed ~~in excess of~~ 10 percent of
 2581 the currency or payment instrument provided. However, a
 2582 verification fee may be charged as provided in s. 560.309(7) ~~in~~
 2583 ~~accordance with s. 560.309(4) and the rules adopted pursuant to~~
 2584 ~~the code~~. The 10-percent fee may not be applied to the
 2585 verification fee. A deferred presentment provider may charge
 2586 only those fees specifically authorized in this section.

2587 (7) The fees authorized by this section may not be
 2588 collected before the drawer's check is presented or redeemed.

2589 (8) A ~~No~~ deferred presentment agreement may not ~~shall~~ be
 2590 for a term longer than ~~in excess of~~ 31 days or less than 7 days.

2591 (9) A ~~No~~ deferred presentment provider may not ~~shall~~
 2592 require a drawer ~~person~~ to provide any additional security for
 2593 the deferred presentment transaction or any extension or require
 2594 the drawer ~~a person~~ to provide any additional guaranty from
 2595 another person.

2596 (10) A deferred presentment provider may ~~shall~~ not include
 2597 any of the following provisions in a deferred provider ~~any~~
 2598 ~~written~~ agreement:

- 2599 (a) A hold harmless clause. †
- 2600 (b) A confession of judgment clause. †

2601 (c) Any assignment of or order for payment of wages or
 2602 other compensation for services. †

2603 (d) A provision in which the drawer agrees not to assert
 2604 any claim or defense arising out of the agreement. † ~~or~~

2605 (e) A waiver of any provision of this part.

2606 (11) A ~~Each~~ deferred presentment provider shall
 2607 immediately provide the drawer with the full amount of any check
 2608 to be held, less only the fees allowed ~~permitted~~ under this
 2609 section.

2610 (12) The deferred presentment agreement and the drawer's
 2611 check must ~~shall~~ bear the same date, and the number of days of
 2612 the deferment period shall be calculated from that ~~this~~ date.
 2613 The ~~No~~ deferred presentment provider and the drawer ~~or person~~
 2614 may not alter or delete the date on any written agreement or
 2615 check held by the deferred presentment provider.

2616 (13) For each deferred presentment transaction, the
 2617 deferred presentment provider must comply with the disclosure
 2618 requirements of 12 C.F.R., part 226, relating to the federal
 2619 Truth-in-Lending Act, and Regulation Z of the Board of Governors
 2620 of the Federal Reserve Board. A copy of the disclosure must be
 2621 provided to the drawer at the time the deferred presentment
 2622 transaction is initiated.

2623 (14) A ~~No~~ deferred presentment provider or its affiliate
 2624 may not accept or hold an undated check or a check dated on a
 2625 date other than the date on which the deferred presentment
 2626 provider agreed to hold the check and signed the deferred
 2627 presentment transaction agreement.

2628 (15) A ~~Every~~ deferred presentment provider must ~~shall~~ hold
 2629 the drawer's check for the agreed number of days, unless the
 2630 drawer chooses to redeem the check before the ~~agreed~~ presentment
 2631 date.

2632 (16) Proceeds in a deferred presentment transaction may be
 2633 made to the drawer in the form of the deferred presentment
 2634 provider's payment instrument if the deferred presentment
 2635 provider is registered under part II; however, an ~~no~~ additional
 2636 fee may not be charged by a deferred presentment provider or its
 2637 affiliate for issuing or cashing the deferred presentment
 2638 provider's payment instrument.

2639 (17) A ~~No~~ deferred presentment provider may not require
 2640 the drawer to accept its payment instrument in lieu of currency.

2641 (18) A ~~No~~ deferred presentment provider or its affiliate
 2642 may not engage in the rollover of a ~~any~~ deferred presentment
 2643 agreement. A deferred presentment provider may ~~shall~~ not redeem,
 2644 extend, or otherwise consolidate a deferred presentment
 2645 agreement with the proceeds of another deferred presentment
 2646 transaction made by the same or an affiliate ~~affiliated deferred~~
 2647 ~~presentment provider~~.

2648 (19) A deferred presentment provider may not enter into a
 2649 deferred presentment transaction with a drawer ~~person~~ who has an
 2650 outstanding deferred presentment transaction with that provider
 2651 or with any other deferred presentment provider, or with a
 2652 person whose previous deferred presentment transaction with that
 2653 provider or with any other provider has been terminated for less
 2654 than 24 hours. The deferred presentment provider must verify
 2655 such information as follows:

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2656 (a) The deferred presentment provider shall maintain a
 2657 common database and shall verify whether the ~~that~~ deferred
 2658 ~~presentment~~ provider or an affiliate has an outstanding deferred
 2659 presentment transaction with a particular person or has
 2660 terminated a transaction with that person within the previous 24
 2661 hours.

2662 (b) The deferred presentment provider shall access the
 2663 office's database established pursuant to subsection (23) and
 2664 shall verify whether any other deferred presentment provider has
 2665 an outstanding deferred presentment transaction with a
 2666 particular person or has terminated a transaction with that
 2667 person within the previous 24 hours. If a provider has not
 2668 established ~~Prior to the time that the office has implemented~~
 2669 ~~such~~ a database, the deferred presentment provider may rely upon
 2670 the written verification of the drawer as provided in subsection
 2671 (20).

2672 (20) A deferred presentment provider shall provide the
 2673 following notice in a prominent place on each deferred
 2674 presentment agreement in at least 14-point type in substantially
 2675 the following form and must obtain the signature of the drawer
 2676 where indicated:

2677
 2678
 2679

2680 NOTICE

2681
 2682
 2683

1. STATE LAW PROHIBITS YOU FROM HAVING MORE THAN ONE DEFERRED
 PRESENTMENT AGREEMENT AT ANY ONE TIME. STATE LAW ALSO PROHIBITS

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2684 YOU FROM ENTERING INTO A DEFERRED PRESENTMENT AGREEMENT WITHIN
 2685 24 HOURS AFTER ~~OF~~ TERMINATING ANY PREVIOUS DEFERRED PRESENTMENT
 2686 AGREEMENT. FAILURE TO OBEY THIS LAW COULD CREATE SEVERE
 2687 FINANCIAL HARDSHIP FOR YOU AND YOUR FAMILY.

2688

2689

2690 YOU MUST SIGN THE FOLLOWING STATEMENT:

2691

2692 I DO NOT HAVE AN OUTSTANDING DEFERRED PRESENTMENT AGREEMENT WITH
 2693 ANY DEFERRED PRESENTMENT PROVIDER AT THIS TIME. I HAVE NOT
 2694 TERMINATED A DEFERRED PRESENTMENT AGREEMENT WITHIN THE PAST 24
 2695 HOURS.

2696

2697 (Signature of Drawer)

2698

2699

2700 2. YOU CANNOT BE PROSECUTED IN CRIMINAL COURT FOR A CHECK
 2701 WRITTEN UNDER THIS AGREEMENT, BUT ALL LEGALLY AVAILABLE CIVIL
 2702 MEANS TO ENFORCE THE DEBT MAY BE PURSUED AGAINST YOU.

2703

2704

2705 3. STATE LAW PROHIBITS A DEFERRED PRESENTMENT PROVIDER (THIS
 2706 BUSINESS) FROM ALLOWING YOU TO "ROLL OVER" YOUR DEFERRED
 2707 PRESENTMENT TRANSACTION. THIS MEANS THAT YOU CANNOT BE ASKED OR
 2708 REQUIRED TO PAY AN ADDITIONAL FEE IN ORDER TO FURTHER DELAY THE
 2709 DEPOSIT OR PRESENTMENT OF YOUR CHECK FOR PAYMENT. IF YOU INFORM
 2710 THE PROVIDER IN PERSON THAT YOU CANNOT COVER THE CHECK OR PAY IN
 2711 FULL THE AMOUNT OWING AT THE END OF THE TERM OF THIS AGREEMENT,

2712 YOU WILL RECEIVE A GRACE PERIOD EXTENDING THE TERM OF THE
 2713 AGREEMENT FOR AN ADDITIONAL 60 DAYS AFTER THE ORIGINAL
 2714 TERMINATION DATE, WITHOUT ANY ADDITIONAL CHARGE. THE DEFERRED
 2715 PRESENTMENT PROVIDER SHALL REQUIRE THAT YOU, AS A CONDITION OF
 2716 OBTAINING THE GRACE PERIOD, COMPLETE CONSUMER CREDIT COUNSELING
 2717 PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED
 2718 TO YOU BY THIS PROVIDER. YOU MAY ALSO AGREE TO COMPLY WITH AND
 2719 ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY. IF YOU DO
 2720 NOT COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT
 2721 AGENCY, WE MAY DEPOSIT OR PRESENT YOUR CHECK FOR PAYMENT AND
 2722 PURSUE ALL LEGALLY AVAILABLE CIVIL MEANS TO ENFORCE THE DEBT AT
 2723 THE END OF THE 60-DAY GRACE PERIOD.

2724 (21) The deferred presentment provider may not deposit or
 2725 present the drawer's check if the drawer informs the provider in
 2726 person that the drawer cannot redeem or pay in full in cash the
 2727 amount due and owing the deferred presentment provider. No
 2728 additional fees or penalties may be imposed on the drawer by
 2729 virtue of any misrepresentation made by the drawer as to the
 2730 sufficiency of funds in the drawer's account. ~~In no event shall~~
 2731 any Additional fees may not be added to the amounts due and
 2732 owing to the deferred presentment provider.

2733 (22) ~~(a)~~ If, by the end of the deferment period, the drawer
 2734 informs the deferred presentment provider in person that the
 2735 drawer cannot redeem or pay in full in cash the amount due and
 2736 owing the deferred presentment provider, the deferred
 2737 presentment provider shall provide a grace period extending the
 2738 term of the agreement for an additional 60 days after the
 2739 original termination date, without any additional charge.

2740 (a) The provider shall require that as a condition of
 2741 providing a ~~this~~ grace period, that ~~within the first 7 days of~~
 2742 ~~the grace period~~ the drawer make an appointment with a consumer
 2743 credit counseling agency within 7 days after the end of the
 2744 deferment period and complete the counseling by the end of the
 2745 grace period. The drawer may agree to, comply with, and adhere
 2746 to a repayment plan approved by the counseling agency. If the
 2747 drawer agrees to comply with and adhere to a repayment plan
 2748 approved by the counseling agency, the provider must ~~is~~ also
 2749 ~~required to~~ comply with and adhere to that repayment plan. The
 2750 deferred presentment provider may not deposit or present the
 2751 drawer's check for payment before the end of the 60-day grace
 2752 period unless the drawer fails to comply with such conditions or
 2753 the drawer fails to notify the provider of such compliance.
 2754 Before each deferred presentment transaction, the provider may
 2755 verbally advise the drawer of the availability of the grace
 2756 period consistent with ~~the provisions of~~ the written notice in
 2757 subsection (20), and may ~~shall~~ not discourage the drawer from
 2758 using the grace period.

2759 (b) At the commencement of the grace period, the deferred
 2760 presentment provider shall provide the drawer:

2761 1. Verbal notice of the availability of the grace period
 2762 consistent with the written notice in subsection (20).

2763 2. A list of approved consumer credit counseling agencies
 2764 prepared by the office. The office list shall include nonprofit
 2765 consumer credit counseling agencies affiliated with the National
 2766 Foundation for Credit Counseling which provide credit counseling
 2767 services to state ~~Florida~~ residents in person, by telephone, or

2768 through the Internet. The office list must include phone numbers
 2769 for the agencies, the counties served by the agencies, and
 2770 indicate the agencies that provide telephone counseling and
 2771 those that provide Internet counseling. The office shall update
 2772 the list at least once each year.

2773 3. The following notice in at least 14-point type in
 2774 substantially the following form:

2775
 2776

2777 AS A CONDITION OF OBTAINING A GRACE PERIOD EXTENDING THE TERM OF
 2778 YOUR DEFERRED PRESENTMENT AGREEMENT FOR AN ADDITIONAL 60 DAYS,
 2779 UNTIL [DATE], WITHOUT ANY ADDITIONAL FEES, YOU MUST COMPLETE
 2780 CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE
 2781 LIST THAT WILL BE PROVIDED TO YOU BY THIS PROVIDER. YOU MAY ALSO
 2782 AGREE TO COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY
 2783 THE AGENCY. THE COUNSELING MAY BE IN PERSON, BY TELEPHONE, OR
 2784 THROUGH THE INTERNET. YOU MUST NOTIFY US WITHIN 7 ~~SEVEN-(7)~~
 2785 DAYS, BY [DATE], THAT YOU HAVE MADE AN APPOINTMENT WITH ~~SUCH~~ A
 2786 CONSUMER CREDIT COUNSELING AGENCY. YOU MUST ALSO NOTIFY US
 2787 WITHIN 60 ~~SIXTY-(60)~~ DAYS, BY [DATE], THAT YOU HAVE COMPLETED
 2788 THE CONSUMER CREDIT COUNSELING. WE MAY VERIFY THIS INFORMATION
 2789 WITH THE AGENCY. IF YOU FAIL TO PROVIDE ~~EITHER~~ THE 7-DAY OR 60-
 2790 DAY NOTICE, OR IF YOU HAVE NOT MADE THE APPOINTMENT OR COMPLETED
 2791 THE COUNSELING WITHIN THE TIME REQUIRED, WE MAY DEPOSIT OR
 2792 PRESENT YOUR CHECK FOR PAYMENT AND PURSUE ALL LEGALLY AVAILABLE
 2793 CIVIL MEANS TO ENFORCE THE DEBT.

2794 (c) If a drawer completes an approved payment plan, the
 2795 deferred presentment provider shall pay one-half of the drawer's

2796 fee for the deferred presentment agreement to the consumer
 2797 credit counseling agency.

2798 (23) The office shall implement a common database with
 2799 real-time access through an Internet connection for deferred
 2800 presentment providers, as provided in this subsection. The
 2801 database must be accessible to the office and the deferred
 2802 presentment providers in order to verify whether any deferred
 2803 presentment transactions are outstanding for a particular
 2804 person. Deferred presentment providers shall submit such data
 2805 before entering into each deferred presentment transaction in
 2806 such format as required ~~the commission shall require~~ by rule,
 2807 including the drawer's name, social security number or
 2808 employment authorization alien number, address, driver's license
 2809 number, amount of the transaction, date of transaction, the date
 2810 that the transaction is closed, and such additional information
 2811 as is required by rule ~~the commission~~. The commission may by
 2812 rule impose a fee of up to not to exceed \$1 per transaction for
 2813 data that must ~~required to~~ be submitted by a deferred
 2814 presentment provider. A deferred presentment provider may rely
 2815 on the information contained in the database as accurate and is
 2816 not subject to any administrative penalty or civil liability due
 2817 to as a result of relying on inaccurate information contained in
 2818 the database. A deferred presentment provider must notify the
 2819 office within 15 business days after ceasing operations and in a
 2820 manner as prescribed by rule. Such notification must include a
 2821 reconciliation of all open transactions. If the provider fails
 2822 to provide notice, the office shall take action to
 2823 administratively release all open and pending transactions in

2824 the database after the office becomes aware of the closure. This
 2825 section does not affect the rights of the provider to enforce
 2826 the contractual provisions of the deferred presentment
 2827 agreements through any civil action allowed by law. The
 2828 commission may adopt rules to administer ~~and enforce the~~
 2829 ~~provisions of this subsection section~~ and to ensure assure that
 2830 the database is used by deferred presentment providers in
 2831 accordance with this section.

2832 (24) A deferred presentment provider may not accept more
 2833 than one check or authorization to initiate more than one
 2834 automated clearinghouse transaction to collect on a deferred
 2835 presentment transaction for a single deferred presentment
 2836 transaction.

2837 Section 44. Section 560.405, Florida Statutes, is amended
 2838 to read:

2839 560.405 Deposit; redemption.--

2840 (1) The deferred presentment provider or its affiliate may
 2841 ~~shall~~ not present the drawer's check before the end of the
 2842 deferment period prior to the agreed upon date of presentment,
 2843 as reflected in the deferred presentment transaction agreement.

2844 (2) Before a deferred presentment provider presents the
 2845 drawer's check, the check must ~~shall~~ be endorsed with the actual
 2846 name under which the deferred presentment provider is doing
 2847 business.

2848 (3) Notwithstanding ~~the provisions of~~ subsection (1), in
 2849 lieu of presentment, a deferred presentment provider may allow
 2850 the check to be redeemed at any time upon payment ~~to the~~
 2851 ~~deferred presentment provider in the amount~~ of the face amount

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2852 of the drawer's check. However, payment may not be made in the
 2853 form of a personal check. Upon redemption, the deferred
 2854 presentment provider shall return the drawer's check ~~that was~~
 2855 ~~being held~~ and provide a signed, dated receipt showing that the
 2856 drawer's check has been redeemed.

2857 (4) A ~~No~~ drawer may not ~~can~~ be required to redeem his or
 2858 her check before ~~prior to~~ the agreed-upon date; however, the
 2859 drawer may choose to redeem the check before the agreed-upon
 2860 presentment date.

2861 Section 45. Section 560.406, Florida Statutes, is amended
 2862 to read:

2863 560.406 Worthless checks.--

2864 (1) If a check is returned to a deferred presentment
 2865 provider from a payor financial institution due to lack of
 2866 funds, a closed account, or a stop-payment order, the deferred
 2867 presentment provider may seek collection pursuant to s. 68.065,
 2868 except a deferred presentment provider may ~~shall~~ not be entitled
 2869 ~~to~~ collect treble damages ~~pursuant s. 68.065~~. The notice sent by
 2870 the a deferred deposit provider may ~~pursuant to s. 68.065~~ shall
 2871 not include any references to treble damages and must clearly
 2872 state that the deferred presentment provider is not entitled to
 2873 recover such damages. Except as otherwise provided in this part,
 2874 an individual who issues a personal check to a deferred
 2875 presentment provider under a deferred presentment agreement is
 2876 not subject to criminal penalty.

2877 (2) If a check is returned to a deferred presentment
 2878 provider from a payor financial institution due to insufficient
 2879 funds, a closed account, or a stop-payment order, the deferred

2880 presentment provider may pursue all legally available civil
 2881 remedies to collect the check, including, but not limited to,
 2882 the imposition of all charges imposed on the deferred
 2883 presentment provider by the ~~any~~ financial institution. In its
 2884 collection practices, a deferred presentment provider must ~~shall~~
 2885 comply with the prohibitions against harassment or abuse, false
 2886 or misleading representations, and unfair practices that ~~which~~
 2887 are contained in ~~ss. 806, 807, and 808~~ of the Fair Debt
 2888 Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, 1692f. A
 2889 violation of this act is a deceptive and unfair trade practice
 2890 and constitutes a violation of the Deceptive and Unfair Trade
 2891 Practices Act under, ~~part~~ II of chapter 501. In addition, a
 2892 deferred presentment provider must ~~shall~~ comply with the
 2893 applicable provisions of ~~part VI of chapter 559~~, the Consumer
 2894 Collection Practices Act under part VI of chapter 559,
 2895 including, ~~but not limited to, the provisions of s. 559.77.~~

2896 (3) A deferred presentment provider may not assess the
 2897 cost of collection, other than charges for insufficient funds as
 2898 allowed by law, without a judgment from a court of competent
 2899 jurisdiction.

2900 Section 46. Subsection (7) of section 499.005, Florida
 2901 Statutes, is amended to read:

2902 499.005 Prohibited acts.--It is unlawful for a person to
 2903 perform or cause the performance of any of the following acts in
 2904 this state:

2905 (7) The purchase or sale of prescription drugs for
 2906 wholesale distribution in exchange for currency, as defined in
 2907 s. 560.103 ~~s. 560.103(6)~~.

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2908 Section 47. Paragraph (i) of subsection (2) of section
 2909 499.0691, Florida Statutes, is amended to read:

2910 499.0691 Criminal punishment for violations related to
 2911 drugs; dissemination of false advertisement.--

2912 (2) Any person who violates any of the following
 2913 provisions commits a felony of the third degree, punishable as
 2914 provided in s. 775.082, s. 775.083, or s. 775.084, or as
 2915 otherwise provided in ss. 499.001-499.081.

2916 (i) The purchase or sale of prescription drugs for
 2917 wholesale distribution in exchange for currency, as defined in
 2918 s. 560.103 ~~s. 560.103(6)~~.

2919 Section 48. Paragraph (b) of subsection (2) of section
 2920 501.95, Florida Statutes, is amended to read:

2921 501.95 Gift certificates and credit memos.--

2922 (2)

2923 (b) Paragraph (a) does not apply to a gift certificate or
 2924 credit memo sold or issued by a financial institution, as
 2925 defined in s. 655.005, or by a money services business
 2926 ~~transmitter~~, as defined in s. 560.103, if the gift certificate
 2927 or credit memo is redeemable by multiple unaffiliated merchants.

2928 Section 49. Paragraph (n) of subsection (2) of section
 2929 538.03, Florida Statutes, is amended to read:

2930 538.03 Definitions; applicability.--

2931 (2) This chapter does not apply to:

2932 (n) A business that contracts with other persons or
 2933 entities to offer its secondhand goods for sale, purchase,
 2934 consignment, or trade via an Internet website, and that

2935 maintains a shop, store, or other business premises for this
 2936 purpose, if all of the following apply:

2937 1. The secondhand goods must be available on the website
 2938 for viewing by the public at no charge;

2939 2. The records of the sale, purchase, consignment, or
 2940 trade must be maintained for at least 2 years;

2941 3. The records of the sale, purchase, consignment, or
 2942 trade, and the description of the secondhand goods as listed on
 2943 the website, must contain the serial number of each item, if
 2944 any;

2945 4. The secondhand goods listed on the website must be
 2946 searchable based upon the state or zip code;

2947 5. The business must provide the appropriate law
 2948 enforcement agency with the name or names under which it
 2949 conducts business on the website;

2950 6. The business must allow the appropriate law enforcement
 2951 agency to inspect its business premises at any time during
 2952 normal business hours;

2953 7. Any payment by the business resulting from such a sale,
 2954 purchase, consignment, or trade must be made to the person or
 2955 entity with whom the business contracted to offer the goods and
 2956 must be made by check or via a money services business
 2957 ~~transmitter~~ licensed under part II of chapter 560; and

2958 8.a. At least 48 hours after the estimated time of
 2959 contracting to offer the secondhand goods, the business must
 2960 verify that any item having a serial number is not stolen
 2961 property by entering the serial number of the item into the
 2962 Department of Law Enforcement's stolen article database located

2963 at the Florida Crime Information Center's public access system
 2964 website. The business shall record the date and time of such
 2965 verification on the contract covering the goods. If such
 2966 verification reveals that an item is stolen property, the
 2967 business shall immediately remove the item from any website on
 2968 which it is being offered and notify the appropriate law
 2969 enforcement agency; or

2970 b. The business must provide the appropriate law
 2971 enforcement agency with an electronic copy of the name, address,
 2972 phone number, driver's license number, and issuing state of the
 2973 person with whom the business contracted to offer the goods, as
 2974 well as an accurate description of the goods, including make,
 2975 model, serial number, and any other unique identifying marks,
 2976 numbers, names, or letters that may be on an item, in a format
 2977 agreed upon by the business and the appropriate law enforcement
 2978 agency. This information must be provided to the appropriate law
 2979 enforcement agency within 24 hours after entering into the
 2980 contract unless other arrangements are made between the business
 2981 and the law enforcement agency.

2982 Section 50. Subsection (10) of section 896.101, Florida
 2983 Statutes, is amended to read:

2984 896.101 Florida Money Laundering Act; definitions;
 2985 penalties; injunctions; seizure warrants; immunity.--

2986 (10) Any financial institution, licensed money services
 2987 business ~~transmitter~~, or other person served with and complying
 2988 with the terms of a warrant, temporary injunction, or other
 2989 court order, including any subpoena issued under ~~the authority~~
 2990 ~~granted by~~ s. 16.56 or s. 27.04, obtained in furtherance of an

2991 investigation of any crime in this section, including any crime
 2992 listed as specified unlawful activity under this section or any
 2993 felony violation of chapter 560, has immunity from criminal
 2994 liability and is ~~shall~~ not be liable to any person for any
 2995 lawful action taken in complying with the warrant, temporary
 2996 injunction, or other court order, including any subpoena issued
 2997 under ~~the authority granted by~~ s. 16.56 or s. 27.04. If any
 2998 subpoena issued under ~~the authority granted by~~ s. 16.56 or s.
 2999 27.04 contains a nondisclosure provision, any financial
 3000 institution, licensed money services business transmitter,
 3001 employee or officer of a financial institution or licensed money
 3002 services business transmitter, or any other person may not
 3003 notify, directly or indirectly, any customer of that financial
 3004 institution or ~~licensed money services business transmitter~~
 3005 whose records are being sought by the subpoena, or any other
 3006 person named in the subpoena, about the existence or the
 3007 contents of that subpoena or about information that has been
 3008 furnished to the state attorney or statewide prosecutor who
 3009 issued the subpoena or other law enforcement officer named in
 3010 the subpoena in response to the subpoena.

3011 Section 51. Subsection (5) of section 896.104, Florida
 3012 Statutes, is amended to read:

3013 896.104 Structuring transactions to evade reporting or
 3014 registration requirements prohibited.--

3015 (5) INFERENCE.--Proof that a person engaged for monetary
 3016 consideration in the business of a money funds transmitter, as
 3017 defined in s. 560.103, ~~s. 560.103(10)~~ and who is transporting
 3018 more than \$10,000 in currency, or the foreign equivalent,

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3019 without being licensed ~~registered~~ as a money transmitter or
 3020 designated as an authorized agent ~~vender~~ under ~~the provisions of~~
 3021 chapter 560, gives rise to an inference that the transportation
 3022 was done with knowledge of the licensure ~~registration~~
 3023 requirements of chapter 560 and the reporting requirements of
 3024 this chapter.

3025 Section 52. Paragraph (g) of subsection (3) of section
 3026 921.0022, Florida Statutes, is amended to read:

3027 921.0022 Criminal Punishment Code; offense severity
 3028 ranking chart.--

3029 (3) OFFENSE SEVERITY RANKING CHART

3030 (g) LEVEL 7

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

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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.

3034

327.35 (3) (c) 2. 3rd

Vessel BUI resulting
in serious bodily
injury.

3035

402.319 (2) 2nd

Misrepresentation
and negligence or
intentional act
resulting in great
bodily harm,
permanent
disfiguration,
permanent
disability, or
death.

3036

409.920 (2) 3rd

Medicaid provider

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3037			fraud.
	456.065 (2)	3rd	Practicing a health care profession without a license.
3038			
	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
3039			
	458.327 (1)	3rd	Practicing medicine without a license.
3040			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
3041			
	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
3042			
	461.012 (1)	3rd	Practicing podiatric medicine without a

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3043			license.
	462.17	3rd	Practicing naturopathy without a license.
3044			
	463.015 (1)	3rd	Practicing optometry without a license.
3045			
	464.016 (1)	3rd	Practicing nursing without a license.
3046			
	465.015 (2)	3rd	Practicing pharmacy without a license.
3047			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
3048			
	467.201	3rd	Practicing midwifery without a license.
3049			
	468.366	3rd	Delivering respiratory care services without a license.
3050			

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3051	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
3052	483.901 (9)	3rd	Practicing medical physics without a license.
3053	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
3054	484.053	3rd	Dispensing hearing aids without a license.
3055	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

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3056	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</u> transmitter.
3057	560.125 (5) (a)	3rd	Money <u>services</u> transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
3058	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
3058	775.21 (10) (a)	3rd	Sexual predator; failure to register;

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3059	775.21 (10) (b)	3rd	failure to renew driver's license or identification card; other registration violations.
3060	775.21 (10) (g)	3rd	Sexual predator working where children regularly congregate.
3061	782.051 (3)	2nd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
3062	782.07 (1)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. Killing of a human

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3063	782.071	2nd	<p>being by the act, procurement, or culpable negligence of another (manslaughter).</p>
3064	782.072	2nd	<p>Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).</p>
3065	784.045 (1) (a) 1.	2nd	<p>Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).</p>
3066			<p>Aggravated battery; intentionally causing great bodily harm or disfigurement.</p>

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3067	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
3068	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
3069	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
3070	784.048 (7)	3rd	Aggravated stalking; violation of court order.
3071	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
3072	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years

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3073	784.081 (1)	1st	of age or older.
3074	784.082 (1)	1st	Aggravated battery on specified official or employee.
3075	784.083 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
3076	790.07 (4)	1st	Aggravated battery on code inspector.
3077	790.16 (1)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
3078	790.165 (2)	2nd	Discharge of a machine gun under specified circumstances.
			Manufacture, sell,

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3079	790.165 (3)	2nd	possess, or deliver hoax bomb. Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
3080	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
3081	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
3082	794.08 (4)	3rd	Female genital mutilation; consent

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3083	796.03	2nd	by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
3084	800.04 (5) (c) 1.	2nd	Procuring any person under 16 years for prostitution.
3085	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
3086	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
3087			Maliciously damage structure by fire or explosive.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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3088	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
3089	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
3090	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
3091	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
3091	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

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3092	812.014 (2) (b) 2.	2nd	damage; 1st degree grand theft.
3093	812.014 (2) (b) 3.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
3094	812.014 (2) (b) 4.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3095	812.0145 (2) (a)	1st	Property stolen, law enforcement equipment from authorized emergency vehicle.
3096	812.019 (2)	1st	Theft from person 65 years of age or older; \$50,000 or more.
			Stolen property; initiates, organizes, plans,

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			etc., the theft of property and traffics in stolen property.
3097	812.131 (2) (a)	2nd	Robbery by sudden snatching.
3098	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
3099	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
3100	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
3101	817.234 (11) (c)	1st	Insurance fraud; property value

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3102

817.2341(2)(b)&(3)(b) 1st
)

\$100,000 or more.

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

3103

825.102(3)(b) 2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

3104

825.103(2)(b) 2nd

Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than

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3105	827.03 (3) (b)	2nd	\$100,000.
3106	827.04 (3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
3107	837.05 (2)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
3108	838.015	2nd	Giving false information about alleged capital felony to a law enforcement officer.
3109	838.016	2nd	Bribery. Unlawful compensation or reward for official behavior.
3110	838.021 (3) (a)	2nd	Unlawful harm to a

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3111			public servant.
	838.22	2nd	Bid tampering.
3112			
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
3113			
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
3114			
	872.06	2nd	Abuse of a dead human body.
3115			
	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,

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school, or state,
county, or municipal
park or publicly
owned recreational
facility or
community center.

3116

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.

3117

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).

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3119	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
3120	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
3121	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
3122	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
3123	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more

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3124	893.135(1)(g)1.a.	1st	than 14 grams, less than 28 grams.
3125	893.135(1)(h)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
3126	893.135(1)(j)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
3127	893.135(1)(k)2.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
3128	896.101(5)(a)	3rd	Money laundering,

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3129	896.104 (4) (a) 1.	3rd	financial transactions exceeding \$300 but less than \$20,000.
3130	943.0435 (4) (c)	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
3131	943.0435 (8)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements. Sexual offender; remains in state after indicating intent to leave; failure to comply

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3132	943.0435 (9) (a)	3rd	with reporting requirements.
3133	943.0435 (13)	3rd	Sexual offender; failure to comply with reporting requirements.
3134	943.0435 (14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3135	944.607 (9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
3136			Sexual offender; failure to comply with reporting requirements.

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3137	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
3138	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3139	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
3140	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
	985.4815(12)	3rd	Failure to report or

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3141	985.4815 (13)	3rd	providing false information about a sexual offender; harbor or conceal a sexual offender.
3142			Sexual offender; failure to report and reregister; failure to respond to address verification.
3143	Section 53. <u>Sections 560.101, 560.102, 560.106, 560.1073,</u>		
3144	<u>560.108, 560.112. 560.117, 560.200, 560.202, 560.206, 560.207,</u>		
3145	<u>560.301, 560.302, 560.305, 560.306, 560.307, 560.308, 560.401,</u>		
3146	<u>560.402, and 560.407, Florida Statutes, are repealed.</u>		
3147	Section 54. Except as otherwise expressly provided in this		
3148	act, this act shall take effect October 1, 2008.		