

Bill No. SB 304

Barcode 695104

Proposed Committee Substitute by the Committee on Banking and
Insurance

1 A bill to be entitled
2 An act relating to financial entities and
3 transactions; amending s. 494.0011, F.S.;
4 authorizing the Financial Services Commission
5 to require electronic submission of forms,
6 documents, or fees; providing for accommodating
7 a technological or financial hardship;
8 authorizing the commission to adopt rules
9 relating to obtaining such an accommodation;
10 amending s. 494.0016, F.S.; authorizing the
11 commission to prescribe requirements for
12 destroying books, accounts, records, and
13 documents; authorizing the commission to
14 recognize alternative statutes of limitation
15 for such destruction; providing for procedures;
16 amending s. 494.0029, F.S.; specifying criteria
17 for receipt of certain applications; specifying
18 that certain permits are not transferable or
19 assignable; amending s. 494.00295, F.S.;
20 revising provisions to specify continuing
21 education for certain professions; amending s.
22 494.003, F.S.; clarifying application of an
23 exemption from application of specified
24 mortgage broker licensure requirements to
25 certain entities; amending s. 494.0031, F.S.;
26 requiring licensure of mortgage brokerage
27 businesses; specifying criteria for receipt of
28 applications; authorizing the commission or the
29 Office of Financial Regulation to require
30 specified information from certain applicants;
31 revising certain fingerprinting requirements;

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1 authorizing the commission to prescribe fees
2 and procedures for processing fingerprints;
3 authorizing the office to contract for
4 fingerprinting services; specifying that
5 certain licenses are not transferable or
6 assignable; amending s. 494.0033, F.S.;
7 clarifying requirements for mortgage broker
8 licensure; authorizing the commission to waive
9 certain examination requirements under
10 specified circumstances; authorizing the
11 commission to prescribe additional testing
12 fees; revising fingerprinting requirements;
13 authorizing the commission to prescribe fees
14 and procedures for processing fingerprints;
15 authorizing the office to contract for certain
16 fingerprinting services; specifying criteria
17 for receipt of applications; deleting
18 provisions relating to cancellation and
19 reinstatement of licenses; amending s.
20 494.0034, F.S.; clarifying the commission's
21 authorization to prescribe license renewal
22 forms; amending s. 494.0036, F.S.; clarifying
23 provisions relating to issuance of licenses to
24 mortgage brokerage business branch offices;
25 specifying criteria for receipt of certain
26 applications; amending s. 494.0041, F.S.;
27 specifying an additional ground for
28 disciplinary action; amending s. 494.006, F.S.;
29 clarifying the application of an exemption from
30 mortgage lender licensure requirements to
31 certain entities; amending s. 494.0061, F.S.;

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1 requiring licensure of mortgage lenders;
2 specifying criteria for receipt of
3 applications; revising fingerprinting
4 requirements; authorizing the commission to
5 prescribe fees and procedures for processing
6 fingerprints; authorizing the office to
7 contract for certain fingerprinting services;
8 deleting certain provisions relating to
9 cancellation and reinstatement of licenses;
10 authorizing the commission to waive specified
11 examination requirements under certain
12 circumstances; authorizing the commission to
13 prescribe additional testing fees; amending s.
14 494.0062, F.S.; requiring licensure of
15 correspondent mortgage lenders; specifying
16 criteria for receipt of applications;
17 authorizing the office to require applicants to
18 provide certain information; revising
19 fingerprinting requirements; authorizing the
20 commission to prescribe fees and procedures for
21 processing fingerprints; authorizing the office
22 to contract for certain fingerprinting
23 services; deleting certain provisions relating
24 to cancellation and reinstatement of licenses;
25 authorizing the commission to waive specified
26 examination requirements under certain
27 circumstances; authorizing the commission to
28 prescribe additional testing fees; requiring
29 notice of a change in principal
30 representatives; providing educational
31 requirements for principal representatives;

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1 amending s. 494.0064, F.S.; clarifying a
2 reference to professional continuing education
3 for certain licensees; amending s. 494.0065,
4 F.S.; specifying criteria for receipt of
5 applications; specifying education and testing
6 requirements for certain principal
7 representatives and for certain applications or
8 transfer applications; authorizing the
9 commission to waive specified examination
10 requirements under certain circumstances;
11 authorizing the commission to prescribe
12 additional testing fees; increasing a license
13 transfer fee; revising fingerprinting
14 requirements; authorizing the commission to
15 prescribe fees and procedures for processing
16 fingerprints; authorizing the office to
17 contract for certain fingerprinting services;
18 requiring mortgage lenders to designate a
19 principal representative; providing criteria
20 and requirements; requiring notice of a change
21 in principal representatives; amending s.
22 494.0066, F.S.; clarifying licensure
23 requirements for branch offices; amending s.
24 494.0067, F.S.; clarifying reference to
25 professional continuing education requirements;
26 amending s. 494.0072, F.S.; providing an
27 additional ground for disciplinary action;
28 amending s. 494.00721, F.S.; correcting
29 cross-references; amending s. 516.03, F.S.;
30 specifying criteria for receipt of certain
31 applications; providing that specified fees are

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1 nonrefundable; authorizing the commission to
2 require electronic submission of forms,
3 documents, or fees; providing for accommodating
4 a technological or financial hardship;
5 authorizing the commission to make rules
6 relating to obtaining such an accommodation;
7 amending s. 516.05, F.S.; deleting provisions
8 relating to fees for licenses that have been
9 denied; amending s. 516.07, F.S.; providing an
10 additional ground for disciplinary action;
11 amending s. 516.12, F.S.; authorizing the
12 commission to prescribe minimum information
13 that must be shown in a licensee's books,
14 accounts, records, and documents; authorizing
15 the commission to prescribe requirements for
16 destroying books, accounts, records, and
17 documents; authorizing the commission to
18 recognize alternative statutes of limitation
19 for such destruction; providing for procedures;
20 amending s. 517.061, F.S.; revising provisions
21 related to exempt transactions; amending ss.
22 517.051 and 517.081, F.S.; revising standards
23 for accounting principles to be used in
24 preparing certain financial statements;
25 amending s. 517.12, F.S.; revising provisions
26 for taking and submitting fingerprints of
27 dealers, associated persons, and similarly
28 situated persons; revising provisions relating
29 to expiration and renewal of registration of
30 such persons; providing an exemption from
31 registration requirements for a Canadian dealer

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1 and an associated person who represents a
2 Canadian dealer, under certain conditions;
3 providing for notice filing by a Canadian
4 dealer under certain conditions; authorizing
5 the Office of Financial Regulation of the
6 Financial Services Commission to issue a permit
7 to evidence the effectiveness of a notice
8 filing for a Canadian dealer; providing for the
9 renewal of a notice filing by a Canadian
10 dealer; providing for reinstatement of a notice
11 filing; providing obligations for a Canadian
12 dealer who has given notice of filing;
13 providing obligations for an associated person
14 representing a Canadian dealer who has given
15 notice of filing; providing for the termination
16 of a notice of filing; providing for the
17 collection of fees; amending s. 517.131, F.S.;
18 revising conditions under which recovery can be
19 made from the Securities Guaranty Fund;
20 amending s. 517.141, F.S.; prescribing
21 circumstances under which a claimant must
22 reimburse the fund; providing for rulemaking;
23 amending s. 517.161, F.S.; providing an
24 additional ground for revocation, restriction,
25 or suspension of a registration; amending ss.
26 520.03, 520.32, 520.52, and 520.63, F.S.;
27 specifying criteria for receipt of certain
28 applications; providing that certain fees are
29 nonrefundable; amending s. 520.994, F.S.;
30 authorizing the commission to require
31 electronic submission of forms, documents, or

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1 fees; providing for accommodating a
2 technological or financial hardship; providing
3 for rulemaking; amending s. 520.995, F.S.;
4 providing an additional ground for disciplinary
5 action; amending ss. 520.997 and 537.009, F.S.;
6 authorizing the commission to prescribe certain
7 minimum information that must be shown in a
8 licensee's books, accounts, records, and
9 documents; authorizing the commission to
10 prescribe requirements for destroying books,
11 accounts, records, and documents; authorizing
12 the commission to recognize alternative
13 statutes of limitation for such destruction;
14 providing for procedures; amending ss. 560.105
15 and 560.118, F.S.; authorizing the commission
16 to require electronic submission of forms,
17 documents, or fees; providing for accommodating
18 a technological or financial hardship; amending
19 s. 560.114, F.S.; providing an additional
20 ground for disciplinary action; amending s.
21 560.121, F.S.; authorizing the commission to
22 prescribe certain minimum information that must
23 be shown in a licensee's books, accounts,
24 records, and documents; authorizing the
25 commission to prescribe requirements for
26 destroying books, accounts, records, and
27 documents; authorizing the commission to
28 recognize alternative statutes of limitation
29 for such destruction; providing for procedures;
30 decreasing the required time period for the
31 office to retain certain reports, records,

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1 applications, and related information; amending
2 s. 560.126, F.S.; requiring notice of changes
3 in information contained in a registration
4 application; amending s. 560.205, F.S.;
5 revising fingerprinting requirements;
6 authorizing the commission to prescribe fees
7 and procedures for processing fingerprints;
8 authorizing the office to contract for certain
9 fingerprinting services; authorizing the
10 commission to establish procedures for
11 depositing fees and filing documents
12 electronically; deleting a requirement that an
13 applicant provide a list of certain vendors;
14 requiring the reporting of certain changes of
15 registration by written amendment; amending s.
16 560.207, F.S.; authorizing the commission to
17 establish procedures for depositing fees and
18 filing documents electronically; revising
19 procedures for renewing a registration;
20 providing that specified fees are
21 nonrefundable; providing conditions to the
22 reinstatement of a registration; amending s.
23 560.210, F.S.; revising permissible investment
24 requirements for certain registrants; amending
25 ss. 560.211 and 560.310, F.S.; requiring notice
26 to the office of the location of certain
27 amended records; amending ss. 560.305 and
28 560.308, F.S.; revising procedures for renewing
29 a registration; providing that specified fees
30 are nonrefundable; providing conditions to the
31 reinstatement of a registration; authorizing

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1 the commission to establish procedures for
2 depositing fees and filing documents
3 electronically; amending s. 560.306, F.S.;
4 revising certain fingerprinting requirements;
5 authorizing the commission to prescribe fees
6 and procedures for processing fingerprints;
7 authorizing the office to contract for certain
8 fingerprinting services; requiring the
9 reporting of certain changes of registration by
10 written amendment; specifying in general that
11 accounting principles are those generally
12 accepted in the United States; specifying
13 commission authority by rules; amending s.
14 560.403, F.S.; revising requirements for giving
15 notice of intent in connection with the renewal
16 of registration; providing that specified fees
17 are nonrefundable; providing conditions to the
18 reinstatement of a notice of intent; providing
19 an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (2) of section 494.0011, Florida
24 Statutes, is amended, and subsection (6) is added to that
25 section, to read:

26 494.0011 Powers and duties of the commission and
27 office.--

28 (2) The commission may ~~has authority to~~ adopt rules
29 pursuant to ss. 120.536(1) and 120.54 to implement ss.
30 494.001-494.0077. The commission may adopt rules that require
31 ~~to allow~~ electronic submission of any forms, documents, or

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1 fees required by this act if such rules reasonably accommodate
2 technological or financial hardship. The commission may
3 prescribe by rule requirements and procedures for obtaining an
4 exemption due to a technological or financial hardship. The
5 commission may also adopt rules to accept certification of
6 compliance with requirements of this act in lieu of requiring
7 submission of documents.

8 (6) The granting or denial of a license must be in
9 accordance with s. 120.60.

10 Section 2. Subsection (4) of section 494.0016, Florida
11 Statutes, is amended to read:

12 494.0016 Books, accounts, and records; maintenance;
13 examinations by the office.--

14 (4) The commission may prescribe by rule the minimum
15 information to be shown in the books, accounts, records, and
16 documents of licensees so that such records will enable the
17 office to determine the licensee's compliance with ss.
18 494.001-494.0077. In addition, the commission may prescribe by
19 rule the requirements for destruction of books, accounts,
20 records, and documents retained by the licensee after
21 completion of the time period indicated in subsection (3).
22 Notwithstanding the 3-year retention period provided in
23 subsection (3), if the office identifies a statute of
24 limitations in a federal law or rule or another law or rule of
25 this state which statute of limitations is reasonably related
26 by subject matter to the administration of this chapter, the
27 commission may identify that statute of limitations by rule
28 and may prohibit the destruction of records required to be
29 maintained by this chapter for a period of time, established
30 by rule, which is reasonably related to such statute of
31 limitations. The commission shall prescribe by rule those

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1 documents or records that are to be preserved under the
2 identified statute of limitations.

3 Section 3. Subsections (1) and (2) of section
4 494.0029, Florida Statutes, are amended to read:

5 494.0029 Mortgage business schools.--

6 (1) (a) Each person, school, or institution, except
7 accredited colleges, universities, community colleges, and
8 career centers in this state, which offers or conducts
9 mortgage business training as a condition precedent to
10 licensure as a mortgage broker, mortgage ~~or lender,~~ or a
11 correspondent mortgage lender shall obtain a permit from the
12 office and abide by the regulations imposed upon such person,
13 school, or institution by this chapter and rules adopted
14 pursuant to this chapter. The commission shall, by rule,
15 recertify the permits annually with initial and renewal permit
16 fees that do not exceed \$500 plus the cost of accreditation.

17 (b) An application is considered received for purposes
18 of s. 120.60 upon receipt of a completed application form as
19 prescribed by commission rule, a nonrefundable application fee
20 of \$500, and any other fee prescribed by law.

21 (c) A permit issued under this section is not
22 transferable or assignable.

23 (2) All such schools shall maintain curriculum and
24 training materials necessary to determine the school's
25 compliance with this chapter and rules adopted under ~~pursuant~~
26 ~~to~~ this chapter. Any school that offers or conducts mortgage
27 business training shall at all times maintain an operation of
28 training, materials, and curriculum which is open to review by
29 the office to determine compliance and competency as a
30 mortgage business school. All such documents as prescribed by
31 commission rule must be submitted with the initial application

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1 or recertification.

2 Section 4. Section 494.00295, Florida Statutes, is
3 amended to read:

4 494.00295 Professional continuing education.--

5 (1) Each mortgage broker, mortgage lender, and
6 correspondent mortgage lender must certify to the office at
7 the time of renewal that during the 2 years prior to an
8 application for license renewal, all mortgage brokers, ~~and~~ the
9 principal representative, and loan originators, ~~and associates~~
10 of a mortgage lender or correspondent mortgage lender have
11 successfully completed at least 14 hours of professional
12 continuing education programs covering primary and subordinate
13 mortgage financing transactions and the provisions of this
14 chapter. Licensees shall maintain records documenting
15 compliance with this subsection for a period of 4 years.

16 (2) Professional continuing education programs must
17 contribute directly to the professional competency of the
18 participants, may only be offered by permitted mortgage
19 business schools or entities specifically exempted from
20 permitting as mortgage business schools, and may include
21 electronically transmitted or distance education courses.

22 (3) The commission shall adopt rules necessary to
23 administer this section, including rules governing qualifying
24 hours for professional continuing education programs and
25 standards for electronically transmitted or distance education
26 courses, including course completion requirements.

27 Section 5. Paragraphs (b) and (c) of subsection (1)
28 and paragraph (e) of subsection (2) of section 494.003,
29 Florida Statutes, are amended to read:

30 494.003 Exemptions.--

31 (1) None of the following persons is subject to the

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1 requirements of ss. 494.003-494.0043:

2 (b) A state or federal chartered bank, ~~bank holding~~
3 ~~company~~, trust company, savings and loan association, savings
4 bank or credit union, bank holding company regulated under the
5 laws of any state or the United States, or consumer finance
6 company licensed pursuant to chapter 516.

7 (c) A wholly owned bank holding company subsidiary
8 formed and regulated under the laws of any state or the United
9 States or a wholly owned savings and loan association holding
10 company subsidiary that is approved or certified by the
11 Department of Housing and Urban Development, the Veterans
12 Administration, the Government National Mortgage Association,
13 the Federal National Mortgage Association, or the Federal Home
14 Loan Mortgage Corporation.

15 (2) None of the following persons is required to be
16 licensed under ss. 494.003-494.0043:

17 (e) A wholly owned subsidiary of a state or federal
18 chartered bank or savings and loan association the sole
19 activity of which is to distribute the lending programs of
20 such state or federal chartered bank or savings and loan
21 association to persons who arrange loans for, or make loans
22 to, borrowers.

23 Section 6. Section 494.0031, Florida Statutes, is
24 amended to read:

25 494.0031 Licensure as a mortgage brokerage business.--

26 (1) Each person who acts as a mortgage brokerage
27 business must be licensed under this section unless otherwise
28 exempt from licensure.

29 (2) ~~(1)~~ The commission or office may require each
30 applicant for a mortgage brokerage business license to provide
31 any information reasonably necessary to determine the

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1 applicant's eligibility for licensure. The office shall issue
2 a mortgage brokerage business license to each person who:

3 (a) Has submitted a completed application form and a
4 nonrefundable application fee of \$425,~~7~~ and

5 (b) Has a qualified principal broker pursuant to s.
6 494.0035.

7
8 An application is considered received for purposes of s.
9 120.60 upon receipt of a completed application form as
10 prescribed by the commission by rule, a nonrefundable
11 application fee of \$425, and any other fee prescribed by law.

12 (3)(2) The commission may require by rule that each
13 officer, director, and ultimate equitable owner of a
14 10-percent or greater interest in the mortgage brokerage
15 business submit a complete set of fingerprints. A fingerprint
16 card submitted to the office must be taken by an authorized
17 law enforcement agency if the fingerprint card is submitted to
18 the office in paper form officer. In addition to the fees
19 prescribed in s. 215.405, the commission may prescribe by rule
20 an additional fee, not to exceed \$30, for processing the
21 fingerprints. The commission may prescribe by rule procedures
22 for submitting fingerprints and fees by electronic means to
23 the office or to a third party approved by the office. In
24 order to implement the submission and processing of
25 fingerprints as specified by rule under this section, the
26 office may contract with a third party or another state agency
27 that provides fingerprinting services.

28 (4)(3) Notwithstanding the provisions of subsection
29 (2)(1), it is a ground for denial of licensure if the
30 applicant; designated principal mortgage broker; any officer,
31 director, partner, or joint venturer of the applicant; any

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1 ~~natural person owning a 10-percent or greater interest in the~~
2 ~~mortgage brokerage business~~; or any natural person who is the
3 ultimate equitable owner of a 10-percent or greater interest
4 in the mortgage brokerage business has committed any violation
5 specified in ss. 494.001-494.0077 or has pending against him
6 or her in any jurisdiction any criminal prosecution or
7 administrative enforcement action ~~that, in any jurisdiction,~~
8 ~~which~~ involves fraud, dishonest dealing, or another act of
9 moral turpitude.

10 ~~(5)(4)~~ A mortgage brokerage business or branch office
11 license may be canceled if it was issued through mistake or
12 inadvertence of the office. A notice of cancellation must be
13 issued by the office within 90 days after the issuance of the
14 license. A notice of cancellation is ~~shall be~~ effective upon
15 receipt. The notice of cancellation must ~~shall~~ provide the
16 applicant with notification of the right to request a hearing
17 within 21 days after the applicant's receipt of the notice of
18 cancellation. A license must ~~shall~~ be reinstated if the
19 applicant can demonstrate that the requirements for obtaining
20 the license under ~~pursuant to~~ this chapter have been
21 satisfied.

22 ~~(6)(5)~~ A license issued under this part is not
23 transferable or assignable. ~~If an initial mortgage brokerage~~
24 ~~business or branch office license has been issued but the~~
25 ~~check upon which the license is based is returned due to~~
26 ~~insufficient funds, the license shall be deemed canceled. A~~
27 ~~license deemed canceled pursuant to this subsection shall be~~
28 ~~reinstated if the office receives a certified check for the~~
29 ~~appropriate amount within 30 days after the date the check was~~
30 ~~returned due to insufficient funds.~~

31 Section 7. Subsections (1), (2), and (7) of section

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1 494.0033, Florida Statutes, are amended to read:

2 494.0033 Mortgage broker's license.--

3 (1) Each natural person who acts as a mortgage broker
4 for a mortgage brokerage business or acts as an associate for
5 a mortgage lender or correspondent mortgage lender must be
6 licensed under ~~pursuant to~~ this section. To act as a mortgage
7 broker, an individual must be an associate of a mortgage
8 brokerage business, mortgage lender, or correspondent mortgage
9 lender. A mortgage broker is prohibited from being an
10 associate of more than one mortgage brokerage business,
11 mortgage lender, or correspondent mortgage lender.

12 (2) Each initial application for a mortgage broker's
13 license must be in the form prescribed by rule of the
14 commission. The commission may require each applicant to
15 provide any information reasonably necessary to make a
16 determination of the applicant's eligibility for licensure.
17 The office shall issue an initial license to any natural
18 person who:

19 (a) Is at least 18 years of age.⁷

20 (b) Has passed a written test adopted and administered
21 by the office, or has passed an electronic test adopted and
22 administered by the office or a third party approved by the
23 office, which is designed to determine competency in primary
24 and subordinate mortgage financing transactions as well as to
25 test knowledge of ss. 494.001-494.0077 and the rules adopted
26 pursuant thereto. The commission may prescribe by rule an
27 additional fee not to exceed \$100 for the electronic version
28 of the mortgage broker test. The commission may waive by rule
29 the examination requirement for any individual who has passed
30 a comparable test offered by a national group of state
31 mortgage regulators or a federal governmental agency which

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1 test covers primary and subordinate mortgage financing
2 transactions.

3 (c) Has submitted a completed application and a
4 nonrefundable application fee of \$200. An application is
5 considered received for purposes of s. 120.60 upon receipt of
6 a completed application form as prescribed by the commission
7 by rule, a nonrefundable application fee of \$200, and any
8 other fee prescribed by law. ~~The commission may set by rule an~~
9 additional fee for a retake of the examination; and

10 (d) Has filed a complete set of fingerprints, ~~taken by~~
11 ~~an authorized law enforcement officer,~~ for submission by the
12 office to the Department of Law Enforcement or the Federal
13 Bureau of Investigation for processing. A fingerprint card
14 submitted to the office must be taken by an authorized law
15 enforcement agency if the fingerprint card is submitted to the
16 office in paper form. In addition to the fees prescribed in s.
17 215.405, the commission may prescribe by rule additional fees,
18 not to exceed \$30, for processing the fingerprints. The
19 commission may prescribe by rule procedures for submitting
20 fingerprints and fees by electronic means to the office or to
21 a third party approved by the office. In order to implement
22 the submission and processing of fingerprints as specified by
23 rule under this section, the office may contract with a third
24 party or another state agency that provides fingerprinting
25 services.

26 ~~(7) If an initial mortgage broker license has been~~
27 ~~issued but the check upon which the license is based is~~
28 ~~returned due to insufficient funds, the license shall be~~
29 ~~deemed canceled. A license deemed canceled pursuant to this~~
30 ~~subsection shall be reinstated if the office receives a~~
31 ~~certified check for the appropriate amount within 30 days~~

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1 ~~after the date the check was returned due to insufficient~~
2 ~~funds.~~

3 Section 8. Subsection (2) of section 494.0034, Florida
4 Statutes, is amended to read:

5 494.0034 Renewal of mortgage broker's license.--

6 (2) The commission shall adopt rules establishing a
7 procedure for the biennial renewal of mortgage broker's
8 licenses. The commission may prescribe the form of the renewal
9 application and may require an update of information since the
10 licensee's last renewal.

11 Section 9. Subsection (2) of section 494.0036, Florida
12 Statutes, is amended to read:

13 494.0036 Mortgage brokerage business branch offices.--

14 (2) The office shall issue a mortgage brokerage
15 business branch office license to a mortgage brokerage
16 business licensee after the office determines that the
17 licensee has submitted upon receipt of a completed branch
18 office application in a form as prescribed by commission rule
19 and payment of an initial nonrefundable branch office license
20 fee of \$225. Branch office licenses must be renewed in
21 conjunction with the renewal of the mortgage brokerage
22 business license. The branch office license shall be issued in
23 the name of the mortgage brokerage business that maintains the
24 branch office. An application is considered received for
25 purposes of s. 120.60 upon receipt of a completed application
26 form as prescribed by the commission by rule, a nonrefundable
27 application fee of \$225, and any other fee prescribed by law.

28 Section 10. Paragraph (s) is added to subsection (2)
29 of section 494.0041, Florida Statutes, to read:

30 494.0041 Administrative penalties and fines; license
31 violations.--

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1 (2) Each of the following acts constitutes a ground
2 for which the disciplinary actions specified in subsection (1)
3 may be taken:

4 (s) Payment to the office for a license or permit with
5 a check or electronic transmission of funds which is
6 dishonored by the applicant's or licensee's financial
7 institutions.

8 Section 11. Paragraphs (a) and (c) of subsection (1)
9 and paragraph (a) of subsection (2) of section 494.006,
10 Florida Statutes, are amended to read:

11 494.006 Exemptions.--

12 (1) None of the following persons are subject to the
13 requirements of ss. 494.006-494.0077 in order to act as a
14 mortgage lender or correspondent mortgage lender:

15 (a) A state or federal chartered bank, a ~~bank holding~~
16 company, trust company, a savings and loan association, a
17 savings bank or credit union, a bank holding company regulated
18 under the laws of any state or the United States, or an
19 insurance company if the insurance company is duly licensed in
20 this state.

21 (c) A wholly owned bank holding company subsidiary
22 formed and regulated under the laws of any state or the United
23 States or a wholly owned savings and loan association holding
24 company subsidiary that is approved or certified by the
25 Department of Housing and Urban Development, the Veterans
26 Administration, the Government National Mortgage Association,
27 the Federal National Mortgage Association, or the Federal Home
28 Loan Mortgage Corporation.

29 (2) (a) A natural person employed by a mortgage lender
30 or correspondent mortgage lender licensed under ss.

31 494.001-494.0077 is exempt from the licensure requirements of

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1 ss. 494.001-494.0077 when acting within the scope of
2 employment with the licensee.

3 Section 12. Section 494.0061, Florida Statutes, is
4 amended to read:

5 494.0061 Mortgage lender's license requirements.--

6 (1) Each person who acts as a mortgage lender must be
7 licensed under this section unless otherwise exempt from
8 licensure.

9 (2)(1) The commission or office may require each
10 applicant for a mortgage lender license to provide any
11 information reasonably necessary to make a determination of
12 the applicant's eligibility for licensure. The office shall
13 issue an initial mortgage lender license to any person that
14 submits:

15 (a) A completed application form.7
16 (b) A nonrefundable application fee of \$575.7
17 (c) Audited financial statements, which documents
18 disclose that the applicant has a bona fide and verifiable net
19 worth, pursuant to United States generally accepted accounting
20 principles, of at least \$250,000, which must be continuously
21 maintained as a condition of licensure.7

22 (d) A surety bond in the amount of \$10,000, payable to
23 the state and conditioned upon compliance with ss.
24 494.001-494.0077, which inures to the office and which must be
25 continuously maintained thereafter in full force.7

26 (e) Documentation that the applicant is duly
27 incorporated, registered, or otherwise formed as a general
28 partnership, limited partnership, limited liability company,
29 or other lawful entity under the laws of this state or another
30 state of the United States.7 ~~and~~

31 ~~(f) For applications submitted after October 1, 2001,~~

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1 Proof that the applicant's principal representative has
2 completed 24 hours of classroom instruction in primary and
3 subordinate financing transactions and in the provisions of
4 this chapter and rules adopted under this chapter. This
5 requirement shall be satisfied if the principal representative
6 has continuously served in the capacity of a principal
7 representative for a licensed entity under this chapter for at
8 least 1 year and has not had a lapse in designation as a
9 principal representative of more than 2 years prior to the
10 date of the submission of the application or amendment in the
11 case of a change in the principal representative.

12
13 An application is considered received for purposes of s.
14 120.60 upon receipt of a completed application form as
15 prescribed by the commission by rule, a nonrefundable
16 application fee of \$575, and any other fee prescribed by law.

17 (3)(2) Notwithstanding the provisions of subsection
18 (2)(1), it is a ground for denial of licensure if the
19 applicant, any principal officer, ~~or~~ director, partner, or
20 joint venturer of the applicant, or any natural person owning
21 a 10-percent or greater interest in the applicant, or any
22 natural person who is the ultimate equitable owner of a
23 10-percent or greater interest in the applicant has committed
24 any violation specified in s. 494.0072, or has pending against
25 her or him any criminal prosecution or administrative
26 enforcement action, in any jurisdiction, which involves fraud,
27 dishonest dealing, or any act of moral turpitude.

28 (4)(3) Each initial application for a mortgage
29 lender's license must be in a form prescribed by the
30 commission. ~~The commission or office may require each~~
31 ~~applicant to provide any information reasonably necessary to~~

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1 ~~make a determination of the applicant's eligibility for~~
2 ~~licensure.~~ The commission or office may require that each
3 officer, director, and ultimate equitable owner of a
4 10-percent or greater interest in the applicant submit a
5 complete set of fingerprints. A fingerprint card submitted to
6 the office must be taken by an authorized law enforcement
7 agency if the fingerprint card is submitted to the office in
8 paper form ~~officer.~~ In addition to the fees prescribed in s.
9 215.405, the commission may prescribe by rule an additional
10 fee, not to exceed \$30, for processing the fingerprints. The
11 commission may prescribe by rule procedures for submitting
12 fingerprints and fees by electronic means to the office or to
13 a third party approved by the office. In order to implement
14 the submission and processing of fingerprints as specified by
15 rule under this section, the office may contract with a third
16 party or another state agency that provides fingerprinting
17 services.

18 ~~(5)(4)~~ A person required to be licensed under ss.
19 494.006-494.0077, or an agent or employee thereof, is deemed
20 to have consented to the venue of courts of competent
21 jurisdiction in this state regarding any matter within the
22 authority of ss. 494.001-494.0077 regardless of where an act
23 or violation was committed.

24 ~~(6)(5)~~ A license issued in accordance with ss.
25 494.006-494.0077 is not transferable or assignable.

26 ~~(7)(6)~~ A mortgage lender or branch office license may
27 be canceled if it was issued through mistake or inadvertence
28 of the office. A notice of cancellation must be issued by the
29 office within 90 days after the issuance of the license. A
30 notice of cancellation shall be effective upon receipt. The
31 notice of cancellation shall provide the applicant with

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1 notification of the right to request a hearing within 21 days
2 after the applicant's receipt of the notice of cancellation. A
3 license shall be reinstated if the applicant can demonstrate
4 that the requirements for obtaining the license under ~~pursuant~~
5 ~~to~~ this chapter have been satisfied.

6 ~~(7) If an initial mortgage lender or branch office~~
7 ~~license has been issued but the check upon which the license~~
8 ~~is based is returned due to insufficient funds, the license~~
9 ~~shall be deemed canceled. A license deemed canceled pursuant~~
10 ~~to this subsection shall be reinstated if the office receives~~
11 ~~a certified check for the appropriate amount within 30 days~~
12 ~~after the date the check was returned due to insufficient~~
13 ~~funds.~~

14 (8) Each lender, regardless of the number of branches
15 it operates, shall designate a principal representative who
16 exercises control of the licensee's business and shall
17 maintain a form prescribed by the commission designating the
18 principal representative. If the form is not accurately
19 maintained, the business is considered to be operated by each
20 officer, director, or equitable owner of a 10-percent or
21 greater interest in the business.

22 (9) ~~After October 1, 2001,~~ An applicant's principal
23 representative must pass a written test prescribed by the
24 commission and administered by the office, or must pass an
25 electronic test prescribed by the commission and administered
26 by the office or a third party approved by the office, which
27 covers primary and subordinate mortgage financing transactions
28 and the provisions of this chapter and rules adopted under
29 this chapter. The commission may set by rule a fee not to
30 exceed \$100 for the electronic version of the mortgage broker
31 test. The commission may waive by rule the examination

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1 requirement for any individual who has passed a comparable
 2 test offered by a national group of state mortgage regulators
 3 or a federal governmental agency which test covers primary and
 4 subordinate mortgage financing transactions. This requirement
 5 shall be satisfied if the principal representative has
 6 continuously served in the capacity of a principal
 7 representative for a licensed entity under this chapter for at
 8 least 1 year and has not had a lapse in designation as a
 9 principal representative of more than 2 years prior to the
 10 date of the submission of the application or amendment in the
 11 case of a change in the principal representative.

12 (10) A lender shall notify the office of any change in
 13 the designation of its principal representative within 30
 14 days. A new principal representative shall satisfy the name
 15 and address of any new principal representative and shall
 16 document that the person has completed the educational and
 17 testing requirements of this section within 90 days after
 18 being designated as upon the designation of a new principal
 19 representative. This requirement shall be satisfied if the
 20 principal representative has continuously served in the
 21 capacity of a principal representative for a licensed entity
 22 under this chapter for at least 1 year and has not had a lapse
 23 in designation as a principal representative of more than 2
 24 years prior to the date of the submission of the application
 25 or amendment in the case of a change in the principal
 26 representative.

27 Section 13. Section 494.0062, Florida Statutes, is
 28 amended to read:

29 494.0062 Correspondent mortgage lender's license
 30 requirements.--

31 (1) Each person who acts as a correspondent mortgage

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1 lender must be licensed under this section unless otherwise
2 exempt from licensure.

3 (2)(1) The office may require each applicant to
4 provide any information reasonably necessary to determine the
5 applicant's eligibility for licensure. The office shall issue
6 an initial correspondent mortgage lender license to any person
7 who submits:

8 (a) A completed application form;

9 (b) A nonrefundable application fee of \$500;

10 (c) Audited financial statements that, which document
11 that the applicant application has a bona fide and verifiable
12 net worth, pursuant to United States generally accepted
13 accounting principles, of \$25,000 or more, which must be
14 continuously maintained as a condition of licensure;

15 (d) A surety bond in the amount of \$10,000, payable to
16 the State of Florida and conditioned upon compliance with ss.
17 494.001-494.0077, which inures to the office and which must be
18 continuously maintained, thereafter, in full force;

19 (e) Documentation that the applicant is duly
20 incorporated, registered, or otherwise formed as a general
21 partnership, limited partnership, limited liability company,
22 or other lawful entity under the laws of this state or another
23 state of the United States; and

24 ~~(f) For applications filed after October 1, 2001,~~
25 Proof that the applicant's principal representative has
26 completed 24 hours of classroom instruction in primary and
27 subordinate financing transactions and in the provisions of
28 this chapter and rules enacted under this chapter. This
29 requirement shall be satisfied if the principal representative
30 has continuously served in the capacity of a principal
31 representative for a licensed entity under this chapter for at

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1 least 1 year and has not had a lapse in designation as a
2 principal representative of more than 2 years prior to the
3 date of the submission of the application or amendment in the
4 case of a change in the principal representative.

5
6 An application is considered received for purposes of s.
7 120.60 upon receipt of a completed application form as
8 prescribed by the commission by rule, a nonrefundable
9 application fee of \$500, and any other fee prescribed by law.

10 (3)(2) Notwithstanding the provisions of subsection
11 (2)(1), it is a ground for denial of licensure if the
12 applicant, any principal officer or director of the applicant,
13 or any natural person who is the ultimate equitable owner of a
14 10-percent or greater interest in the applicant has committed
15 any violation specified in s. 494.0072, or has pending against
16 her or him any criminal prosecution or administrative
17 enforcement action, in any jurisdiction, which involves fraud,
18 dishonest dealing, or any act of moral turpitude.

19 (4)(3) Each initial application for a correspondent
20 mortgage lender's license must be in a form prescribed by the
21 commission. ~~The commission or office may require each~~
22 ~~applicant to provide any information reasonably necessary to~~
23 ~~make a determination of the applicant's eligibility for~~
24 ~~licensure.~~ The commission or office may require by rule that
25 each officer, director, and ultimate equitable owner of a
26 10-percent or greater interest submit a complete set of
27 fingerprints. A fingerprint card submitted to the office must
28 be taken by an authorized law enforcement agency if the
29 fingerprint card is submitted to the office in paper form
30 officer. In addition to the fees prescribed in s. 215.405, the
31 commission may prescribe by rule an additional fee, not to

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1 exceed \$30, for processing the fingerprints. The commission
2 may prescribe by rule procedures for submitting fingerprints
3 and fees by electronic means to the office or to a third party
4 approved by the office. In order to implement the submission
5 and processing of fingerprints as specified by rule under this
6 section, the office may contract with a third party or another
7 state agency that provides fingerprinting services.

8 ~~(5)(4)~~ Each license is valid for the remainder of the
9 biennium in which the license is issued.

10 ~~(6)(5)~~ A person licensed as a correspondent mortgage
11 lender may make mortgage loans, but may not service a mortgage
12 loan for more than 4 months after the date the mortgage loan
13 was made or acquired by the correspondent mortgage lender.

14 ~~(7)(6)~~ A licensee under ss. 494.006-494.0077, or an
15 agent or employee thereof, is deemed to have consented to the
16 venue of courts of competent jurisdiction in this state
17 regarding any matter within the authority of ss.

18 494.001-494.0077 regardless of where an act or violation was
19 committed.

20 ~~(8)(7)~~ A correspondent mortgage lender is subject to
21 the same requirements and restrictions as a licensed mortgage
22 lender unless otherwise provided in this section.

23 ~~(9)(8)~~ A license issued under this section is not
24 transferable or assignable.

25 ~~(10)(9)~~ A correspondent mortgage lender or branch
26 office license may be canceled if it was issued through
27 mistake or inadvertence of the office. A notice of
28 cancellation must be issued by the office within 90 days after
29 the issuance of the license. A notice of cancellation shall be
30 effective upon receipt. The notice of cancellation shall
31 provide the applicant with notification of the right to

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1 request a hearing within 21 days after the applicant's receipt
2 of the notice of cancellation. A license shall be reinstated
3 if the applicant can demonstrate that the requirements for
4 obtaining the license pursuant to this chapter have been
5 satisfied.

6 ~~(10) If an initial correspondent mortgage lender or~~
7 ~~branch office license has been issued but the check upon which~~
8 ~~the license is based is returned due to insufficient funds,~~
9 ~~the license shall be deemed canceled. A license deemed~~
10 ~~canceled pursuant to this subsection shall be reinstated if~~
11 ~~the office receives a certified check for the appropriate~~
12 ~~amount within 30 days after the date the check was returned~~
13 ~~due to insufficient funds.~~

14 (11) Each correspondent lender shall designate a
15 principal representative who exercises control over the
16 business and shall maintain a form prescribed by the
17 commission designating the principal representative. If the
18 form is not accurately maintained, the business is considered
19 to be operated by each officer, director, or equitable owner
20 of a 10-percent or greater interest in the business.

21 (12) ~~After October 1, 2001,~~ An applicant's principal
22 representative must pass a written test prescribed by the
23 commission and administered by the office or a third party
24 approved by the office which test covers primary and
25 subordinate mortgage financing transactions and the provisions
26 of this chapter and rules adopted under this chapter. The
27 commission may waive by rule the examination requirement for
28 any individual who has passed a comparable test offered by a
29 national group of state mortgage regulators or a federal
30 governmental agency which test covers primary and subordinate
31 mortgage financing transactions. The commission may set by

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1 rule a fee not to exceed \$100 for taking the examination. This
2 requirement shall be satisfied if the principal representative
3 has continuously served in the capacity of a principal
4 representative for a licensed entity under this chapter for at
5 least 1 year and has not had a lapse in designation as a
6 principal representative of more than 2 years prior to the
7 date of the submission of the application or amendment in the
8 case of a change in the principal representative.

9 (13) A correspondent lender shall notify the office of
10 any change in the designation of its principal representative
11 within 30 days. A new principal representative shall satisfy
12 the name and address of any new principal representative and
13 shall document that such person has completed the educational
14 and testing requirements of this section within 90 days after
15 being designated as upon the lender's designation of a new
16 principal representative. This requirement shall be satisfied
17 if the principal representative has continuously served in the
18 capacity of a principal representative for a licensed entity
19 under this chapter for at least 1 year and has not had a lapse
20 in designation as a principal representative of more than 2
21 years prior to the date of the submission of the application
22 or amendment in the case of a change in the principal
23 representative.

24 Section 14. Paragraph (b) of subsection (1) of section
25 494.0064, Florida Statutes, is amended to read:

26 494.0064 Renewal of mortgage lender's license; branch
27 office license renewal.--

28 (1)

29 (b) A licensee shall also submit, as part of the
30 renewal form, certification that during the preceding 2 years
31 the licensee's principal representative and, loan originators,

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1 ~~and associates~~ have completed the professional continuing
2 education requirements of s. 494.00295.

3 Section 15. Section 494.0065, Florida Statutes, is
4 amended to read:

5 494.0065 Saving clause.--

6 (1)(a) Any person in good standing who holds an active
7 registration pursuant to former s. 494.039 or license pursuant
8 to former s. 521.205, or any person who acted solely as a
9 mortgage servicer on September 30, 1991, is eligible to apply
10 to the office for a mortgage lender's license and is eligible
11 for licensure if the applicant:

12 1. For at least 12 months during the period of October
13 1, 1989, through September 30, 1991, has engaged in the
14 business of either acting as a seller or assignor of mortgage
15 loans or as a servicer of mortgage loans, or both;

16 2. Has documented a minimum net worth of \$25,000 in
17 audited financial statements; and

18 3. Has applied for licensure pursuant to this section
19 by January 1, 1992, and paid an application fee of \$100.

20 (b) A licensee pursuant to paragraph (a) may operate a
21 wholly owned subsidiary or affiliate for the purpose of
22 servicing accounts if the subsidiary or affiliate is
23 operational as of September 30, 1991. Such subsidiary or
24 affiliate is not required to obtain a separate license, but is
25 subject to all the requirements of a licensee under ss.
26 494.006-494.0077.

27 (2) A licensee issued a license pursuant to subsection
28 (1) may renew its mortgage lending license if it documents a
29 minimum net worth of \$25,000, according to United States
30 generally accepted accounting principles, which must be
31 continuously maintained as a condition to licensure. The

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1 office shall require an audited financial statement which
2 documents such net worth.

3 (3) The commission may prescribe by rule forms and
4 procedures for application for licensure, and amendment and
5 withdrawal of application for licensure, or transfer,
6 including any existing branch offices, in accordance with
7 subsections (4) and (5), and for renewal of licensure of
8 licensees under this section. An application is considered
9 received for purposes of s. 120.60 upon receipt of a completed
10 application form as prescribed by the commission by rule, a
11 nonrefundable application fee of \$575, and any other fee
12 prescribed by law.

13 (4) (a) Notwithstanding ss. 494.0061~~(6)~~~~(5)~~ and
14 494.0067(3), the ultimate equitable owner, as of the effective
15 date of this act, of a mortgage lender licensed under this
16 section may transfer, one time, at least 50 percent of the
17 ownership, control, or power to vote any class of equity
18 securities of such mortgage lender, except as provided in
19 paragraph (b). For purposes of this subsection, satisfaction
20 of the amount of the ownership transferred may be met in
21 multiple transactions or in a single transaction.

22 (b) A person who is an ultimate equitable owner on the
23 effective date of this act may transfer, at any time, at least
24 50 percent of the ownership, control, or power to vote any
25 class of equity securities of such person to the person's
26 spouse or child, and any such transferee may transfer, at any
27 time, such ownership, control, or power to vote to a spouse or
28 child of such transferee, in perpetuity.

29 (c) For any transfer application filed on or after
30 October 1, 2005:

31 1. An applicant must provide proof that the

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1 applicant's principal representative has completed 24 hours of
2 instruction in primary and subordinate financing transactions
3 and in the provisions of this chapter and rules adopted under
4 this chapter. This requirement shall be satisfied if the
5 principal representative has continuously served in the
6 capacity of a principal representative for a licensed entity
7 under this chapter for at least 1 year and has not had a lapse
8 in designation as a principal representative of more than 2
9 years prior to the date of the submission of the application
10 or amendment in the case of a change in the principal
11 representative.

12 2. An applicant's principal representative must pass a
13 written test prescribed by the commission and administered by
14 the office, or must pass an electronic test prescribed by the
15 commission and administered by the office or a third party
16 approved by the office which test covers primary and
17 subordinate mortgage financing transactions and the provisions
18 of this chapter and rules adopted under this chapter. The
19 commission may set by rule a fee not to exceed \$100 for the
20 electronic version of the mortgage broker test. The commission
21 may waive by rule the examination requirement for any
22 individual who has passed a comparable test offered by a
23 national group of state mortgage regulators or a federal
24 governmental agency which test covers primary and subordinate
25 mortgage financing transactions. This requirement shall be
26 satisfied if the principal representative has continuously
27 served in the capacity of a principal representative for a
28 licensed entity under this chapter for at least 1 year and has
29 not had a lapse in designation as a principal representative
30 of more than 2 years prior to the date of the submission of
31 the application or amendment in the case of a change in the

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1 principal representative.

2 (5) The commission or office may require each
3 applicant for any transfer to provide any information
4 reasonably necessary to make a determination of the
5 applicant's eligibility for licensure. The office shall issue
6 the transfer of licensure to any person who submits the
7 following documentation at least 90 days prior to the
8 anticipated transfer:

9 (a) A completed application form.

10 (b) A nonrefundable fee set by rule of the commission
11 in the amount of ~~\$575~~\$500.

12 (c) Audited financial statements that substantiate
13 that the applicant has a bona fide and verifiable net worth,
14 according to United States generally accepted accounting
15 principles, of at least \$25,000, which must be continuously
16 maintained as a condition of licensure.

17 (d) Documentation that the applicant is incorporated,
18 registered, or otherwise formed as a general partnership,
19 limited partnership, limited liability company, or other
20 lawful entity under the laws of this state or another state of
21 the United States.

22
23 An application is considered received for purposes of s.
24 120.60 upon receipt of a completed application form as
25 prescribed by the commission by rule, a nonrefundable
26 application fee of \$575, and any other fee prescribed by law.

27 The commission or office may require by rule that each
28 officer, director, and ultimate equitable owner of a
29 10-percent or greater interest in the applicant submit a
30 complete set of fingerprints. A fingerprint card submitted to
31 the office must be taken by an authorized law enforcement

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1 agency if the fingerprint card is submitted to the office in
2 paper form ~~officer~~. In addition to the fees prescribed in s.
3 215.405, the commission may prescribe by rule an additional
4 fee, not to exceed \$30, for processing the fingerprints. The
5 commission may prescribe by rule procedures for submitting
6 fingerprints and fees by electronic means to the office or to
7 a third party approved by the office. In order to implement
8 the submission and processing of fingerprints as specified by
9 rule under this section, the office may contract with a third
10 party or another state agency that provides fingerprinting
11 services.

12 (6) Notwithstanding subsection (5), a transfer under
13 subsection (4) may be denied if the applicant, any principal
14 officer or director of the applicant, or any natural person
15 owning a 10-percent or greater interest in the applicant has
16 committed any violation specified in s. 494.0072, or has
17 entered a plea of nolo contendere, regardless of adjudication,
18 or has an action pending against the applicant in any criminal
19 prosecution or administrative enforcement action, in any
20 jurisdiction, which involves fraud, dishonest dealing, or any
21 act of moral turpitude.

22 (7) A license issued in accordance with this section
23 is not transferable or assignable except as provided in
24 subsection (4).

25 (8) Each person applying for a transfer of any branch
26 office pursuant to subsection (4) must comply with the
27 requirements of s. 494.0066.

28 (9) Each mortgage lender shall designate a principal
29 representative who exercises control over the business and
30 shall keep current the designation on a form prescribed by the
31 commission by rule designating the principal representative.

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1 If the information on the form is not current, the business is
2 considered to be operated by each officer, director, or
3 equitable owner of a 10-percent or greater interest in the
4 business.

5 (10) A lender shall notify the office of any change in
6 the designation of its principal representative within 30
7 days. A new principal agent shall satisfy the educational and
8 testing requirements of this section within 90 days after
9 being designated as new principal representative. This
10 requirement shall be satisfied if the principal representative
11 has continuously served in the capacity of a principal
12 representative for a licensed entity under this chapter for at
13 least 1 year and has not had a lapse in designation as a
14 principal representative of more than 2 years prior to the
15 date of the submission of the application or amendment in the
16 case of a change in the principal representative.

17 Section 16. Subsection (2) of section 494.0066,
18 Florida Statutes, is amended to read:

19 494.0066 Branch offices.--

20 (2) The office shall issue a branch office license to
21 a licensee licensed under s. 494.0065(1) or a transfer
22 licensee after the office determines that the licensee has
23 submitted ~~upon receipt of~~ a completed branch office
24 application form as prescribed by rule by the commission and
25 an initial nonrefundable branch office license fee of \$325.
26 The branch office application must include the name and
27 license number of the licensee under ss. 494.006-494.0077, the
28 name of the licensee's employee in charge of the branch
29 office, and the address of the branch office. The branch
30 office license shall be issued in the name of the licensee
31 under ss. 494.006-494.0077 and must be renewed in conjunction

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1 with the license renewal.

2 Section 17. Paragraph (a) of subsection (10) of
3 section 494.0067, Florida Statutes, is amended to read:

4 494.0067 Requirements of licensees under ss.
5 494.006-494.0077.--

6 (10)(a) Each licensee shall require the principal
7 representative and all loan originators ~~or associates~~ who
8 perform services for the licensee to complete 14 hours of
9 professional continuing education during each biennial license
10 period. The education shall cover primary and subordinate
11 mortgage financing transactions and the provisions of this
12 chapter and the rules adopted under this chapter.

13 Section 18. Paragraph (s) is added to subsection (2)
14 of section 494.0072, Florida Statutes, to read:

15 494.0072 Administrative penalties and fines; license
16 violations.--

17 (2) Each of the following acts constitutes a ground
18 for which the disciplinary actions specified in subsection (1)
19 may be taken:

20 (s) Payment to the office for a license or permit with
21 a check or electronic transmission of funds which is
22 dishonored by the applicant's or licensee's financial
23 institution.

24 Section 19. Subsection (2) of section 494.00721,
25 Florida Statutes, is amended to read:

26 494.00721 Net worth.--

27 (2) If a mortgage lender or correspondent mortgage
28 lender fails to satisfy the net worth requirements, the
29 mortgage lender or correspondent mortgage lender shall
30 immediately cease taking any new mortgage loan applications.
31 Thereafter, the mortgage lender or correspondent mortgage

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1 lender shall have up to 60 days within which to satisfy the
2 net worth requirements. If the licensee makes the office
3 aware, prior to an examination, that the licensee no longer
4 meets the net worth requirements, the mortgage lender or
5 correspondent mortgage lender shall have 120 days within which
6 to satisfy the net worth requirements. A mortgage lender or
7 correspondent mortgage lender shall not resume acting as a
8 mortgage lender or correspondent mortgage lender without
9 written authorization from the office, which authorization
10 shall be granted if the mortgage lender or correspondent
11 mortgage lender provides the office with documentation which
12 satisfies the requirements of s. 494.0061(2)(~~1~~)(c), s.
13 494.0062(2)(~~1~~)(c), or s. 494.0065(2), whichever is applicable.

14 Section 20. Section 516.03, Florida Statutes, is
15 amended to read:

16 516.03 Application for license; fees; etc.--

17 (1) APPLICATION.--Application for a license to make
18 loans under this chapter shall be in the form prescribed by
19 rule of the commission, and shall contain the name, residence
20 and business addresses of the applicant and, if the applicant
21 is a copartnership or association, of every member thereof
22 and, if a corporation, of each officer and director thereof,
23 also the county and municipality with the street and number or
24 approximate location where the business is to be conducted,
25 and such further relevant information as the commission or
26 office may require. At the time of making such application the
27 applicant shall pay to the office a nonrefundable biennial
28 license fee of \$625. Applications, except for applications to
29 renew or reactivate a license, must also be accompanied by a
30 nonrefundable ~~an~~ investigation fee of \$200. An application is
31 considered received for purposes of s. 120.60 upon receipt of

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1 a completed application form as prescribed by the commission
2 by rule, a nonrefundable application fee of \$625, and any
3 other fee prescribed by law. The commission may adopt rules to
4 require ~~allow~~ electronic submission of any form, document, or
5 fee required by this act if such rules reasonably accommodate
6 technological or financial hardship. The commission may
7 prescribe by rule requirements and procedures for obtaining an
8 exemption due to a technological or financial hardship.

9 (2) FEES.--Fees herein provided for shall be collected
10 by the office and shall be turned into the State Treasury to
11 the credit of the regulatory trust fund under the office. The
12 office shall have full power to employ such examiners or
13 clerks to assist the office as may from time to time be deemed
14 necessary and fix their compensation. The commission may adopt
15 rules to require ~~allow~~ electronic submission of any fee
16 required by this section if such rules reasonably accommodate
17 technological or financial hardship. The commission may
18 prescribe by rule requirements and procedures for obtaining an
19 exemption due to a technological or financial hardship.

20 Section 21. Subsection (1) of section 516.05, Florida
21 Statutes, is amended to read:

22 516.05 License.--

23 (1) Upon the filing of an application for a license
24 and payment of all applicable fees, the office shall, unless
25 the application is to renew or reactivate an existing license,
26 make an investigation of the facts concerning the applicant's
27 proposed activities. If the office determines that a license
28 should be granted, it shall issue the license for a period not
29 to exceed 2 years. Biennial licensure periods and procedures
30 for renewal of licenses shall be established by the rule of
31 the commission. If the office determines that grounds exist

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1 under this chapter for denial of an application other than an
2 application to renew a license, it shall deny such
3 application, ~~return to the applicant the sum paid as a license~~
4 ~~fee, and retain the investigation fee.~~

5 Section 22. Paragraph (p) is added to subsection (1)
6 of section 516.07, Florida Statutes, to read:

7 516.07 Grounds for denial of license or for
8 disciplinary action.--

9 (1) The following acts are violations of this chapter
10 and constitute grounds for denial of an application for a
11 license to make consumer finance loans and grounds for any of
12 the disciplinary actions specified in subsection (2):

13 (p) Payment to the office for a license or permit with
14 a check or electronic transmission of funds which is
15 dishonored by the applicant's or licensee's financial
16 institution.

17 Section 23. Subsection (3) is added to section 516.12,
18 Florida Statutes, to read:

19 516.12 Records to be kept by licensee.--

20 (3) The commission may prescribe by rule the minimum
21 information to be shown in the books, accounts, records, and
22 documents of licensees for purposes of enabling the office to
23 determine the licensee's compliance with ss. 516.001-516.36.
24 In addition, the commission may prescribe by rule the
25 requirements for destruction of books, accounts, records, and
26 documents retained by the licensee after completion of the
27 time period specified in subsection (1). Notwithstanding the
28 2-year retention period specified in subsection (1), if the
29 office identifies a statute of limitations in another civil or
30 criminal state or federal law or rule which statute of
31 limitations is reasonably related by subject matter to the

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1 administration of this chapter, the commission may identify
2 that statute of limitations by rule and may prohibit the
3 destruction of records required to be maintained by this
4 chapter for a period of time, established by rule, which is
5 reasonably related to such statute of limitations. The
6 commission shall prescribe by rule those documents or records
7 that are to be preserved under the identified statute of
8 limitations.

9 Section 24. Subsection (9) of section 517.051, Florida
10 Statutes, is amended to read:

11 517.051 Exempt securities.--The exemptions provided
12 herein from the registration requirements of s. 517.07 are
13 self-executing and do not require any filing with the office
14 prior to claiming such exemption. Any person who claims
15 entitlement to any of these exemptions bears the burden of
16 proving such entitlement in any proceeding brought under this
17 chapter. The registration provisions of s. 517.07 do not apply
18 to any of the following securities:

19 (9) A security issued by a corporation organized and
20 operated exclusively for religious, educational, benevolent,
21 fraternal, charitable, or reformatory purposes and not for
22 pecuniary profit, no part of the net earnings of which
23 corporation inures to the benefit of any private stockholder
24 or individual, or any security of a fund that is excluded from
25 the definition of an investment company under s. 3(c)(10)(B)
26 of the Investment Company Act of 1940; provided that no person
27 shall directly or indirectly offer or sell securities under
28 this subsection except by an offering circular containing full
29 and fair disclosure, as prescribed by the rules of the
30 commission, of all material information, including, but not
31 limited to, a description of the securities offered and terms

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1 of the offering, a description of the nature of the issuer's
2 business, a statement of the purpose of the offering and the
3 intended application by the issuer of the proceeds thereof,
4 and financial statements of the issuer prepared in conformance
5 with United States generally accepted accounting principles.
6 Section 6(c) of the Philanthropy Protection Act of 1995, Pub.
7 L. No. 104-62, shall not preempt any provision of this
8 chapter.

9 Section 25. Subsection (18) of section 517.061,
10 Florida Statutes, is amended to read:

11 517.061 Exempt transactions.--The exemption for each
12 transaction listed below is self-executing and does not
13 require any filing with the office prior to claiming such
14 exemption. Any person who claims entitlement to any of the
15 exemptions bears the burden of proving such entitlement in any
16 proceeding brought under this chapter. The registration
17 provisions of s. 517.07 do not apply to any of the following
18 transactions; however, such transactions are subject to the
19 provisions of ss. 517.301, 517.311, and 517.312:

20 (18) The offer or sale of any security effected by or
21 through a person in compliance with ~~registered pursuant to~~ s.
22 517.12(17).

23 Section 26. Paragraph (g) of subsection (3) of section
24 517.081, Florida Statutes, is amended to read:

25 517.081 Registration procedure.--

26 (3) The office may require the applicant to submit to
27 the office the following information concerning the issuer and
28 such other relevant information as the office may in its
29 judgment deem necessary to enable it to ascertain whether such
30 securities shall be registered pursuant to the provisions of
31 this section:

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1 (g)1. A specimen copy of the security and a copy of
2 any circular, prospectus, advertisement, or other description
3 of such securities.

4 2. The commission shall adopt a form for a simplified
5 offering circular to be used solely by corporations to
6 register, under this section, securities of the corporation
7 that are sold in offerings in which the aggregate offering
8 price in any consecutive 12-month period does not exceed the
9 amount provided in s. 3(b) of the Securities Act of 1933. The
10 following issuers shall not be eligible to submit a simplified
11 offering circular adopted pursuant to this subparagraph:

12 a. An issuer seeking to register securities for resale
13 by persons other than the issuer.

14 b. An issuer who is subject to any of the
15 disqualifications described in 17 C.F.R. s. 230.262, adopted
16 pursuant to the Securities Act of 1933, or who has been or is
17 engaged or is about to engage in an activity that would be
18 grounds for denial, revocation, or suspension under s.
19 517.111. For purposes of this subparagraph, an issuer includes
20 an issuer's director, officer, shareholder who owns at least
21 10 percent of the shares of the issuer, promoter, or selling
22 agent of the securities to be offered or any officer,
23 director, or partner of such selling agent.

24 c. An issuer who is a development-stage company that
25 either has no specific business plan or purpose or has
26 indicated that its business plan is to merge with an
27 unidentified company or companies.

28 d. An issuer of offerings in which the specific
29 business or properties cannot be described.

30 e. Any issuer the office determines is ineligible if
31 the form would not provide full and fair disclosure of

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1 material information for the type of offering to be registered
2 by the issuer.

3 f. Any corporation which has failed to provide the
4 office the reports required for a previous offering registered
5 pursuant to this subparagraph.

6
7 As a condition precedent to qualifying for use of the
8 simplified offering circular, a corporation shall agree to
9 provide the office with an annual financial report containing
10 a balance sheet as of the end of the issuer's fiscal year and
11 a statement of income for such year, prepared in accordance
12 with United States generally accepted accounting principles
13 and accompanied by an independent accountant's report. If the
14 issuer has more than 100 security holders at the end of a
15 fiscal year, the financial statements must be audited. Annual
16 financial reports must be filed with the office within 90 days
17 after the close of the issuer's fiscal year for each of the
18 first 5 years following the effective date of the
19 registration.

20 Section 27. Subsections (7), (10), (11), (15), and
21 (17) of section 517.12, Florida Statutes, are amended to read:

22 517.12 Registration of dealers, associated persons,
23 investment advisers, and branch offices.--

24 (7) The application shall also contain such
25 information as the commission or office may require about the
26 applicant; any partner, officer, or director of the applicant
27 or any person having a similar status or performing similar
28 functions; any person directly or indirectly controlling the
29 applicant; or any employee of a dealer or of an investment
30 adviser rendering investment advisory services. Each
31 applicant shall file a complete set of fingerprints. A

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1 fingerprint card submitted to the office must be taken by an
2 authorized law enforcement agency if the fingerprint card is
3 submitted to the office in paper form officer. In addition to
4 the fees prescribed in s. 215.405, the commission may
5 prescribe by rule an additional fee, not to exceed \$30, for
6 processing the fingerprints. The commission may prescribe by
7 rule procedures for submitting fingerprints and fees by
8 electronic means to the office or to a third party approved by
9 the office. In order to implement the submission and
10 processing of fingerprints as specified by rule under this
11 section, the office may contract with a third party or another
12 state agency that provides fingerprint services. Such
13 fingerprints shall be submitted to the Department of Law
14 Enforcement or the Federal Bureau of Investigation for state
15 and federal processing. The commission may waive, by rule,
16 the requirement that applicants must file a set of
17 fingerprints or the requirement that such fingerprints must be
18 processed by the Department of Law Enforcement or the Federal
19 Bureau of Investigation. The commission or office may require
20 information about any such applicant or person concerning such
21 matters as:

22 (a) His or her full name, and any other names by which
23 he or she may have been known, and his or her age, photograph,
24 qualifications, and educational and business history.

25 (b) Any injunction or administrative order by a state
26 or federal agency, national securities exchange, or national
27 securities association involving a security or any aspect of
28 the securities business and any injunction or administrative
29 order by a state or federal agency regulating banking,
30 insurance, finance, or small loan companies, real estate,
31 mortgage brokers, or other related or similar industries,

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1 | which injunctions or administrative orders relate to such
2 | person.

3 | (c) His or her conviction of, or plea of nolo
4 | contendere to, a criminal offense or his or her commission of
5 | any acts which would be grounds for refusal of an application
6 | under s. 517.161.

7 | (d) The names and addresses of other persons of whom
8 | the office may inquire as to his or her character, reputation,
9 | and financial responsibility.

10 | (10) An applicant for registration shall pay an
11 | assessment fee of \$200, in the case of a dealer or investment
12 | adviser, or \$40, in the case of an associated person. The
13 | assessment fee of an associated person shall be reduced to
14 | \$30, but only after the office determines, by final order,
15 | that sufficient funds have been allocated to the Securities
16 | Guaranty Fund pursuant to s. 517.1203 to satisfy all valid
17 | claims filed in accordance with s. 517.1203(2) and after all
18 | amounts payable under any service contract entered into by the
19 | office pursuant to s. 517.1204, and all notes, bonds,
20 | certificates of indebtedness, other obligations, or evidences
21 | of indebtedness secured by such notes, bonds, certificates of
22 | indebtedness, or other obligations, have been paid or
23 | provision has been made for the payment of such amounts,
24 | notes, bonds, certificates of indebtedness, other obligations,
25 | or evidences of indebtedness. An associated person may not
26 | ~~having current fingerprint cards filed with the National~~
27 | ~~Association of Securities Dealers or a national securities~~
28 | ~~exchange registered with the Securities and Exchange~~
29 | ~~Commission shall~~ be assessed an additional fee to cover the
30 | cost for said fingerprint cards to be processed by the office.
31 | Such fee shall be determined by rule of the commission. Each

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1 dealer and each investment adviser shall pay an assessment fee
2 of \$100 for each office in this state, except its designated
3 principal office. Such fees become the revenue of the state,
4 except for those assessments provided for under s. 517.131(1)
5 until such time as the Securities Guaranty Fund satisfies the
6 statutory limits, and are not returnable in the event that
7 registration is withdrawn or not granted.

8 (11) If the office finds that the applicant is of good
9 repute and character and has complied with the provisions of
10 this chapter and the rules made pursuant hereto, it shall
11 register the applicant. The registration of each dealer,
12 investment adviser, and associated person ~~expires will expire~~
13 on December 31, of the year it became effective unless the
14 registrant has renewed its registration on or before that
15 date. ~~and~~ The registration of each branch office ~~expires will~~
16 ~~expire~~ on March 31 or, once the National Association of
17 Securities Dealers develops the capacity to process branch
18 office registration through the Central Registration
19 Depository, December 31 of the year in which it became
20 effective unless the registrant has renewed its registration
21 on or before that date. The commission may establish by rule
22 the initial year in which branch renewals shall be processed
23 through the Central Registration Depository of the National
24 Association of Securities Dealers. The commission may
25 establish by rule procedures for renewing branch registrations
26 through the Central Registration Depository. Registration may
27 be renewed by furnishing such information as the commission
28 may require, together with payment of the fee required in
29 subsection (10) for dealers, investment advisers, associated
30 persons, or branch offices and the payment of any amount
31 lawfully due and owing to the office pursuant to any order of

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1 the office or pursuant to any agreement with the office. Any
2 dealer, investment adviser, or associated person registrant
3 who has not renewed a registration by the time the current
4 registration expires may request reinstatement of such
5 registration by filing with the office, on or before January
6 31 of the year following the year of expiration, such
7 information as may be required by the commission, together
8 with payment of the fee required in subsection (10) for
9 dealers, investment advisers, or associated persons and a late
10 fee equal to the amount of such fee. Any reinstatement of
11 registration granted by the office during the month of January
12 shall be deemed effective retroactive to January 1 of that
13 year.

14 (15) In lieu of filing with the office the
15 applications specified in subsection (6), the fees required by
16 subsection (10), and the termination notices required by
17 subsection (12), the commission may by rule establish
18 procedures for the deposit of such fees and documents with the
19 Central Registration Depository or the Investment Advisor
20 Registration Depository of the National Association of
21 Securities Dealers, Inc., as developed under contract with the
22 North American Securities Administrators Association, Inc.;
23 provided, however, that such procedures shall provide the
24 office with the information and data as required by this
25 section.

26 (17) (a) A dealer that is located in Canada, does not
27 have an office or other physical presence in this state, and
28 has made a notice filing in accordance with this subsection is
29 exempt from the registration requirements of this section and
30 may effect transactions in securities with or for, or induce
31 or attempt to induce the purchase or sale of any security by:

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1 1. A person from Canada who is present in this state
2 and with whom the Canadian dealer had a bona fide
3 dealer-client relationship before the person entered the
4 United States; or

5 2. A person from Canada who is present in this state
6 and whose transactions are in a self-directed tax-advantaged
7 retirement plan in Canada of which the person is the holder or
8 contributor.

9 (b) A notice filing under this subsection must consist
10 of documents that the commission by rule requires to be filed,
11 together with a consent to service of process and a filing fee
12 of \$200. The commission may establish by rule procedures for
13 the deposit of fees and the filing of documents to be made by
14 electronic means, if such procedures provide the office with
15 the information and data required by this section.

16 (c) A Canadian dealer may make a notice filing under
17 this subsection if such dealer provides to the office:

18 1. A notice filing in the form that the commission by
19 rule requires;

20 2. A consent to service of process;

21 3. Evidence that the Canadian dealer is registered as
22 a dealer in the jurisdiction in which its main office is
23 located; and

24 4. Evidence that the Canadian dealer is a member of a
25 self-regulatory organization or stock exchange in Canada.

26 (d) The office may issue a permit to evidence the
27 effectiveness of a notice filing for a Canadian dealer.

28 (e) A notice filing is effective upon receipt. A
29 notice filing expires on December 31 of the year in which the
30 filing becomes effective unless the Canadian dealer has
31 renewed the filing on or before that date. A Canadian dealer

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1 may annually renew a notice filing by furnishing to the office
2 such information as the office requires together with a
3 renewal fee of \$200 and the payment of any amount due and
4 owing the office pursuant to any agreement with the office.
5 Any Canadian dealer who has not renewed a notice filing by the
6 time a current notice filing expires may request reinstatement
7 of such notice filing by filing with the office, on or before
8 January 31 of the year following the year the notice filing
9 expires, such information as the commission requires, by rule,
10 together with the payment of \$200 and a late fee of \$200. Any
11 reinstatement of a notice filing granted by the office during
12 the month of January is effective retroactively to January 1
13 of that year.

14 (f) An associated person who represents a Canadian
15 dealer who has made a notice filing under this subsection is
16 exempt from the registration requirements of this section and
17 may effect transactions in securities in this state as
18 permitted for a dealer under paragraph (a) if such person is
19 registered in the jurisdiction from which he or she is
20 effecting transactions into this state.

21 (g) A Canadian dealer who has made a notice of filing
22 under this subsection shall:

23 1. Maintain its provincial or territorial registration
24 and its membership in a self-regulatory organization or stock
25 exchange in good standing.

26 2. Provide the office upon request with its books and
27 records relating to its business in this state as a dealer.

28 3. Provide the office upon request notice of each
29 civil, criminal, or administrative action initiated against
30 the dealer.

31 4. Disclose to its clients in this state that the

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1 dealer and its associated persons are not subject to the full
2 regulatory requirements under this chapter.

3 5. Correct any inaccurate information within 30 days
4 after the information contained in the notice of filing
5 becomes inaccurate for any reason.

6 (h) An associated person representing a Canadian
7 dealer who has made a notice of filing under this subsection
8 shall:

9 1. Maintain provincial or territorial registration in
10 good standing.

11 2. Provide the office upon request with notice of each
12 civil, criminal, or administrative action initiated against
13 such person.

14 (i) A notice filing may be terminated by filing notice
15 of such termination with the office. Unless another date is
16 specified by the Canadian dealer, such notice is effective
17 upon its receipt by the office.

18 (j) All fees collected under this subsection become
19 the revenue of the state, except for those assessments
20 provided for under s. 517.131(1), until the Securities
21 Guaranty Fund has satisfied the statutory limits, and these
22 fees are not returnable if a notice filing is withdrawn. A
23 dealer that is located in Canada and has no office or other
24 physical presence in this state may, provided the dealer is
25 registered in accordance with this section, effect
26 transactions in securities with or for, or induce or attempt
27 to induce the purchase or sale of any security by:

28 1. A person from Canada who temporarily resides in
29 this state and with whom the Canadian dealer had a bona fide
30 dealer-client relationship before the person entered the
31 United States; or

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1 ~~2. A person from Canada who is a resident of this~~
2 ~~state, and whose transactions are in a self-directed tax~~
3 ~~advantage retirement plan in Canada of which the person is the~~
4 ~~holder or contributor.~~

5 ~~(b) An associated person who represents a Canadian~~
6 ~~dealer registered under this section may, provided the agent~~
7 ~~is registered in accordance with this section, effect~~
8 ~~transactions in securities in this state as permitted for a~~
9 ~~dealer, under subsection (a).~~

10 ~~(c) A Canadian dealer may register under this section~~
11 ~~provided that such dealer:~~

12 ~~1. Files an application in the form required by the~~
13 ~~jurisdiction in which the dealer has a head office.~~

14 ~~2. Files a consent to service of process.~~

15 ~~3. Is registered as a dealer in good standing in the~~
16 ~~jurisdiction from which it is effecting transactions into this~~
17 ~~state and files evidence of such registration with the office.~~

18 ~~4. Is a member of a self-regulatory organization or~~
19 ~~stock exchange in Canada.~~

20 ~~(d) An associated person who represents a Canadian~~
21 ~~dealer registered under this section in effecting transactions~~
22 ~~in securities in this state may register under this section~~
23 ~~provided that such person:~~

24 ~~1. Files an application in the form required by the~~
25 ~~jurisdiction in which the dealer has its head office.~~

26 ~~2. Is registered in good standing in the jurisdiction~~
27 ~~from which he or she is effecting transactions into this state~~
28 ~~and files evidence of such registration with the office.~~

29 ~~(e) If the office finds that the applicant is of good~~
30 ~~repute and character and has complied with the provisions of~~
31 ~~this chapter, the office shall register the applicant.~~

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1 ~~(f) A Canadian dealer registered under this section~~
2 ~~shall:~~

3 ~~1. Maintain its provincial or territorial registration~~
4 ~~and its membership in a self-regulatory organization or stock~~
5 ~~exchange in good standing.~~

6 ~~2. Provide the office upon request with its books and~~
7 ~~records relating to its business in this state as a dealer.~~

8 ~~3. Provide the office notice of each civil, criminal,~~
9 ~~or administrative action initiated against the dealer.~~

10 ~~4. Disclose to its clients in this state that the~~
11 ~~dealer and its agents are not subject to the full regulatory~~
12 ~~requirements under this chapter.~~

13 ~~5. Correct any inaccurate information within 30 days,~~
14 ~~if the information contained in the application form becomes~~
15 ~~inaccurate for any reason before or after the dealer becomes~~
16 ~~registered.~~

17 ~~(g) An associated person of a Canadian dealer~~
18 ~~registered under this section shall:~~

19 ~~1. Maintain provincial or territorial registration in~~
20 ~~good standing.~~

21 ~~2. Provide the office with notice of each civil,~~
22 ~~criminal, or administrative action initiated against such~~
23 ~~person.~~

24 ~~3. Through the dealer, correct any inaccurate~~
25 ~~information within 30 days, if the information contained in~~
26 ~~the application form becomes inaccurate for any reason before~~
27 ~~or after the associated person becomes registered.~~

28 ~~(h) Renewal applications for Canadian dealers and~~
29 ~~associated persons under this section must be filed before~~
30 ~~December 31 each year. Every applicant for registration or~~
31 ~~renewal registration under this section shall pay the fee for~~

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1 ~~dealers and associated persons under this chapter.~~

2 Section 28. Paragraphs (b) and (e) of subsection (3)
3 of section 517.131, Florida Statutes, are amended, and
4 subsection (5) is added to that section, to read:

5 517.131 Securities Guaranty Fund.--

6 (3) Any person is eligible to seek recovery from the
7 Securities Guaranty Fund if:

8 (b) Such person has made all reasonable searches and
9 inquiries to ascertain whether the judgment debtor possesses
10 real or personal property or other assets subject to being
11 sold or applied in satisfaction of the judgment, and by her or
12 his search the person has discovered no property or assets; or
13 she or he has discovered property and assets and has taken all
14 necessary action and proceedings for the application thereof
15 to the judgment, but the amount thereby realized was
16 insufficient to satisfy the judgment. To verify compliance
17 with such condition, the office may require such person to
18 have a writ of execution be issued upon such judgment, ~~and~~ may
19 ~~further~~ require a showing that no personal or real property of
20 the judgment debtor liable to be levied upon in complete
21 satisfaction of the judgment can be found, or may require an
22 affidavit from the claimant setting forth the reasonable
23 searches and inquiries undertaken and the result.

24 (e) The office waives compliance with the requirements
25 of paragraph (a) or paragraph (b). The office may waive such
26 compliance if the dealer, investment adviser, or associated
27 person which is the subject of the claim filed with the office
28 is the subject of any proceeding in which a receiver has been
29 appointed by a court of competent jurisdiction. If the office
30 waives such compliance, the office may, upon petition by the
31 claimant, the debtor, or the court-appointed trustee,

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1 examiner, or receiver, distribute funds from the Securities
2 Guaranty Fund up to the amount allowed under s. 517.141. Any
3 waiver granted pursuant to this section shall be considered a
4 judgment for purposes of complying with the requirements of
5 this section and of s. 517.141.

6 (5) The commission may by rule specify the procedures
7 for complying with subsections (2), (3), and (4), including
8 rules for the form of submission and guidelines for the
9 sufficiency and content of submissions of notices and claims.

10 Section 29. Subsections (2) and (5) of section
11 517.141, Florida Statutes, are amended, and subsection (11) is
12 added to that section, to read:

13 517.141 Payment from the fund.--

14 (2) Regardless of the number of claims or claimants
15 involved, payments for claims shall be limited in the
16 aggregate to \$100,000 against any one dealer, investment
17 adviser, or associated person. If the total claims exceed the
18 aggregate limit of \$100,000, the office shall prorate the
19 payment based upon the ratio that the person's claim bears to
20 the total claims filed.

21 (5) If the final judgment that ~~which~~ gave rise to the
22 claim is overturned in any appeal or in any collateral
23 proceeding, the claimant shall reimburse the fund all amounts
24 paid from the fund to the claimant on the claim. If the
25 claimant satisfies the judgment referred to in s.
26 517.131(3)(a), the claimant shall reimburse the fund all
27 amounts paid from the fund to the claimant on the claim. Such
28 reimbursement shall be paid to the office within 60 days after
29 the final resolution of the appellate or collateral
30 proceedings or the satisfaction of judgment, with the 60-day
31 period commencing on the date the final order or decision is

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1 entered in such proceedings.

2 (11) The commission may by rule specify the procedures
3 for complying with this section, including rules for the form
4 of submission and guidelines for the sufficiency and content
5 of submissions of notices and claims.

6 Section 30. Subsection (1) of section 517.161, Florida
7 Statutes, is amended to read:

8 517.161 Revocation, denial, or suspension of
9 registration of dealer, investment adviser, associated person,
10 or branch office.--

11 (1) Registration under s. 517.12 may be denied or any
12 registration granted may be revoked, restricted, or suspended
13 by the office if the office determines that such applicant or
14 registrant:

15 (a) Has violated any provision of this chapter or any
16 rule or order made under this chapter;

17 (b) Has made a material false statement in the
18 application for registration;

19 (c) Has been guilty of a fraudulent act in connection
20 with rendering investment advice or in connection with any
21 sale of securities, has been or is engaged or is about to
22 engage in making fictitious or pretended sales or purchases of
23 any such securities or in any practice involving the rendering
24 of investment advice or the sale of securities which is
25 fraudulent or in violation of the law;

26 (d) Has made a misrepresentation or false statement
27 to, or concealed any essential or material fact from, any
28 person in the rendering of investment advice or the sale of a
29 security to such person;

30 (e) Has failed to account to persons interested for
31 all money and property received;

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1 (f) Has not delivered, after a reasonable time, to
2 persons entitled thereto securities held or agreed to be
3 delivered by the dealer, broker, or investment adviser, as and
4 when paid for, and due to be delivered;

5 (g) Is rendering investment advice or selling or
6 offering for sale securities through any associated person not
7 registered in compliance with the provisions of this chapter;

8 (h) Has demonstrated unworthiness to transact the
9 business of dealer, investment adviser, or associated person;

10 (i) Has exercised management or policy control over or
11 owned 10 percent or more of the securities of any dealer or
12 investment adviser that has been declared bankrupt, or had a
13 trustee appointed under the Securities Investor Protection
14 Act; or is, in the case of a dealer or investment adviser,
15 insolvent;

16 (j) Has been convicted of, or has entered a plea of
17 guilty or nolo contendere to, a crime against the laws of this
18 state or any other state or of the United States or of any
19 other country or government which relates to registration as a
20 dealer, investment adviser, issuer of securities, associated
21 person, or branch office; which relates to the application for
22 such registration; or which involves moral turpitude or
23 fraudulent or dishonest dealing;

24 (k) Has had a final judgment entered against her or
25 him in a civil action upon grounds of fraud, embezzlement,
26 misrepresentation, or deceit;

27 (l) Is of bad business repute; ~~or~~

28 (m) Has been the subject of any decision, finding,
29 injunction, suspension, prohibition, revocation, denial,
30 judgment, or administrative order by any court of competent
31 jurisdiction, administrative law judge, or by any state or

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1 federal agency, national securities, commodities, or option
2 exchange, or national securities, commodities, or option
3 association, involving a violation of any federal or state
4 securities or commodities law or any rule or regulation
5 promulgated thereunder, or any rule or regulation of any
6 national securities, commodities, or options exchange or
7 national securities, commodities, or options association, or
8 has been the subject of any injunction or adverse
9 administrative order by a state or federal agency regulating
10 banking, insurance, finance or small loan companies, real
11 estate, mortgage brokers, or other related or similar
12 industries. For purposes of this subsection, the office may
13 not deny registration to any applicant who has been
14 continuously registered with the office for 5 years from the
15 entry of such decision, finding, injunction, suspension,
16 prohibition, revocation, denial, judgment, or administrative
17 order provided such decision, finding, injunction, suspension,
18 prohibition, revocation, denial, judgment, or administrative
19 order has been timely reported to the office pursuant to the
20 commission's rules; ~~or-~~

21 (n) Made payment to the office for a license or permit
22 with a check or electronic transmission of funds which is
23 dishonored by the applicant's or registrant's financial
24 institution.

25 Section 31. Subsections (2) and (3) of section 520.03,
26 Florida Statutes, are amended to read:

27 520.03 Licenses.--

28 (2) An application for a license under this part must
29 be submitted to the office in such form as the commission may
30 prescribe by rule. If the office determines that an
31 application should be granted, it shall issue the license for

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1 a period not to exceed 2 years. A nonrefundable application
2 fee of \$175 shall accompany an initial application for the
3 principal place of business and each application for a branch
4 location of a retail installment seller who is required to be
5 licensed under this chapter. An application is considered
6 received for purposes of s. 120.60 upon receipt of a completed
7 application form as prescribed by the commission by rule, a
8 nonrefundable application fee of \$175, and any other fee
9 prescribed by law.

10 (3) The nonrefundable renewal fee for a motor vehicle
11 retail installment seller license shall be \$175. The
12 commission shall establish by rule biennial licensure periods
13 and procedures for renewal of licenses. A license that is not
14 renewed by the end of the biennium established by the
15 commission shall revert from active to inactive status. An
16 inactive license may be reactivated within 6 months after
17 becoming inactive upon filing a completed reactivation form,
18 payment of the nonrefundable renewal fee, and payment of a
19 nonrefundable reactivation fee equal to the renewal fee. A
20 license that is not reactivated within 6 months after becoming
21 inactive automatically expires.

22 Section 32. Subsections (2) and (3) of section 520.32,
23 Florida Statutes, are amended to read:

24 520.32 Licenses.--

25 (2) An application for a license under this part must
26 be submitted to the office in such form as the commission may
27 prescribe by rule. If the office determines that an
28 application should be granted, it shall issue the license for
29 a period not to exceed 2 years. A nonrefundable application
30 fee of \$175 shall accompany an initial application for the
31 principal place of business and each application for a branch

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1 location of a retail installment seller. An application is
2 considered received for purposes of s. 120.60 upon receipt of
3 a completed application form as prescribed by the commission
4 by rule, a nonrefundable application fee of \$175, and any
5 other fee prescribed by law.

6 (3) The nonrefundable renewal fee for a retail seller
7 license shall be \$175. Biennial licensure periods and
8 procedures for renewal of licenses may also be established by
9 the commission by rule. A license that is not renewed at the
10 end of the biennium established by the commission shall revert
11 from active to inactive status. An inactive license may be
12 reactivated within 6 months after becoming inactive upon
13 filing a completed reactivation form, payment of the
14 nonrefundable renewal fee, and payment of a reactivation fee
15 equal to the nonrefundable renewal fee. A license that is not
16 reactivated within 6 months after becoming inactive
17 automatically expires.

18 Section 33. Subsections (2) and (3) of section 520.52,
19 Florida Statutes, are amended to read:

20 520.52 Licensees.--

21 (2) An application for a license under this part must
22 be submitted to the office in such form as the commission may
23 prescribe by rule. If the office determines that an
24 application should be granted, it shall issue the license for
25 a period not to exceed 2 years. A nonrefundable application
26 fee of \$175 shall accompany an initial application for the
27 principal place of business and each branch location of a
28 sales finance company. An application is considered received
29 for purposes of s. 120.60 upon receipt of a completed
30 application form as prescribed by the commission by rule, a
31 nonrefundable application fee of \$175, and any other fee

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1 prescribed by law.

2 (3) The nonrefundable renewal fee for a sales finance
3 company license shall be \$175. Biennial licensure periods and
4 procedures for renewal of licenses may also be established by
5 the commission by rule. A license that is not renewed at the
6 end of the biennium established by the commission shall revert
7 from active to inactive status. An inactive license may be
8 reactivated within 6 months after becoming inactive upon
9 filing a completed reactivation form, payment of the
10 nonrefundable renewal fee, and payment of a reactivation fee
11 equal to the nonrefundable renewal fee. A license that is not
12 reactivated within 6 months after becoming inactive
13 automatically expires.

14 Section 34. Subsections (2) and (3) of section 520.63,
15 Florida Statutes, are amended to read:

16 520.63 Licensees.--

17 (2) An application for a license under this part must
18 be submitted to the office in such form as the commission may
19 prescribe by rule. If the office determines that an
20 application should be granted, it shall issue the license for
21 a period not to exceed 2 years. A nonrefundable application
22 fee of \$175 shall accompany an initial application for the
23 principal place of business and each application for a branch
24 location of a home improvement finance seller. An application
25 is considered received for purposes of s. 120.60 upon receipt
26 of a completed application form as prescribed by the
27 commission by rule, a nonrefundable application fee of \$175,
28 and any other fee prescribed by law.

29 (3) The nonrefundable renewal fee for a home
30 improvement finance license shall be \$175. Biennial licensure
31 periods and procedures for renewal of licenses may also be

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1 established by the commission by rule. A license that is not
2 renewed at the end of the biennium established by the
3 commission shall automatically revert from active to inactive
4 status. An inactive license may be reactivated within 6 months
5 after becoming inactive upon filing a completed reactivation
6 form, payment of the nonrefundable renewal fee, and payment of
7 a nonrefundable reactivation fee equal to the renewal fee. A
8 license that is not reactivated within 6 months after becoming
9 inactive automatically expires.

10 Section 35. Subsection (5) of section 520.994, Florida
11 Statutes, is amended to read:

12 520.994 Powers of office.--

13 (5) The office shall administer and enforce this
14 chapter. The commission has authority to adopt rules pursuant
15 to ss. 120.536(1) and 120.54 to implement the provisions of
16 this chapter. The commission may adopt rules to require allow
17 electronic submission of any form, document, or fee required
18 by this chapter if such rules reasonably accommodate
19 technological or financial hardship. The commission may
20 prescribe by rule requirements and procedures for obtaining an
21 exemption due to a technological or financial hardship.

22 Section 36. Paragraph (k) is added to subsection (1)
23 of section 520.995, Florida Statutes, to read:

24 520.995 Grounds for disciplinary action.--

25 (1) The following acts are violations of this chapter
26 and constitute grounds for the disciplinary actions specified
27 in subsection (2):

28 (k) Payment to the office for a license or permit with
29 a check or electronic transmission of funds which is
30 dishonored by the applicant's or licensee's financial
31 institution.

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1 Section 37. Subsection (4) of section 520.997, Florida
2 Statutes, is amended to read:

3 520.997 Books, accounts, and records.--

4 (4) The commission may prescribe by rule the minimum
5 information to be shown in the books, accounts, documents, and
6 records of licensees so that such records will enable the
7 office to determine compliance with ~~the provisions of this~~
8 chapter. In addition, the commission may prescribe by rule the
9 requirements for destruction of books, accounts, records, and
10 documents retained by the licensee after completion of the
11 time period specified in subsection (3). Notwithstanding the
12 2-year retention period specified in subsection (3), if the
13 office identifies a statute of limitations in another civil or
14 criminal state or federal law or rule which statute of
15 limitations is reasonably related by subject matter to the
16 administration of this chapter, the commission may identify
17 that statute of limitations by rule and may prohibit the
18 destruction of records required to be maintained by this
19 chapter for a period of time, established by rule, which is
20 reasonably related to such statute of limitations. The
21 commission shall prescribe by rule those documents or records
22 that are to be preserved under the identified statute of
23 limitations.

24 Section 38. Subsection (5) of section 537.009, Florida
25 Statutes, is amended to read:

26 537.009 Recordkeeping; reporting; safekeeping of
27 property.--

28 (5) The commission may prescribe by rule the books,
29 accounts, documents, and records, and the minimum information
30 to be shown in the books, accounts, documents, and records, of
31 licensees so that such records will enable the office to

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1 determine compliance with the provisions of this act. In
2 addition, the commission may prescribe by rule the
3 requirements for destruction of books, accounts, records, and
4 documents retained by the licensee after completion of the
5 time period specified in subsection (3). Notwithstanding the
6 2-year retention period specified in subsection (3), if the
7 office identifies a statute of limitations in another civil or
8 criminal state or federal law or rule which statute of
9 limitations is reasonably related by subject matter to the
10 administration of this chapter, the commission may identify
11 that statute of limitations by rule and may prohibit the
12 destruction of records required to be maintained by this
13 chapter for a period of time, established by rule, which is
14 reasonably related to such statute of limitations. The
15 commission shall prescribe by rule those documents or records
16 that are to be preserved under the identified statute of
17 limitations.

18 Section 39. Subsection (3) is added to section
19 560.105, Florida Statutes, to read:

20 560.105 Supervisory powers; rulemaking.--

21 (3) The commission may adopt rules that require
22 electronic submission of any forms, documents, or fees
23 required by this act if such rules reasonably accommodate
24 technological or financial hardship. The commission may
25 prescribe by rule requirements and procedures for obtaining an
26 exemption due to a technological or financial hardship.

27 Section 40. Paragraph (y) is added to subsection (1)
28 of section 560.114, Florida Statutes, to read:

29 560.114 Disciplinary actions.--

30 (1) The following actions by a money transmitter or
31 money transmitter-affiliated party are violations of the code

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1 and constitute grounds for the issuance of a cease and desist
2 order, the issuance of a removal order, the denial of a
3 registration application or the suspension or revocation of
4 any registration previously issued pursuant to the code, or
5 the taking of any other action within the authority of the
6 office pursuant to the code:

7 (y) Payment to the office for a license or permit with
8 a check or electronic transmission of funds which is
9 dishonored by the applicant's or licensee's financial
10 institution.

11 Section 41. Paragraph (b) of subsection (2) of section
12 560.118, Florida Statutes, is amended to read:

13 560.118 Examinations, reports, and internal audits;
14 penalty.--

15 (2)

16 (b) The commission may, by rule, require each money
17 transmitter or authorized vendor to submit quarterly reports
18 to the office. The commission may adopt rules that require
19 electronic submission of any forms, documents, or fees
20 required by this act if such rules reasonably accommodate
21 technological or financial hardship. The commission may
22 prescribe by rule requirements and procedures for obtaining an
23 exemption due to a technological or financial hardship. The
24 commission may require that each report contain a declaration
25 by an officer, or any other responsible person authorized to
26 make such declaration, that the report is true and correct to
27 the best of her or his knowledge and belief. Such report must
28 include such information as the commission by rule requires
29 for that type of money transmitter.

30 Section 42. Subsection (2) of section 560.121, Florida
31 Statutes, is amended to read:

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1 560.121 Records; limited restrictions upon public
2 access.--

3 (2) The commission may prescribe by rule the minimum
4 information that must be shown in the books, accounts,
5 records, and documents of licensees for purposes of enabling
6 the office to determine the licensee's compliance with ss.
7 560.101-560.408. In addition, the commission may prescribe by
8 rule the requirements for destruction of books, accounts,
9 records, and documents retained by the licensee after
10 completion of the time period specified in this subsection.
11 Notwithstanding the 3-year retention period specified in this
12 subsection, if the office identifies a statute of limitations
13 in another civil or criminal state or federal law or rule
14 which statute of limitations is reasonably related by subject
15 matter to the administration of this chapter, the commission
16 may identify that statute of limitations by rule and may
17 prohibit the destruction of records required to be maintained
18 by this chapter for a period of time, established by rule,
19 which is reasonably related to such statute of limitations.
20 The commission shall prescribe by rule those documents or
21 records that are to be preserved under the identified statute
22 of limitations. Examination reports, investigatory records,
23 applications, and related information compiled by the office,
24 or photographic copies thereof, shall be retained by the
25 office for a period of at least 3 years following the date
26 that the examination or investigation ceases to be active.
27 Application records, and related information compiled by the
28 office, or photographic copies thereof, shall be retained by
29 the office for a period of at least 2 years following the date
30 that the registration ceases to be active.

31 Section 43. Section 560.126, Florida Statutes, is

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1 amended to read:

2 560.126 Significant events; notice required.--

3 (1) Unless exempted by the office, every money
4 transmitter must provide the office with a written notice
5 within 30 ~~15~~ days after the occurrence or knowledge of,
6 whichever period of time is greater, any of the following
7 events:

8 (a) ~~(1)~~ The filing of a petition under the United
9 States Bankruptcy Code for bankruptcy or reorganization by the
10 money transmitter.

11 (b) ~~(2)~~ The commencement of any registration suspension
12 or revocation proceeding, either administrative or judicial,
13 or the denial of any original registration request or a
14 registration renewal, by any state, the District of Columbia,
15 any United States territory, or any foreign country, in which
16 the money transmitter operates or plans to operate or has
17 registered to operate.

18 (c) ~~(3)~~ A felony indictment relating to the money
19 transmission business involving the money transmitter or a
20 money transmitter-affiliated party of the money transmitter.

21 (d) ~~(4)~~ The felony conviction, guilty plea, or plea of
22 nolo contendere, if the court adjudicates the nolo contendere
23 pleader guilty, or the adjudication of guilt of a money
24 transmitter or money transmitter-affiliated party.

25 (e) ~~(5)~~ The interruption of any corporate surety bond
26 required by the code.

27 (f) ~~(6)~~ Any suspected criminal act, as defined by the
28 commission by rule, perpetrated in this state against a money
29 transmitter or authorized vendor.

30

31 However, a person does not incur liability ~~no liability shall~~

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1 ~~be incurred by any person~~ as a result of making a good-faith
2 ~~good faith~~ effort to fulfill this disclosure requirement.

3 (2) If the information contained in any registration
4 application or any amendment thereto has changed, the
5 registrant shall, within 30 days after the change occurs, file
6 an amendment correcting the information on forms prescribed by
7 the commission.

8 Section 44. Section 560.205, Florida Statutes, is
9 amended to read:

10 560.205 Qualifications of applicant for registration;
11 contents.--

12 (1) To qualify for registration under this part, an
13 applicant must demonstrate to the office such character and
14 general fitness as to command the confidence of the public and
15 warrant the belief that the registered business will be
16 operated lawfully and fairly. The office may investigate each
17 applicant to ascertain whether the qualifications and
18 requirements prescribed by this part have been met. The
19 office's investigation may include a criminal background
20 investigation of all controlling shareholders, principals,
21 officers, directors, members, and responsible persons of a
22 funds transmitter and a payment instrument seller and all
23 persons designated by a funds transmitter or payment
24 instrument seller as an authorized vendor. Each controlling
25 shareholder, principal, officer, director, member, and
26 responsible person of a funds transmitter or payment
27 instrument seller, unless the applicant is a publicly traded
28 corporation as defined by the commission by rule, a subsidiary
29 thereof, or a subsidiary of a bank or bank holding company
30 organized and regulated under the laws of any state or the
31 United States, shall file a complete set of fingerprints. A

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1 fingerprint card submitted to the office must be taken by an
2 authorized law enforcement agency if the fingerprint card is
3 submitted to the office in paper form officer. In addition to
4 the fees prescribed in s. 215.405, the commission may
5 prescribe by rule an additional fee, not to exceed \$30, for
6 processing the fingerprints. The commission may prescribe by
7 rule procedures for submitting fingerprints and fees by
8 electronic means to the office or to a third party approved by
9 the office. In order to implement the submission and
10 processing of fingerprints as specified by rule under this
11 section, the office may contract with a third party or another
12 state agency that provides fingerprinting services. Such
13 fingerprints must be submitted to the Department of Law
14 Enforcement or the Federal Bureau of Investigation for state
15 and federal processing. The commission may waive by rule the
16 requirement that applicants file a set of fingerprints or the
17 requirement that such fingerprints be processed by the
18 Department of Law Enforcement or the Federal Bureau of
19 Investigation.

20 (2) Each application for registration must be
21 submitted under oath to the office on such forms as the
22 commission prescribes by rule and must be accompanied by a
23 nonrefundable application fee. The commission may establish by
24 rule procedures for depositing fees and filing documents by
25 electronic means. Such fee may not exceed \$500 for each
26 payment instrument seller or funds transmitter and \$50 for
27 each authorized vendor or location operating within this
28 state. The application must contain ~~forms shall set forth~~ such
29 information as the commission ~~reasonably~~ requires by rule,
30 including, but not limited to:

31 (a) The name and address of the applicant, including

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1 any fictitious or trade names used by the applicant in the
2 conduct of its business.

3 (b) The history of the applicant's material
4 litigation, criminal convictions, pleas of nolo contendere,
5 and cases of adjudication withheld.

6 (c) A description of the activities conducted by the
7 applicant, the applicant's history of operations, and the
8 business activities in which the applicant seeks to engage in
9 this state.

10 ~~(d) A list identifying the applicant's proposed~~
11 ~~authorized vendors in this state, including the location or~~
12 ~~locations in this state at which the applicant and its~~
13 ~~authorized vendors propose to conduct registered activities.~~

14 ~~(d)(e)~~ A sample authorized vendor contract, if
15 applicable.

16 ~~(e)(f)~~ A sample form of payment instrument, if
17 applicable.

18 ~~(f)(g)~~ The name and address of the clearing financial
19 institution or financial institutions through which the
20 applicant's payment instruments will be drawn or through which
21 such payment instruments will be payable.

22 ~~(g)(h)~~ Documents revealing that the net worth and
23 bonding requirements specified in s. 560.209 have been or will
24 be fulfilled.

25 (3) Each application for registration by an applicant
26 that is a corporation shall contain ~~also set forth~~ such
27 information as the commission ~~reasonably~~ requires by rule,
28 including, but not limited to:

29 (a) The date of the applicant's incorporation and
30 state of incorporation.

31 (b) A certificate of good standing from the state or

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1 country in which the applicant was incorporated.

2 (c) A description of the corporate structure of the
3 applicant, including the identity of any parent or subsidiary
4 of the applicant, and the disclosure of whether any parent or
5 subsidiary is publicly traded on any stock exchange.

6 (d) The name, business and residence addresses, and
7 employment history for the past 5 years for each executive
8 officer, each director, each controlling shareholder, and the
9 responsible person who will be in charge of all the
10 applicant's business activities in this state.

11 (e) The history of material litigation and criminal
12 convictions, pleas of nolo contendere, and cases of
13 adjudication withheld for each ~~executive~~ officer, each
14 director, each controlling shareholder, and the responsible
15 person who will be in charge of the applicant's registered
16 activities.

17 (f) Copies of the applicant's audited financial
18 statements for the current year and, if available, for the
19 immediately preceding 2-year period. In cases where the
20 applicant is a wholly owned subsidiary of another corporation,
21 the parent's consolidated audited financial statements may be
22 submitted to satisfy this requirement. An applicant who is not
23 required to file audited financial statements may satisfy this
24 requirement by filing unaudited financial statements verified
25 under penalty of perjury, as provided by the commission by
26 rule.

27 (g) An applicant who is not required to file audited
28 financial statements may file copies of the applicant's
29 unconsolidated, unaudited financial statements for the current
30 year and, if available, for the immediately preceding 2-year
31 period.

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1 (h) If the applicant is a publicly traded company,
2 copies of all filings made by the applicant with the United
3 States Securities and Exchange Commission, or with a similar
4 regulator in a country other than the United States, within
5 the year preceding the date of filing of the application.

6 (4) Each application for registration submitted to the
7 office by an applicant that is not a corporation shall contain
8 ~~also set forth~~ such information as the commission ~~reasonably~~
9 requires by rule, including, but not limited to:

10 (a) Evidence that the applicant is registered to do
11 business in this state.

12 (b) The name, business and residence addresses,
13 personal financial statement, and employment history for the
14 past 5 years for each individual having a controlling
15 ownership interest in the applicant, and each responsible
16 person who will be in charge of the applicant's registered
17 activities.

18 (c) The history of material litigation and criminal
19 convictions, pleas of nolo contendere, and cases of
20 adjudication withheld for each individual having a controlling
21 ownership interest in the applicant and each responsible
22 person who will be in charge of the applicant's registered
23 activities.

24 (d) Copies of the applicant's audited financial
25 statements for the current year, and, if available, for the
26 preceding 2 years. An applicant who is not required to file
27 audited financial statements may satisfy this requirement by
28 filing unaudited financial statements verified under penalty
29 of perjury, as provided by the commission by rule.

30 (6) Changes in registration occasioned by changes in
31 personnel of a partnership or in the principals, members,

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1 partners, officers, directors, controlling shareholders, or
2 responsible persons of a money transmitter or by changes of
3 any material fact or method of doing business shall be
4 reported by written amendment in such form and at such time as
5 the commission specifies by rule.

6 Section 45. Section 560.207, Florida Statutes, is
7 amended to read:

8 560.207 Renewal of registration; registration fee.--

9 (1) Registration may be renewed for a 24-month period
10 or the remainder of any such period without proration
11 following the date of its expiration by furnishing such
12 information as the commission requires by rule, together with
13 the payment of the fees required under subsections (2), (3),
14 and (4), upon the filing with the office of an application and
15 other statements and documents as may reasonably be required
16 of registrants by the commission. The commission may establish
17 by rule procedures for depositing fees and filing documents by
18 electronic means. However, the registrant must remain
19 qualified for such registration under the provisions of this
20 part.

21 (2) Each application for renewal of All registration
22 must renewal applications shall be accompanied by a
23 nonrefundable renewal fee not to exceed \$1,000. A registration
24 expires on April 30 of the year in which the existing
25 registration expires, unless the registrant has renewed its
26 registration on or before that date. All renewal applications
27 must be filed on or after January 1 of the year in which the
28 existing registration expires, but before the expiration date
29 of April 30. If the renewal application is filed prior to the
30 expiration date of an existing registration, no late fee shall
31 be paid in connection with such renewal application. If the

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1 ~~renewal application is filed within 60 calendar days after the~~
2 ~~expiration date of an existing registration, then, in addition~~
3 ~~to the \$1,000 renewal fee, the renewal application shall be~~
4 ~~accompanied by a nonrefundable late fee of \$500. If the~~
5 ~~registrant has not filed a renewal application within 60~~
6 ~~calendar days after the expiration date of an existing~~
7 ~~registration, a new application shall be filed with the office~~
8 ~~pursuant to s. 560.205.~~

9 (3) In addition to the renewal fee required under
10 subsection (2), each registrant must pay ~~Every registration~~
11 ~~renewal application shall also include~~ a 2-year nonrefundable
12 registration renewal fee of \$50 for each authorized vendor or
13 location operating within this state or, at the option of the
14 registrant, a total 2-year nonrefundable renewal fee of
15 \$20,000 may be paid to renew the registration of all such
16 locations currently registered at the time of renewal.

17 (4) A registration may be reinstated only if the
18 renewal fee and a nonrefundable late fee of \$500 are filed
19 within 60 calendar days after the expiration of the existing
20 registration. The office must grant a reinstatement of
21 registration for which application is filed during the 60
22 calendar days, and the reinstatement is effective upon receipt
23 of the required fees and any information that the commission
24 requires by rule. If the registrant has not filed application
25 for reinstatement of the registration within the 60 calendar
26 days after the expiration of an existing registration, the
27 registration expires, and a new application must be filed with
28 the office pursuant to s. 560.205.

29 Section 46. Subsection (1) of section 560.210, Florida
30 Statutes, is amended to read:

31 560.210 Permissible investments.--

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1 (1) A registrant shall at all times possess
2 permissible investments with an aggregate market value
3 calculated in accordance with United States generally accepted
4 accounting principles of not less than the aggregate face
5 amount of all outstanding funds transmissions ~~transmitted~~ and
6 ~~outstanding~~ payment instruments issued or sold by the
7 registrant or an authorized vendor in the United States.

8 Section 47. Subsection (2) of section 560.211, Florida
9 Statutes, is amended to read:

10 560.211 Records.--

11 (2) The records required to be maintained by the code
12 may be maintained by the registrant at any location, provided
13 that the registrant notifies the office in writing of the
14 location of the records in its application or otherwise by
15 amendment as prescribed by the commission by rule. The
16 registrant shall make such records available to the office for
17 examination and investigation in this state, as permitted by
18 the code, within 7 days after receipt of a written request.

19 Section 48. Section 560.305, Florida Statutes, is
20 amended to read:

21 560.305 Application.--Each application for
22 registration must ~~shall~~ be in writing and under oath to the
23 office, in such form as the commission prescribes. The
24 commission may establish by rule procedures for depositing
25 fees and filing documents by electronic means. The application
26 must contain such information as the commission requires by
27 rule, including, but not limited to ~~shall include the~~
28 following:

29 (1) The legal name and residence and business
30 addresses of the applicant if the applicant is a natural
31 person, or, if the applicant is a partnership, association, or

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1 corporation, the name of every partner, officer, or director
2 thereof.

3 (2) The location of the principal office of the
4 applicant.

5 (3) The complete address of any other locations at
6 which the applicant proposes to engage in such activities
7 since the provisions of registration apply to each and every
8 operating location of a registrant.

9 (4) Such other information as the commission or office
10 reasonably requires with respect to the applicant or any money
11 transmitter-affiliated party of the applicant; however, the
12 commission or office may not require more information than is
13 specified in part II.

14 Section 49. Subsections (1) and (4) of section
15 560.306, Florida Statutes, are amended, and subsection (6) is
16 added to that section, to read:

17 560.306 Standards.--

18 (1) In order to qualify for registration under this
19 part, an applicant must demonstrate to the office that he or
20 she has such character and general fitness as will command the
21 confidence of the public and warrant the belief that the
22 registered business will be operated lawfully and fairly. The
23 office may investigate each applicant to ascertain whether the
24 qualifications and requirements prescribed by this part have
25 been met. The office's investigation may include a criminal
26 background investigation of all controlling shareholders,
27 principals, officers, directors, members, and responsible
28 persons of a check casher and a foreign currency exchanger and
29 all persons designated by a foreign currency exchanger or
30 check casher as an authorized vendor. Each controlling
31 shareholder, principal, officer, director, member, and

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1 responsible person of a check casher or foreign currency
2 exchanger, unless the applicant is a publicly traded
3 corporation as defined by the commission by rule if the
4 fingerprint card is submitted to the office in paper form as
5 defined by the commission by rule, a subsidiary thereof, or a
6 subsidiary of a bank or bank holding company organized and
7 regulated under the laws of any state or the United States,
8 shall file a complete set of fingerprints. A fingerprint card
9 submitted to the office must be taken by an authorized law
10 enforcement agency if the fingerprint card is submitted to the
11 office in paper form officer. In addition to the fees
12 prescribed in s. 215.405, the commission may prescribe by rule
13 an additional fee, not to exceed \$30, for processing the
14 fingerprints. The commission may prescribe by rule procedures
15 for submitting fingerprints and fees by electronic means to
16 the office or to a third party approved by the office. In
17 order to implement the submission and processing of
18 fingerprints as specified by rule under this section, the
19 office may contract with a third party or another state agency
20 that provides fingerprinting services. Such fingerprints must
21 be submitted to the Department of Law Enforcement or the
22 Federal Bureau of Investigation for state and federal
23 processing. The commission may waive by rule the requirement
24 that applicants file a set of fingerprints or the requirement
25 that such fingerprints be processed by the Department of Law
26 Enforcement or the Federal Bureau of Investigation.

27 (4) Each registration application and renewal
28 application must specify the location at which the applicant
29 proposes to establish its principal place of business and any
30 other location, including authorized vendors operating in this
31 state. The registrant shall notify the office of any changes

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1 to any such locations. ~~Any registrant may satisfy this~~
2 ~~requirement by providing the office with a list of such~~
3 ~~locations, including all authorized vendors operating in this~~
4 ~~state, not less than annually.~~ A registrant may not transact
5 business as a check casher or a foreign currency exchanger
6 except pursuant to the name under which it is registered.

7 (6) Changes in registration occasioned by changes in
8 personnel of a partnership or in the principals, members,
9 partners, officers, directors, controlling shareholders, or
10 responsible persons of a money transmitter or by changes of
11 any material fact or method of doing business shall be
12 reported by written amendment in such form and at such time as
13 the commission specifies by rule.

14 Section 50. Section 560.308, Florida Statutes, is
15 amended to read:

16 560.308 Registration terms; renewal; renewal fees.--

17 (1) Registration may be renewed for a 24-month period
18 or the remainder of any such period without proration
19 following the date of its expiration, by furnishing such
20 information as the commission requires by rule, together with
21 the payment of the fees required under subsections (2), (3),
22 and (4). The commission may establish by rule procedures for
23 depositing fees and filing documents by electronic means.
24 ~~Registration pursuant to this part shall remain effective~~
25 ~~through the remainder of the second calendar year following~~
26 ~~its date of issuance unless during such calendar year the~~
27 ~~registration is surrendered, suspended, or revoked.~~

28 (2) Each application for renewal of registration must
29 be accompanied by ~~The office shall renew registration upon~~
30 ~~receipt of a completed renewal form and payment of a~~
31 nonrefundable renewal fee not to exceed \$500. The registration

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1 expires on December 31 of the year in which the existing
2 registration expires, unless the registrant has renewed its
3 registration on or before that date. ~~The completed renewal~~
4 ~~form and payment of the renewal fee shall occur on or after~~
5 ~~June 1 of the year in which the existing registration expires.~~

6 (3) In addition to the renewal fee required by
7 subsection (2), each registrant must pay a 2-year
8 nonrefundable registration renewal fee of \$50 for each
9 authorized vendor or location operating within this state or,
10 at the option of the registrant, a total 2-year nonrefundable
11 renewal fee of \$20,000 may be paid to renew the registration
12 of all such locations currently registered at the time of
13 renewal.

14 (4) ~~Registration that is not renewed on or before the~~
15 ~~expiration date of the registration period automatically~~
16 ~~expires. A renewal application and fee, and a nonrefundable~~
17 ~~late fee of \$250, must be filed within 60 calendar days after~~
18 ~~the expiration of an existing registration in order for the~~
19 ~~registration to be reinstated. The office must grant a~~
20 ~~reinstatement of registration for which application is filed~~
21 ~~during the 60 calendar days, and the reinstatement is~~
22 ~~effective upon receipt of the required fees and any~~
23 ~~information that the commission requires by rule. If the~~
24 ~~registrant has not filed an a renewal application for~~
25 ~~reinstatement within 60 calendar days after the expiration~~
26 ~~date of an existing registration, the registration expires and~~
27 ~~a new application must be filed with the office pursuant to s.~~
28 560.307.

29 Section 51. Subsection (2) of section 560.310, Florida
30 Statutes, is amended to read:

31 560.310 Records of check cashers and foreign currency

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1 exchangers.--

2 (2) The records required to be maintained by the code
3 may be maintained by the registrant at any location, provided
4 that the registrant notifies the office, in writing, of the
5 location of the records in its application or otherwise by
6 amendment as prescribed by the commission by rule. The
7 registrant shall make such records available to the office for
8 examination and investigation in this state, as permitted by
9 the code, within 7 days after receipt of a written request.

10 Section 52. Subsections (2) and (4) of section
11 560.403, Florida Statutes, are amended to read:

12 560.403 Requirements of registration; declaration of
13 intent.--

14 (2) A registrant under this part shall renew his or
15 her intent to engage in the business of deferred presentment
16 transactions or to act as a deferred presentment provider upon
17 renewing his or her registration under part II or part III and
18 shall do so by indicating his or her intent ~~on the renewal~~
19 ~~form and~~ by submitting a nonrefundable deferred presentment
20 provider renewal fee of \$1,000, in addition to any fees
21 required for renewal of registration under part II or part
22 III.

23 (4) The notice of intent of a registrant under this
24 part who fails to timely renew his or her intent to engage in
25 the business of deferred presentment transactions or to act as
26 a deferred presentment provider on or before the expiration
27 date of the registration period automatically expires. A
28 renewal ~~declaration of intent and fee,~~ and a nonrefundable
29 ~~late fee of \$500,~~ must be filed within 60 calendar days after
30 the expiration of an existing registration in order for the
31 declaration of intent to be reinstated. The office must grant

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1 a reinstatement of a notice of intent for which application is
2 filed during the 60 calendar days, and the reinstatement is
3 effective upon receipt of the required fees and any
4 information that the commission requires by rule. If the
5 registrant has not filed a reinstatement of a renewal
6 declaration of intent within 60 calendar days after the
7 expiration date of an existing registration, the notice of
8 intent expires and a new declaration of intent must be filed
9 with the office.

10 Section 53. This act shall take effect October 1,
11 2005.

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